



University of Dallas

Health and Safety
Reporting Abuse and Neglect

POLICY AHA
Responsible Executive:
General Counsel
Responsible Office:
Office of General Counsel
Issued: 7.1.21
Revised: n/a

1. PURPOSE

This Policy sets forth the expectations and requirements for reporting suspected child abuse or neglect, including pursuant to Tex. Family Code § 261.101.

2. REPORTING ABUSE

A University official having cause to believe that a child’s physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as provided by this Policy. [adapted from Tex. Family Code § 261.101].

2.1. Contents of report. [adapted from Tex. Family Code § 261.104]. The University official making a report shall identify, if known:

- 2.1.1. The name and address of the child;
2.1.2. The name and address of the person responsible for the care, custody, or welfare of the child; and
2.1.3. Any other pertinent information concerning the alleged or suspected abuse or neglect.
2.1.3.1. When some or all of the information that serves as the basis for the University official’s having cause to believe that a child’s physical or mental health or welfare has been adversely affected by abuse or neglect by any person is based on something written by the child (e.g., an application essay, writing assignment, or email), a copy of the writing is ‘pertinent information’ and must be included.

2.2. Method of reporting. The University official must report as follows:

2.2.1. Emergency. If the University official believes that the situation is an emergency or that the child is in any immediate danger, the University official should contact the Texas Department of Family and Protective Services and/or the University of Dallas Police Department and/or local law enforcement:

Texas Department of Family and Protective Services 24/7 Hotline
1-800-252-5400

University of Dallas Police Department
Haggard University Center, First Floor
972-265-5911 (emergency line)

City of Irving Police Department
9-1-1

- 2.2.2. **Non-emergency.** If the University official believes that the situation is not an emergency and that the child is not in any immediate danger the report must be made to the University of Dallas Police Department and the Office of General Counsel, via email, within forty-eight (48) hours.

University of Dallas Police Department
cso@udallas.edu

Office of the General Counsel
Compliance Officer
Joshua Skinner
jaskinner@udallas.edu

- 2.3. **Failure to report.** Failure to report as required by this Policy may result in disciplinary action, up to and including termination of employment, and may subject the University official to criminal liability.

3. REFERRAL TO DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

Upon receipt of a report pursuant to Section 2.2.2 of this Policy, the University of Dallas Police Department and/or Office of General Counsel will refer the report to the Texas Department of Family and Protective Services.

Texas Department of Family and Protective Services
1-800-252-5400
<https://www.txabusehotline.org/>

4. DEFINITIONS

[adapted from Tex. Fam. Code § [261.001](#)].

- 4.1. **“Abuse”** includes the following acts or omissions by a person:
- 4.1.1. mental or emotional injury to a child that results in an observable and material impairment in the child’s growth, development, or psychological functioning;
 - 4.1.2. causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child’s growth, development, or psychological functioning;
 - 4.1.3. physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history

or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;

- 4.1.4. failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;
 - 4.1.5. sexual conduct harmful to a child’s mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of young child or children under Section 21.02, Penal Code, indecency with a child under Section 21.11, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;
 - 4.1.6. failure to make a reasonable effort to prevent sexual conduct harmful to a child;
 - 4.1.7. compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code, including compelling or encouraging the child in a manner that constitutes an offense of trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code, prostitution under Section 43.02(b), Penal Code, or compelling prostitution under Section 43.05(a)(2), Penal Code;
 - 4.1.8. causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene as defined by Section 43.21, Penal Code, or pornographic;
 - 4.1.9. the current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;
 - 4.1.10. causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code;
 - 4.1.11. causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Section 43.25, Penal Code;
 - 4.1.12. knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under Section 20A.02(a)(5), (6), (7), or (8), Penal Code, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections; or
 - 4.1.13. forcing or coercing a child to enter into a marriage.
- 4.2. **“Child”** means an individual who is under the age of eighteen (18) years.
- 4.3. **“Department”** means the Department of Family and Protective Services.

4.4. **“Exploitation”** means the illegal or improper use of a child or of the resources of a child for monetary or personal benefit, profit, or gain by an employee, volunteer, or other individual working under the auspices of a facility or program as further described by rule or policy.

