

Title: Child Protection and Reporting of Child Abuse Policy

Date: August 27, 2020

Responsible Offices: Human Resources, Campus Police

Officials: Associate Vice President for Human Resources and Risk Management, Chief of Campus Police

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Purpose: Birmingham-Southern College (BSC) is committed to maintaining a supportive and safe educational and working environment. This commitment reflects the institution's adherence to its mission, policies and relevant state and federal laws. Within that commitment, BSC places importance on creating a secure environment for children.

Scope: This policy applies to activities occurring on BSC's campus or on property owned or leased by BSC, as well as BSC-sponsored activities occurring off-campus. All BSC faculty, staff, students, and volunteers, as well as employees and volunteers of third-party vendors that are on premises or providing services on behalf of BSC, (hereinafter "College representatives") are responsible for complying with this policy.

Definitions:

- Child is defined for the purposes of this policy as any individual under 18 years of age.
- Abuse is harm or threatened harm to a child's health or welfare. Harm or threatened harm to a child's health or welfare can occur through non-accidental physical or mental injury, sexual abuse or attempted sexual abuse, or sexual exploitation or attempted sexual exploitation.
- Sexual abuse may be perpetrated by an adult or another child and includes the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in, any sexually explicit conduct or any simulation of the conduct for the purpose of producing any visual depiction of the conduct; or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children as those acts are defined by Alabama law. Sexual abuse also includes any activity that is meant to arouse or gratify the sexual desires of the perpetrating adult or child. Sexual abuse may or may not involve touching.
- Sexual exploitation includes allowing, permitting, or encouraging a child to engage in prostitution and allowing, permitting, encouraging or engaging in the obscene or pornographic photographing, filming, or depicting of a child.
- Neglect is negligent treatment or maltreatment of a child, including the failure to provide adequate food, medical treatment, supervision, clothing, or shelter.

Policy Statement: College representatives are required to conduct interactions with children according to all laws, regulations, and BSC policies and procedures.

With very limited exception, Alabama law (Ala. Code § 26-14-1 et seq.) makes the reporting to duly authorized officials of known or suspected child abuse or neglect **mandatory** for clinics, doctors, physicians, nurses, public and private K-12 employees, school teachers and officials, peace officers,

law enforcement officials, mental health professionals, employees of public and private institutions of postsecondary and higher education, members of the clergy, and any other person called upon to render aid or medical assistance to a child.

It is BSC's position that, in addition to the mandated statutory reporting requirements, all College representatives must report child abuse or neglect they know or suspect to have occurred on BSC premises or in BSC-sponsored activities to Campus Police, orally, either by telephone or direct communication immediately, followed by a written report. Campus Police must subsequently inform the Alabama Department of Human Resources of the report.

No form of child abuse, whether physical, emotional, or sexual, will be permitted or tolerated under any circumstances. Child abuse is morally and legally wrong. It can come in many forms. Harm or threatened harm to a child's health or welfare can occur through non-accidental physical or mental injury, sexual abuse, attempted sexual abuse, sexual exploitation, or attempted sexual exploitation.

In deciding whether or not to report an incident or situation of suspected abuse or neglect, proof of abuse or neglect is not required. Any uncertainty in deciding to report suspected abuse or neglect should be resolved in favor of making a good faith report. All inquiries and investigation activities are only to be conducted by the Campus Police or other city, county, or state officials.

BSC prohibits retaliation or allowing retaliation against any College representative for making a good faith report of child abuse or neglect or participating in an inquiry or investigation. Further, any person or entity that makes a good faith report of child abuse or neglect is immune under Alabama law from any liability—civil or criminal—that might otherwise be incurred or imposed.

Disciplinary Action: Failure to make a required report may lead to criminal charges and may result in disciplinary action up to and including termination of employment or dismissal from program of study. Any BSC employee, student, volunteer, or other representative committing or complicit with criminal acts against children will be reported by BSC to the appropriate authorities. Students may also be subject to BSC's Honor Code.