

## REPORTING SUSPECTED MISCONDUCT IN PROGRAMS FOR CHILDREN & TEENS

### POLICY STATEMENT

Each member of the university community shares responsibility for compliance with laws and university policies. The purpose of this policy is to encourage and enable good-faith reports of observed or suspected misconduct or noncompliance with law or with university policies and procedures. This policy is intended to encourage and enable anyone participating in a university-sponsored program or a non-university-sponsored program operating in university facilities who knows, suspects, or receives information indicating that a child has been abused or neglected, or who has other concerns about the safety of children and teens, to report them immediately.

A minor child is a person under 18 years of age (MCL§ 722.1(a)) who is not enrolled or accepted for enrollment in a degree program at the university. However, a person under 18 years of age who is considered to be “dually enrolled” in university programs while also enrolled in elementary, middle or high school is considered a minor covered by this policy.

### GUIDANCE ON REPORTING

#### When to Report

Members of the university community are encouraged to report, in accordance with this policy, any misconduct by university employees or authorized adults, or actions of other parties that may result in harm to children or teens, of which they may become aware. Anyone who in good faith believes that a violation of law or policy will occur, is occurring, or has occurred at the university should report their concern. People need not know the details of a law or policy or be certain about a violation. If unsure, the better course of action is to raise the concern.

#### How to Report

##### *Confidential Reporting*

Information on potential criminal activity, or any other wrongdoing seen in the course of your daily activities, may be reported anonymously through the university’s compliance website at [compliancehotline.umich.edu](https://compliancehotline.umich.edu) or by calling the compliance hotline at 866-990-0111. The hotline is available 24 hours a day and is staffed by multilingual interview specialists

##### *Reports of Known or Suspected Abuse or Neglect of Minors*

Anyone participating in a university-sponsored program or a non-university-sponsored program operating in university facilities who knows, suspects, or receives information indicating that a child has been abused or neglected, or who has other concerns about the safety of children or teens **MUST** inform the appropriate campus Department of Public Safety and Security.

- Ann Arbor – (734) 763-3434
- Dearborn – (313) 593-5333
- Flint – (810) 762-3333

- In addition, one should promptly notify his or her supervisor or program administrator, when it is safe and appropriate to do so.
- Anyone who knows or suspects abuse or neglect of children or teens should also notify the Michigan Department of Human Services by calling 855-444-3911.
- If the suspected abuse, neglect or safety concerns are associated with a university-sponsored program or a non-university sponsored program operating in university facilities, Risk Management should be notified at [finance.umich.edu/treasury/risk](https://finance.umich.edu/treasury/risk) or by calling 734-764-2200.

##### *Mandated Reporters*

Michigan’s Child Protection Law, MCL § 722.621, et seq., designates individuals in certain occupations and professions as mandated reporters. Mandated reporters must immediately report known or suspected mental or physical abuse or neglect of a child made known to them in their professional or official capacity directly to the Department of Human Services by calling 855-444-3911 (24/7 toll free number). A written report must be submitted to the Department of Human Services within 72 hours of the initial verbal report.

Mandated reporters include those employed in the following positions:

- physician
- dentist
- physician’s assistant
- registered dental hygienist
- medical examiner
- nurse, person licensed to provide emergency medical care
- audiologist
- psychologist
- marriage and family therapist
- licensed professional counselor
- social worker
- licensed master’s social worker
- licensed bachelor’s social worker
- registered social service technician
- social service technician
- a person employed in a professional capacity in any office of the friend of the court
- school administrator
- school counselor or teacher
- law enforcement officer
- member of the clergy
- regulated childcare provider.

University faculty, staff or students who are working with children or teens in their professional or official capacity and who have questions about whether they may be considered mandated reporters under

Michigan law should contact their supervisor, program administrator, dean or vice president. The Office of the Vice President and General Counsel is also available to provide advice.