4.5. **“Neglect”**

4.5.1. Includes:

4.5.1.1. The leaving of a child in a situation where the child would be exposed to a substantial risk of physical or mental harm, without arranging for necessary care for the child, and the demonstration of an intent not to return by a parent, guardian, or managing or possessory conservator of the child;

4.5.1.2. The following acts or omissions by a person:

4.5.1.2.1. placing a child in or failing to remove a child from a situation that a reasonable person would realize requires

4.5.1.2.2. judgment or actions beyond the child’s level of maturity, physical condition, or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child;

4.5.1.2.3. failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child;

4.5.1.2.4. the failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused;

4.5.1.2.5. placing a child in or failing to remove the child from a situation in which the child would be exposed to a substantial risk of sexual conduct harmful to the child; or

4.5.1.2.6. placing a child in or failing to remove the child from a situation in which the child would be exposed to acts or omissions that constitute abuse under Subdivision (1)(E), (F), (G), (H), or (K) committed against another child;

4.5.1.3. the failure by the person responsible for a child’s care, custody, or welfare to permit the child to return to the child’s home without arranging for the necessary care for the child after the child has been absent from the home for any reason, including having been in residential placement or having run away; or

4.5.1.4. a negligent act or omission by an employee, volunteer, or other individual working under the auspices of a facility or program, including failure to comply with an individual treatment plan, plan of care, or individualized service plan, that causes or

may cause substantial emotional harm or physical injury to, or the death of, a child served by the facility or program as further described by rule or policy; and

4.5.2. Does not include the refusal by a person responsible for a child’s care, custody, or welfare to permit the child to remain in or return to the child’s home resulting in the placement of the child in the conservatorship of the department if:

- 4.5.2.1. the child has a severe emotional disturbance;
- 4.5.2.2. the person’s refusal is based solely on the person’s inability to obtain mental health services necessary to protect the safety and well-being of the child; and
- 4.5.2.3. the person has exhausted all reasonable means available to the person to obtain the mental health services described by Subparagraph (ii).

4.6. **“Person responsible for a child’s care, custody, or welfare”** means a person who traditionally is responsible for a child’s care, custody, or welfare, including:

- 4.6.1. A parent, guardian, managing or possessory conservator, or foster parent of the child;
- 4.6.2. A member of the child’s family or household as defined by Chapter [71](#);
- 4.6.3. A person with whom the child’s parent cohabits;
- 4.6.4. School personnel or a volunteer at the child’s school;
- 4.6.5. Personnel or a volunteer at a public or private child-care facility that provides services for the child or at a public or private residential institution or facility where the child resides; or
- 4.6.6. An employee, volunteer, or other person working under the supervision of a licensed or unlicensed child-care facility, including a family home, residential child-care facility, employer-based day-care facility, or shelter day-care facility, as those terms are defined in Chapter [42](#), Human Resources Code.

4.7. **“Report”** means a report that alleged or suspected abuse or neglect of a child has occurred or may occur.

4.8. **“Severe emotional disturbance”** means a mental, behavioral, or emotional disorder of sufficient duration to result in functional impairment that substantially interferes with or limits a person’s role or ability to function in family, school, or community activities.

4.9. **“University”** and **“the University”** mean the University of Dallas.

5. RESPONSIBILITIES

Responsible Party	List of Responsibilities
Office of General Counsel	1. Monitor compliance with this Policy.
Conference & Event Services	1. Monitor compliance with Section 4 of this Policy.

Program operator	<ol style="list-style-type: none"> 1. Require all program staff to provide the documentation required under Section 4 of this Policy. 2. Maintain the required documentation for at least two (2) years. 3. Prior to the start of the campus program for minors, make available to Conference & Services the required documentation. 4. Within five (5) days of the start of the campus program for minors, provide the required notice to the Department of State Health Services
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6. PROCEDURES

Task	Procedure
Gather verification	<ol style="list-style-type: none"> 1. Program staff successfully complete the training and examination program on sexual abuse and child molestation. 2. Program staff provide verification of successful completion to the program operator. 3. The program operator conducts the required background checks. 4. The program operator maintains the verification documentation.
Make available to the University	<ol style="list-style-type: none"> 1. The program operator makes available the verification documentation to the University prior to the start of the campus program for minors.
Provide notice to the Department of State Health Services	<ol style="list-style-type: none"> 1. The program operator provides the required certification to the Texas Department of State Health Services.

7. POLICY ENFORCEMENT

Enforcement	The Office of the General Counsel or the Office of the Executive Vice President will investigate suspected violations of this Policy, and take appropriate action in accordance with University policy.
Reporting Violations	Report suspected violations of this Policy to the Office of the General Counsel or the Office of the Executive Vice President.

8. RELATED DOCUMENTS

Policy or Document	Web Address
Texas Department of State Health Services – Campus Program for Minors Home Page	https://dshs.texas.gov/cpm/
Texas Department of Family and Protective Services – Abuse and Neglect Reporting	http://www.dfps.state.tx.us/Contact_Us/report_abuse.asp

9. CONTACTS

Subject	Office or Position	Telephone Number	Office Email or URL
Policy Clarification	Office of General Counsel	(972) 721-5363	hlachenauer@udallas.edu
Implementation	Office of Executive Vice President	(972) 721-5226	provostoffice@udallas.edu
Documentation requirements	Conference & Event Services	(972) 721-5123	meetatud@udallas.edu
Web Address for this Policy		https://udallas.edu/about/university-policies/index.php	