

## **EvCC1050: MANDATORY REPORTING POLICY AND PROCEDURES**

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Administrator Contact: Vice President of Human Resources and Compliance

### **PURPOSE**

The Everett Community College Mandatory Reporting Policy and Procedures are intended to meet employee reporting responsibilities under Washington State Law and Federal Regulation requirements. All employees, including student and confidential employees, have specific reporting requirements related to their role for child abuse or neglect, vulnerable adult abuse, discrimination (including sexual harassment), and hazing as outlined in this document. EvCC will ensure that it communicates the mandatory reporting policy and procedures to all employees such that all employees have knowledge of their reporting responsibilities. Failure of an employee to make a mandatory report as described in this document is a violation of EvCC Policy and the individual may be subject to disciplinary action for failure to comply/failure to report.

When there is reasonable cause to believe that a child has suffered abuse or neglect, all employees shall immediately make a report to the Department of Children, Youth, and Families and then submit a report summary to the College.

When there is reasonable cause to believe that abandonment, abuse, financial exploitation, or neglect of a vulnerable adult has occurred, all employees shall immediately make a report to the Department of Social and Health Services and then submit a report summary to the College.

When there is reason to suspect that a vulnerable adult experienced sexual assault, physical assault, or an act that caused fear of imminent harm, all employees shall also make a report to the appropriate law enforcement agency. When there is reason to suspect that the death of a vulnerable adult was caused by abuse, neglect, or abandonment by another person, all employees shall make an additional report to the medical examiner or coroner having jurisdiction.

When an employee is made aware of or receives a disclosure that any member of the EvCC community, including students or employees, has experienced protected class discrimination, sexual harassment, or retaliation, on or off campus, the employee shall immediately make a report to the Director of Equal Opportunity and Title IX Programs. Confidential counselors are exempt from this reporting requirement.

When an employee or volunteer observes or receives information in the course of employment or volunteer service which gives them reasonable cause to believe that hazing has occurred, the employee or volunteer shall immediately make a report to the Student Conduct office. Confidential counselors are exempt from this reporting requirement.

### *Liability of Mandatory Reporter*

Under state law, a mandatory reporter making a report in good faith may be immune from liability resulting from the report or testimony. Reporting or testifying is not a violation of any confidential community privileges.

A person who does not make a report, or intentionally and in bad faith knowingly makes a false report of child abuse or neglect or alleged abandonment, abuse, financial exploitation, or neglect of a vulnerable adult, may be guilty of a gross misdemeanor, under state law, and/or held responsible for violating College policy.

### **DEFINITIONS**

- ***Child***, as defined under state law, means any person under the age of 18 years of age.
- ***Child Abuse or Neglect***, as defined in RCW 26.44.020, means sexual abuse, sexual exploitation, female genital mutilation as defined in RCW 18.130.460, trafficking as described in RCW 9A.40.100, sex trafficking or severe forms of trafficking in persons under the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq., or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child.
  - ***Sexual Abuse***, as defined in WAC 110-30-0030, means committing or allowing any sexual offense to be committed against a child as defined in the criminal code; intentionally touching, either directly or over the clothing, of the sexual or other intimate parts of a child (except when done by a parent, guardian, or authorized individual providing hygienic care or medical services); or allowing, permitting, compelling, encouraging, aiding, or otherwise causing a child to engage in touching the sexual or other intimate parts of another for the purpose of gratifying the sexual desire of the individual touching the child, or a third party.
  - ***Sexual Exploitation*** includes allowing, permitting, or encouraging a child to engage in prostitution by any person; or allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.
  - ***Negligent Treatment or Maltreatment*** means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100.

