

Mandatory Reporting in Schools

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Every staff member in a school is considered a mandatory reporter, with **a legal obligation to report known, alleged, or suspected child abuse or neglect. In addition, due to recent changes to Title IX, every employee is also now a mandatory reporter of sexual harassment.**

Though this may seem clear cut and intuitive, the process to report these concerns is very different, and insurance claims rooted in a failure to report are, unfortunately, common. The clear lines of when to report – and to whom – can quickly become blurred, even for a well-intentioned staff member. For example, what happens when a seemingly off-handed student remark is overheard that implies inappropriate relations between a student and a staff member? Even if the comment may have seemed like a bad joke, this is still an example of when mandatory reporting is required.

Child Abuse is a criminal act resulting in injury to a child's life or health, and includes physical, sexual, and emotional harm to a child (i). The abuse may occur between staff and students, among students, and between students and others not affiliated with the school. In the event of known, alleged, or suspected child abuse, a mandatory reporter must immediately inform law enforcement.

Sexual Harassment is a form of discrimination. Within schools, this is defined as unwanted and unwelcome behavior of a sexual nature that interferes with the right to receive an equal educational opportunity (ii). Anytime a school employee has notice of a sexual harassment case within the school setting, they must inform the Title IX Coordinator.

In some circumstances, such as a sexual assault that occurs at school, child abuse and sexual harassment concerns will overlap, in which case both law enforcement and the Title IX Coordinator must be notified. There can be serious implications for the aware staff member(s) as well as the school/district when proper reports are not made, as failure to report can result in criminal and/or civil liability.

Many individuals may want more than mere suspicion before reporting a colleague, but there is absolute immunity for reports made in good faith. Moreover, school employees are not trained to investigate suspected abuse. Their most important job is to report known or suspected abuse to allow law enforcement to undertake a prompt investigation. The mandatory reporting statute is only concerned with the safety of the student, regardless of how big or small the alleged act seems. Sometimes a seemingly small concern can unveil a litany of other transgressions. When school staff honor their commitment to their communities and abide by their mandatory reporting responsibilities in a timely manner, they are not only able to prioritize the safety of the student(s) involved, but also the integrity of the community.

Mandatory reporting of sexual harassment is required even if a formal complaint is not made. For example, a staff member may overhear a conversation among students where a comment is made that may trigger a mandatory report. This is the time to act. Do not wait for the formal complaint to be made. Once the staff member has notice of sexual harassment, they must immediately inform the Title IX Coordinator.

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Notice of sexual harassment triggers your duty to:

1. Promptly report to your Title IX coordinator
1. Document the conversation via email: If the conversation occurred in person or on the phone, send a follow-up email reiterating your concerns. Save this email for your records.

Knowledge or suspicion of child abuse or neglect triggers your duty to:

1. Immediately report to Law Enforcement
1. Document the conversation via email: If the conversation occurred in person or on the phone, send a follow-up email reiterating your concerns. Verbal reports must be followed up in writing within 24 hours. Save this email for your records.

More information about your specific reporting procedures and requirements may be found under Board Policies AC, AC-R-1, AC-R-2, JLF, & JLF-R.

Questions:

What if the Title IX Coordinator is involved in the accusation? Approach their superior to make the report.

Do I do anything differently if the student is over the age of 18? No. Still carry out the same steps in cases of sexual harassment and abuse, as the abuse may have started before the student turned 18.

Do I owe it to the alleged perpetrator to tell them before reporting? No. In fact, doing so may compromise the integrity of the investigation. The investigation process is designed to promote fairness, and the alleged perpetrator will be given notice at the necessary time.

I Definitions of Child Abuse & Neglect <https://www.childwelfare.gov/topics/can/defining/>

II Sex-Based Harassment <https://www2.ed.gov/about/offices/list/ocr/frontpage/pro-students/issues/sex-issue01.html>