## **RESPONSE PROCEDURES**

*Take immediate steps to prevent further harm to the alleged victim or other children or teens such as removing the alleged abuser from the program or activity, or limiting that individual's contact with children or teens pending resolution of the matter.*

### **All other Significant Concerns**

Persons receiving a report of a law or policy violation should promptly evaluate the issues raised and as necessary refer the matter to Risk Management before taking further action. Risk Management will notify and, where appropriate, refer matters to other university offices that have a responsibility or role in handling a reported concern. Central offices will work together to avoid duplication of efforts and promptly direct concerns to responsible offices for investigation and resolution, including parental or legal guardian notification. Risk Management may consult with the following offices:

- Office of Internal Audits
- Human Resources
- Office of Institutional Equity
- Office of the General Counsel
- College or Unit Leadership: Normally, this will include the Dean and Department Head of the College, or Vice President or Vice Chancellor of an administrative unit.
- Division of Student Affairs

### **All Other Concerns**

If the reported concern is minor and the solution is straightforward without the need for substantial investigation, the administrator handling the report will promptly resolve the concern. The administrator will ensure a solution is implemented, corrective action is taken, the rights of parties involved are protected, Risk Management and appropriate management within the college or unit involved is notified of the issue and resolution, and proper documentation is maintained. In addition, notify parents or legal guardians of any concerns related to their child or teen.

If at any time it appears that the issue is more significant than anticipated, the administrator will notify Risk Management for coordination of notification to the appropriate offices.

### **Confidentiality**

All individuals who receive allegations should respect the confidentiality of the person raising the allegations, individuals who are the subjects of the allegations, and any confidential or private data disclosed in the report, to the extent possible.

## **RETALIATION**

### **Reporters**

Retaliation for raising a good faith concern of a law or policy violation is prohibited. The university will provide support as appropriate to ensure fair treatment of anyone making reports. Administrators handling reports will inform the person making the report, and others as may be necessary, about the university's prohibition against retaliation. If the person making the report wishes to remain anonymous, his or her identity should not be disclosed except: (1) when an employee's job responsibilities reasonably require knowledge; (2) when required

for investigation or resolution of the report; or (3) where permitted or required by law or legal process (e.g., law enforcement, court subpoena).

## **Subjects of a Report**

Individuals who are subjects of a report will be treated fairly, respectfully, and consistent with all protections set out in university policy or law. To assure fair treatment, those accused of misconduct should be notified about the nature of the allegations as soon as the administrator responsible for investigating concludes it will not risk the integrity of the investigation. The identity of the reporting party will not be disclosed to the subject of a report unless specifically required or permitted by law (e.g. prior to any potential adverse employment action). Subjects should be kept informed of the investigation status and the results.

## **INVESTIGATION**

Risk Management will coordinate investigation and response to concerns with the appropriate offices.

- **Ensure Fair Treatment of Involved Parties:** Determine what actions should be taken to respond to concerns of retaliation during and following the investigation and to protect the rights of persons accused of misconduct.
- **Develop an Investigation Strategy:** Determine the scope of an investigation, responsibilities of parties involved in the investigation, interviews to be conducted, records to be reviewed, and what other offices should be involved.
- **Identify Potential Reporting Obligations:** Examine whether any notification or report may be required to any outside entity, when such notification and report must be made, and how this responsibility will be fulfilled.
- **Develop a Communication Strategy:** Determine when/how to inform parties affected by the allegation and investigation, including: notification to any individual against whom allegations are made about the nature of the allegation and the individual's rights and responsibilities during the investigation; notification and content of information that may be communicated to the reporting party, if any; notification and updates to the leadership of the affected college or unit to keep them informed of the status of the investigation; notification and updates to the eExecutive officers or other central offices, if appropriate.
- **Consult with the Office of General Counsel.**
- **Establish Timeframes:** Establish a schedule and deadlines for the investigation and reporting, if any.
- **Maintain Documentation:** Ensure the appropriate records are maintained that document the nature of the allegation, the investigation, the findings, and corrective actions taken.

## **CORRECTIVE ACTIONS**

The administrator primarily responsible for the area under review will work with other administrators and central offices to implement corrective actions, including discipline of university faculty, staff, and students. Corrective actions will include evaluation of whether there is a systemic problem and whether programs, education, policies, or oversight activities should be modified to prevent similar incidents.

## **REPORTING TO OUTSIDE AGENCIES/ENTITIES**

All findings that are required to be reported to any outside agency or entity will be reported in a timely manner. Offices that are required to make such reports must inform the Office of General Counsel via email to [ovpgc@umich.edu](mailto:ovpgc@umich.edu) or via phone (734) 764-0304.