- ***Child Physical Abuse***, as defined in WAC 110-30-0030, means the nonaccidental infliction of physical injury or physical mistreatment on a child that harms their health, welfare, or safety. It includes, but is not limited to:
  - Throwing, kicking, burning, or cutting a child;
  - Striking a child with a closed fist;
  - Shaking a child under age three;
  - Interfering with a child's breathing;
  - Threatening a child with a deadly weapon; or
  - Performing female genital mutilation; or
  - Doing any other act that is likely to cause and that does cause bodily harm greater than transient pain or minor temporary marks.
- ***Discrimination*** means all prohibited conduct as defined in EvCC3093: Protected Class Nondiscrimination Policy.
- ***Hazing***, as defined in RCW 28B.10.900, means any act committed as part of a person's recruitment, initiation, pledging, admission into, or affiliation with a student organization, athletic team, or living group, or any pastime or amusement engaged in with respect to such an organization, athletic team, or living group that causes, or is likely to cause, bodily danger or physical harm, or serious psychological or emotional harm, to any student or other person attending Everett Community College, including causing, directing, coercing, or forcing a person to consume any food, liquid, alcohol, drug, or other substance which subjects the person to risk of such harm, regardless of the person's willingness to participate. Conduct may include embarrassment, ridicule, sleep deprivation, verbal abuse, or personal humiliation and is prohibited on and off campus.
- ***Reasonable Cause***, under this policy, means a person witnesses or receives a credible written or oral report alleging conduct directed toward a child, vulnerable adult, student, or employee which requires a report as described in this document.
- ***Vulnerable Adult***, as defined in RCW 74.34.020, includes a person:
  - Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or
  - Subject to a guardianship under RCW 11.130.265 or adult subject to conservatorship under RCW 11.130.360; or
  - Who has a developmental disability as defined under RCW 71A.10.020; or
  - Admitted to any facility; or
  - Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under RCW 70.127; or
  - Receiving services from an individual provider; or
  - Who self-directs his or her own care and receives services from a personal aide under RCW 74.39.
- ***Vulnerable Adult Abandonment***, as defined in RCW 74.34.020, means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable

person without the means or ability to obtain necessary food, clothing, shelter, or health care.

- ***Vulnerable Adult Abuse***, as defined in RCW 74.34.020, means the intentional, willful, or reckless action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, personal exploitation of a vulnerable adult, and improper use of restraint against a vulnerable adult which have the following meanings:
  - ***Sexual Abuse*** means any form of nonconsensual sexual conduct, including but not limited to unwanted or inappropriate touching, rape, molestation, indecent liberties, sexual coercion, sexually explicit photographing or recording, voyeurism, indecent exposure, and sexual harassment. Sexual abuse also includes any sexual conduct between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under RCW 71A.12, and a vulnerable adult living in that facility or receiving service from a program authorized under RCW 71A.12, whether or not it is consensual.
  - ***Physical Abuse*** means the intentional, willful, or reckless action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, or prodding.
  - ***Mental Abuse*** means an intentional, willful, or reckless verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. Mental abuse may include ridiculing, yelling, or swearing.
  - ***Personal Exploitation*** means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.
  - ***Improper Use of Restraint*** means the inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline or in a manner that:
    - Is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under RCW 71A.12;
    - Is not medically authorized; or
    - Otherwise constitutes abuse under state law.
- ***Vulnerable Adult Financial Exploitation***, as defined in 74.34.020, means the illegal or improper use, control over, or withholding of the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage. Financial exploitation includes, but is not limited to:

- The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to obtain or use the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult;
- The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or
- Obtaining or using a vulnerable adult's property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the vulnerable adult lacks the capacity to consent to the release or use of his or her property, income, resources, or trust funds.
- ***Vulnerable Adult Neglect***, as defined in 74.34.020, means a pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or an act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100.

## **MAKING A REQUIRED REPORT**

If a person is in imminent danger or a crime is in progress, the employee should call local law enforcement at 911 immediately. A report must be made to the appropriate state agency(s) at the first opportunity, and never later than 48 hours, after a College employee has reasonable cause to believe that a child or vulnerable adult has suffered abuse or neglect. Employees who obtained the reportable child abuse or neglect or vulnerable adult abuse information during work duties must also submit a DCYF/DSHS Report Summary to the College. The Director of Equal Opportunity and Title IX Programs or the Vice President of Human Resources and Compliance can be contacted to provide support to an employee when they are required to make a report under this policy.

