

MWCC MANDATED REPORTING POLICY

Introduction

Massachusetts General Laws (M.G.L.) Chapter 119, Chapter 19C, and Chapter 19A designate certain professionals as mandated reporters responsible for reporting suspected instances of abuse and neglect of a child under the age of 18, a disabled person age 18-59, and of an elder age 60 or over. Additionally, in the case of an elder, financial exploitation must be reported. The mandatory reporting laws require the reporting to the authorized social service agency and law enforcement agency within the jurisdiction of the alleged incident(s) whenever reasonable cause exists. M.G.L. requires the immediate verbal report to the appropriate social service agency followed by a written report within 48 hours of the existence of reasonable cause. The law provides immunity from liability for the reporter(s) when a report is filed in good faith. Mandated reporters who fail to report may be prosecuted and fined up to \$1000 and up to one year jail sentence and may be subject to civil liability. In the case where more than one mandated reporter receives information leading them to believe that there is reasonable cause that a violation of law has occurred which requires a mandated report, EACH mandated reporter has a legal obligation to ensure that a report is filed.

Policy Statement

Mount Wachusett Community College routinely enrolls high school juniors and seniors resulting in more under 18 year old students on campus. Students who are under the age of 18 are considered minors and, in some cases, are governed by different laws than older college students. If abuse or neglect of a person under 18 years of age is disclosed to you, either in writing or orally*, or if you have reasonable cause to believe that a student is suffering from abuse or neglect, please initiate this procedure immediately.

Additionally, the College may have programs, courses, camps, etc. involving elderly and mentally and/or physically disabled individuals. These individuals are also covered under mandated reporting laws as outlined below.

**This could be either a student age of 18 or under, who is being abused, or a student over the age of 18 disclosing abuse of a child by him/herself or another adult.*

MWCC Procedures Applicable to Mandated Reporting

Faculty or staff must report the information to the Senior Student Affairs Officer (currently the Dean of Students) or his/her designee immediately on the day he/she first “has reasonable cause to believe” an incident has occurred which requires mandated reporting. After hours, the Campus

Police and Public Safety Department should be called at (978) 630-9150. The campus police will contact the Senior Student Affairs Officer or designee and the Chief of Campus Police and Public Safety for guidance.

The Senior Student Affairs Officer or designee will contact the person who made the disclosure. The Senior Student Affairs Officer will then meet with appropriate counseling staff and/or Campus Police. A designee(s) will be appointed to speak with the alleged victim, if available, to discuss the alleged abuse, neglect, etc. The mandated reporting procedure will also be explained to the alleged victim and counseling and referral will be offered as necessary. If the victim cannot be immediately reached, and there is reasonable cause based on available facts to believe that a mandated report is required, the mandated reporting procedures shall be immediately implemented.

If it is determined that there are sufficient facts supporting reasonable cause that abuse, neglect or financial exploitation has occurred, a mandated report must be filed. Generally, the mandated reporter(s) having direct information will file the report(s). If multiple reports each have partial information, the reporters can file separate reports or file jointly. Each member of the team is a mandated reporter; and, if there is disagreement, any person feeling strongly that a mandated report should be filed, has the right and duty to submit a mandated report to the appropriate social service agency (see prior).

In accordance with filing requirements, a verbal report must be filed immediately when reasonable cause to believe that an incident requiring a mandated report has occurred. The appropriate form must be completed and mailed within 48 hours of the oral report. All written copies of mandated reports will be kept with the Campus Police Department in a confidential locked file. The Senior Student Affairs Officer's office will serve as the central point of contact at the College for all matters pertaining to mandated reporting.

In a case involving a child under the age of 18, should a case be closed by DCF and the College personnel remain convinced that the child is being or has been abused, the reporter may **reinitiate** a 51-A. If action is not forthcoming by DCF, that person can register a complaint with the District Attorney.

If a new situation of abuse or neglect arises, which would mandate an additional report, a new report must be filed in the same manner and with the same timeliness of the previously outlined procedure.

Who is a mandated reporter?

All instructors, administrators, campus police officers, school nurses and EMTs, and college counselors are mandated reporters under Massachusetts General Laws, Chapter 119, Section 51-A, laws governing physical, sexual and emotional abuse or neglect by a person with permanent or temporary custody of a child under the age of 18. This is not an exhaustive list but is provided for general guidance. A more inclusive list is included in the chart below for each category of mandated reporting.

