



**Policy Chapter:** Chapter 4 Administration

**Policy Number and Title:** 04.010 Reporting Suspected Abuse and Neglect of Children, and Elderly or Disabled Individuals

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**I. Policy Statement**

The University of North Texas (UNT) is committed to protecting children, the elderly, and disabled individuals as vulnerable members of society and in fulfilling the institution's obligation to report suspected abuse or neglect as required by Texas law.

**II. Application of Policy**

All members of the UNT community, including but not limited to faculty, students, staff, individuals authorized to act on behalf of UNT, and independent contractors.

**III. Policy Definitions**

**A. Abuse**

"Abuse of a child," in this policy, means the following acts or omissions by a person:

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;
2. Causing or permitting a 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;
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. 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;
5. Sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of a young child or children, indecency with a child, sexual assault, or aggravated sexual assault;
6. Failure to make a reasonable effort to prevent sexual conduct harmful to a child;
7. Compelling or encouraging a child to engage in sexual conduct, including conduct that constitutes an offense of trafficking of persons, prostitution, or compelling prostitution;
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, or pornographic;
9. The current use by a person of a controlled substance in a manner or to the extent that

the use results in physical, mental, or emotional injury to a child;

10. Causing, expressly permitting, or encouraging a child to use a controlled substance;
11. Causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child;
12. Knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable by law; or
13. Forcing or coercing a child to enter into a marriage.

**B. Abuse of an Elderly or Disabled Person**

“Abuse of an elderly or disabled person,” in this policy, means:

1. The negligent or willful infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical or emotional harm or pain to an elderly or disabled person by the person’s caretaker, family member or other individual who has an ongoing relationship with the person, or
2. Sexual abuse of an elderly or disabled person, including any involuntary or nonconsensual sexual conduct that would constitute indecent exposure, or assaultive offenses committed by the person’s caretaker, family member, or other individual who has an ongoing relationship with the person.

**C. Campus Law Enforcement**

“Campus law enforcement,” in this policy, means the UNT Police Department.

**D. Child**

“Child,” in this policy, means a person under 18 years of age.

**E. Disabled Person**

“Disabled person,” in this policy, means a person with mental, physical, or developmental disability that substantially impairs the person’s ability to provide adequately for the person’s care or protection and who is 18 years of age or older or under the age of 18 and who has had the disabilities of minority removed.

**F. Elderly Person**

“Elderly person,” in this policy, means a person 65 years of age or older.

**G. Exploitation of an Elderly or Disabled Person**

“Exploitation of an elderly or disabled person,” in this policy, means the illegal or improper act or process of a caretaker, family member or other individual who has an ongoing relationship with an elderly or disabled person that involves using, or attempting to use, the

resources of the elderly or disabled person, including the person's social security number or other identifying information, for monetary or personal benefit, profit or gain without the informed consent of the elderly or disabled person.

#### **H. Employee**

"Employee," in this policy, means anyone employed by UNT, including staff and faculty, including full and part-time employees, employees in a temporary capacity, and student employees. The term includes employees who do not regularly come into contact with minors in the course of their employment. The term does not include independent contractors.

#### **I. Neglect of a Child**

"Neglect of a child," in this policy, means:

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; or
2. The following acts or omissions by a person:
  - a. Placing a child in or failing to remove a child from a situation that a reasonable person would realize requires 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;
  - b. 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;
  - c. 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;
  - d. 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
  - e. 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 committed against another child; or
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 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.

**J. *Neglect of an Elderly or Disabled Person***

“Neglect of an elderly or disabled person,” in this policy, means the failure to provide for one’s self the goods or services, including medical services, which are necessary to avoid physical or emotional harm or pain, or failure of a caretaker to provide such goods or services.

**K. *Professional Employee***

“Professional employee,” in this policy, means an employee who is licensed or certified by the state who, in the normal course of official duties for which a license or certification is required, has direct contact with children.

**L. *Student***

“Student,” in this policy, means anyone actively enrolled in at least one SCH (semester credit hour) during a given enrollment term. Student also includes individuals between academic terms that completed the most recent term and registered for the upcoming term.

**IV. Policy Responsibilities**

**A. *Suspected Child Abuse or Neglect Reporting Obligations***

1. An individual who has cause to believe that a child’s physical or mental health or welfare has been or will be adversely affected by abuse or neglect by any person must immediately report his or her belief to:
  - a. Any local or state law enforcement agency, including campus law enforcement, especially in situations requiring an immediate response; or
  - b. The Department of Family and Protective Services (“DFPS”); or
  - c. The state agency that operates, licenses, certifies, or registers the facility in which the abuse or neglect occurred.
  - d. A report must be made to DFPS if the suspected child abuse or neglect involves a person responsible for the care, custody, or welfare of the child.
  - e. A report may be made to the Texas Juvenile Justice Department if the report is based on information provided by a child while under the supervision of the Texas Juvenile Justice Department concerning the child's alleged abuse of another child.
2. A professional employee who has cause to believe that a child has been abused or neglected or may be abused or neglected, or that a child is the victim of the offense of indecency with a child also must make a report not later than 48 hours after the