### *Child Abuse or Neglect Reporting*

When there is reasonable cause to believe that a child has suffered abuse or neglect, all employees shall immediately (within 48 hours) make a report to the Department of Children, Youth, and Families (1-866-363-4276) and then submit a report summary to the College.

The child abuse or neglect reporting requirement does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult,

unless there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused.

No EvCC employee shall interfere with child-raising practices, including reasonable parental discipline, which are not proved to be injurious to the child's health, welfare and safety.

Allowable physical discipline means conduct that is reasonable and moderate and is inflicted by a parent or guardian for purposes of restraining or correcting the child. Any use of force on a child by any other person is unlawful unless it is reasonable, moderate and is authorized in advance by the child's parent or guardian for purposes of restraining or correcting the child.

An immediate oral report must be made by telephone or otherwise to the [Department of Children, Youth, and Families](#) (1-866-363-4276) and, upon request, must be followed by a report in writing. Such reports must contain the following information, if known:

- The name, address, and age of the child;
- The name and address of the child's parent, guardian, or other persons having custody of the child;
- The nature and extent of the alleged abuse or neglect;
- Any evidence of previous incidences, including their nature and extent; and
- Any other information that may be helpful in establishing the cause of the child's abuse or neglect and the identity of the alleged perpetrator or perpetrators.

After completing a report to the Department of Children, Youth, and Families, employees who received the information while performing work duties must also complete a report summary (<https://www.everettcc.edu/report>) for the College.

### *Vulnerable Adult Abuse Reporting*

When there is reasonable cause to believe that abandonment, abuse, financial exploitation, or neglect of a vulnerable adult has occurred, mandated reporters shall immediately (within 48 hours) make a report to the [Department of Social and Health Services](#) (1-866-363-4276), and then submit a report summary to the College. When there is reason to suspect that a vulnerable adult experienced sexual assault, physical assault, or an act that caused fear of imminent harm, all employees shall also make a report to the appropriate law enforcement agency. When there is reason to suspect that the death of a vulnerable adult was caused by abuse, neglect, or abandonment by another person, all employees shall make an additional report to the medical examiner or coroner having jurisdiction.

Reports must contain the following information, if known:

- Identification of the vulnerable adult;
- The nature and extent of the suspected abuse, neglect, exploitation, or abandonment;
- Evidence of previous abuse, neglect, exploitation, or abandonment;
- The name and address of the person making the report; and

- Any other helpful information.

Unless there is a judicial proceeding or the person consents, the identity of the person making the report is confidential.

After completing a report to the Department of Social and Health Services, employees who received the information while performing work duties must also complete a report summary (<https://www.everettcc.edu/report>) to the College.

#### *Discrimination, Retaliation, and Hazing Reporting*

All College employees (student, faculty, staff, administrator) are required to report actual or suspected protected class discrimination, harassment, retaliation, and hazing to appropriate College officials immediately, with the limited exception of confidential counselors. Reports should be made to the College through the online incident reporting page (<https://www.everettcc.edu/report>), or directly to the appropriate College office (Equal Opportunity and Title IX or Student Conduct) in respect to the nature of the report.

#### *Administrative Authority*

The Vice President of Human Resources and Compliance has administrative authority over employee and volunteer mandatory reporting responsibilities. The Director of Equal Opportunity and Title IX Programs is the College's designee to receive agency report summaries and provide guidance regarding an employee's reporting obligations.

### **RELEVANT LAWS AND OTHER RELATED INFORMATION**

[RCW 26.44 Abuse of Children](#)

[RCW 28B.10.846 Reporting Responsibilities of Child Abuse or Neglect](#)

[WAC 110-30-0030 DCYF Abuse or Neglect of Children and Youth](#)

[RCW 74.34 Abuse of Vulnerable Adults](#)

[RCW 28B.10.907 Reporting Responsibilities of Hazing](#)

[EvCC3093: Protected Class Nondiscrimination Policy](#)

### **REVISION HISTORY**

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### **APPROVED BY**

Board of Trustees