NOTE: For purposes of this policy the Senior Student Affairs Officer responsible for administration of this policy is currently the Dean of Students

Massachusetts law defines the following professionals as mandated reporters:

<p align="center">Child Abuse G.L. c. 119, § 51</p>	<p align="center">Disabled Abuse G.L. c. 19C, § 1</p>	<p align="center">Elder Abuse G.L. c. 19A, § 15</p>
<p>Police officers, Medical examiners, Medical interns, Nurses, Physicians, Dentist, Social workers, Clergy member of any Religious body or other religious leader, Coach or educator, Day care workers, Podiatrist, Drug/alcohol/family or guidance counselors Firefighters, EMTs, Foster parents, Hospital personnel, Parole officers, Probation officers, Psychiatrists, Psychologists, School teachers and administrators.</p>	<p>Police officers, Medical examiners, Medical interns, Nurses, Physicians, Dentists, Social workers, Day care workers, Educational administrators, Family and guidance counselors, Foster parents, Probation officers, Psychologists, School teachers, Hospital personnel, Employees of private service providers to disabled.</p>	<p>Police officers, Medical examiners, Medical interns, Nurses, Physicians, Dentists, Social workers, Physician assistants, Psychologists, EMTs, Family counselors, Firefighters, Occupational therapists, Osteopaths, Podiatrists, Physical therapists, Probation officers, Council on Aging Directors and outreach workers Directors of Home Health, Homemaker, or Assisted Living Agencies (Director must establish procedures for staff reporting).</p>

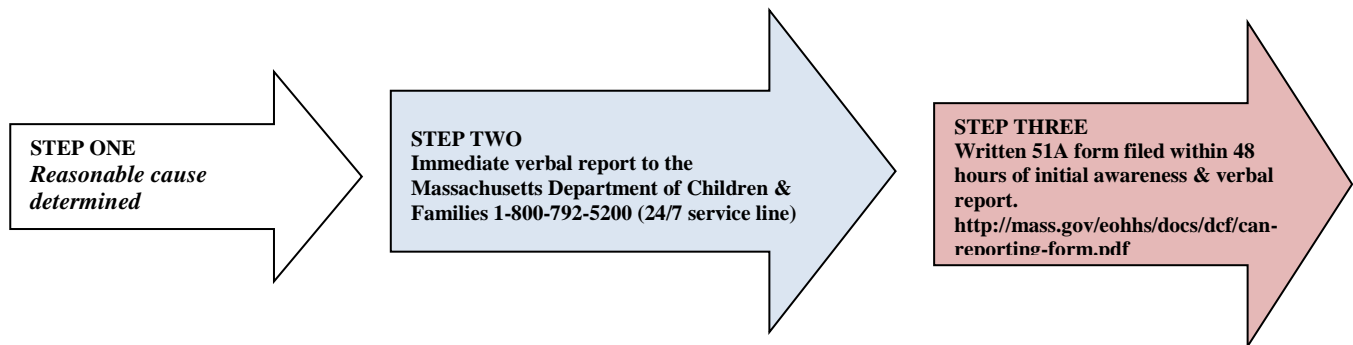
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What must be reported and how?

Children age 0 to 18: (MGL Ch. 119, Section 51A)

- Physical Abuse
- Sexual Abuse
- Emotional Abuse
- Neglect by person with permanent or temporary custody

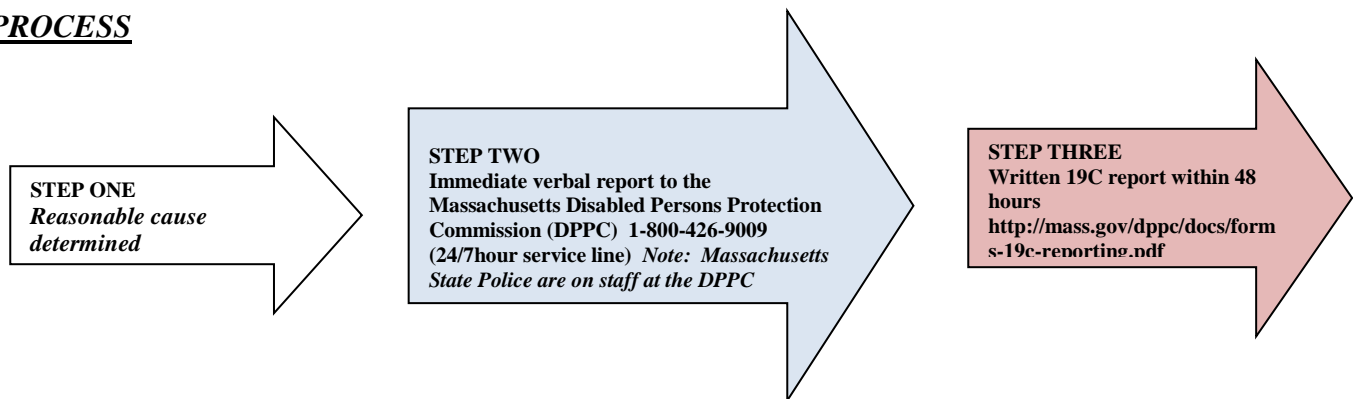
PROCESS



Disabled (Mentally and/or Physically Disabled Individuals (Age 18-59): (MGL c. 19C, Section 5-13)