3. time the professional first suspects that the child has been or may be abused or neglected, or is the victim of child abuse or neglect or the offense of indecency with a child.
4. Employees, students, and professional employees shall make a report as required above if the person or professional employee has cause to believe that an adult was a victim of abuse or neglect as a child and the person or professional determines in good faith that disclosure of the information is necessary to protect the health and safety of: (1) another child; or (2) an elderly person or person with a disability.
5. An individual who witnesses, either a child in imminent danger or a crime against a child in progress should immediately call 911 to make a report.
6. Reporting suspected child abuse or neglect is mandatory and cannot be delegated to another individual or UNT official. Reporting suspicion to another UNT official or employee or to the UNT Compliance Trust Line does not satisfy the reporting requirement.
7. An individual whose personal communications might otherwise be privileged including an attorney, a medical practitioner, a social worker, or a mental health professional must still make a report.
8. A report must be made in good faith. Confirmed evidence or proof of child abuse or neglect is not required prior to making a report. Uncertainty should be resolved in favor of making a report.
9. Suspected child abuse or neglect must be reported when an individual learns of an allegation regardless of the alleged date of the incident.
10. An individual who makes a good faith report will not be retaliated against for making a report, even if the report is unfounded.
11. Failure to immediately report suspected child abuse or neglect is a violation of state criminal law and may subject faculty, staff, or students to disciplinary action, up to and including termination or expulsion (see UNT Policy 06.025, Faculty Discipline Policy; UNT Policy 05.033, Staff Employee Discipline and Involuntary Termination; and UNT Policy 07.012, University of North Texas Code of Student Conduct).

***B. Suspected Abuse, Neglect or Exploitation of an Elderly or Disabled Person Reporting Obligations***

1. An employee or student shall immediately make a report to the Department of Family and Protective Services (“DFPS”) if the employee or student has cause to believe that an elderly or disabled person is in the state of abuse, neglect, or exploitation.
2. If the employee or student has cause to believe that the abuse, neglect, or exploitation occurred in a facility operated, licensed, certified, or registered by a state agency that person shall report the information to the state agency that operates, licenses, certifies

or registers the facility. (Example: If the abuse, neglect, or exploitation occurred in an assisted living facility or a nursing/convalescent home, a report shall be made to the Department of Aging and Disability Services.)

### **C. Internal Reporting Obligations**

1. In addition to the obligations to report noted above, employees and individuals authorized to act on behalf of UNT are required to report suspected child abuse or neglect and suspected abuse, neglect, or exploitation of an elderly or disabled person to the UNT institutional compliance office.
2. Students and other individuals who suspect child abuse or neglect occurring on any property owned, leased, or controlled by any component campuses of the University of North Texas System, or at any activity or event sponsored by UNT, are strongly encouraged to report his or her suspicions to the UNT institutional compliance office after reporting to law enforcement or DFPS.
3. Upon receiving a report, the university will take appropriate action in cooperation with DFPS and/or law enforcement and will not take any action which might otherwise compromise a criminal investigation.
4. Unless waived in writing by the person making the report, the identity of a reporting individual will be confidential and may only be disclosed in accordance with law.

### **D. Training**

1. UNT Youth Protection Program will provide all Professional Employees who are licensed or certified and who will come in contact with minors with training in child abuse prevention techniques and the recognition of sexual abuse and other maltreatment of children and the responsibility and procedure of reporting suspected occurrence of sexual abuse and other maltreatment.
2. The training must include:
  - a. Techniques for reducing a child's risk of sexual abuse or other maltreatment;
  - b. Factors indicating a child is at risk for sexual abuse or other maltreatment;
  - c. The warning signs and symptoms associated with sexual abuse and other maltreatment and recognition of those signs and symptoms;
  - d. The requirements and procedures for reporting suspected sexual abuse or other maltreatment as provided by state law and this policy.
3. Employees are required to complete Sexual Abuse and Child Molestation Training. Employees who fail to complete training by this deadline are subject to disciplinary action, up to and including termination.

**V. Resources/Forms/Tools**

Visit [Texas Abuse Hotline](#) for secure website reporting to DFPS or call 1-800-252-5400, available 24 hours a day, 7 days a week.

**VI. References and Cross-References**

[Family Educational Rights and Privacy Act Regulations, 34 C.F.R. § 99.31](#)

[Texas Administration Code, Title 25, §§ 265.401-\\$265.4015](#)

[Texas Education Code § 51.9761](#)

[Texas Family Code, Ch. 261, Sub. Ch. B](#)

[Texas Human Resources Code § 48.051](#)

[UNT Policy 04.009, Reporting Suspected Wrongdoing](#)

[UNT Policy 05.015, Ethics](#)

[UNT Policy 05.033, Staff Employee Discipline and Involuntary Termination](#)

[UNT Policy 06.025, Faculty Misconduct and Discipline](#)

[UNT Policy 07.012, Code of Student Conduct](#)

**VII. Revision History**

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