- Physical Abuse
- Sexual Abuse
- Emotional Abuse
- Neglect by a caretaker
- Financial exploitation

PROCESS



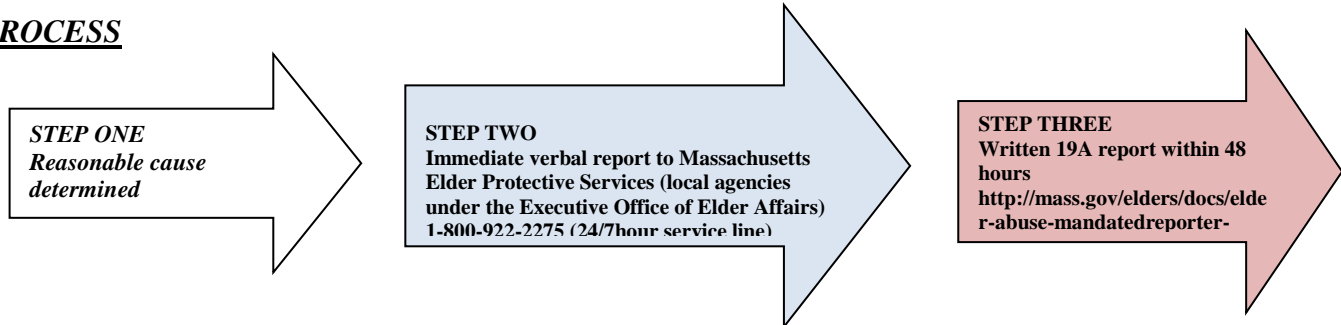
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Elders (Age 60 and over): (MGL c. 19A, Section 14-24)

- Physical Abuse
- Sexual Abuse
- Emotional Abuse
- Neglect by a caretaker OR self-neglect by an elder
- Financial Exploitation

PROCESS



- **Note: contact numbers and forms listed below are for victims who reside in Massachusetts. Information regarding contacts for filing out of state reports involving victims who reside outside of Massachusetts which is provided on page 6.**

When must a report be filed?

A report must be filed IMMEDIATELY (verbal) and within 48 hours (written) when there is reasonable cause to believe that the situation warrants a mandatory report.

What constitutes reasonable cause?

Reasonable cause is the existence of articulable facts (more than just a mere hunch) that lead a reasonable person to believe that abuse, neglect, or financial exploitation may have occurred.

Adult vs. Child Protective Services

A competent adult may choose whether or not to cooperate with protective services whereby the government has an obligation to intervene in the lives of children. If the adult is mentally incompetent, the appropriate service agency has the ability to apply for a Protective Order against the perpetrator.

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Liability for failure to report

Mandated reporters who fail to report suspected abuse, neglect or financial exploitation may be prosecuted and fined up to \$1000 and up to one year jail sentence and may additionally be subject to civil liability. Each mandated reporter has a duty to report if multiple reporters are involved (see MWCC Procedures Applicable to Mandate Reporting on pages 1-2) .

Out-of-State Reporting Information

Jurisdiction to investigate allegations requiring a mandated report lies with the appropriate social service agency where the alleged victim *resides*. If the alleged victim lives out-of-state, the mandated report must be filed with the appropriate agency in the state or local jurisdiction. To obtain contact information regarding an out of state jurisdiction, contact the local police department for that jurisdiction or call the Massachusetts agency and they will provide you with the appropriate contact information if they have it on file.

In addition to reporting to the out of state agency, the Office of the District Attorney's, Child Abuse Unit should be notified as they may monitor the progress of the report. Their contact number in Worcester County is (508) 792-0214.

OUT OF STATE REPORTS (general): For child abuse/neglect out of state reports, you may also contact the National Child Abuse Hotline at 1-800-422-4453 (1-800-4-achild) to obtain the appropriate contact information for the jurisdiction where the child resides.

OUT OF STATE REPORTS (New Hampshire) child abuse reporting may be reported to the Department of Children and Families at (603) 271-6563 during business hours or (603) 225-9000 after hours.

Statement of Non-Retaliation

No employer of those persons required to report pursuant to this section shall discharge, or in any manner discriminate or retaliate against, any person who, in good faith, makes such a report, testifies, or is about to testify in any proceeding involving child abuse or neglect. Any such employer who discharges, discriminates or retaliates against such a person shall be liable to such a person for treble damages, cost and attorney's fees.

Revised: 11/14/17 kkk