

RULE

Subject	Vulnerable Persons Act – Reporting Requirements	Number: 6HX14-1.48
Authority	SBOE Rule 6A-14.099 F.S. 39.01, 39.201, 39.205, 39.203, 1001.64	Date: 9/16/2014
History	New	
Source	President	

I. **PURPOSE & INTENT** To ensure the safety and well-being of minors on State College of Florida, Manatee – Sarasota (“SCF”) campuses, and in compliance with Sections 39.201 and 39.205, Florida Statutes and State Board of Education (SBOE) Rule 6A-14.099 (links referenced in section VII.), SCF restates and establishes the following immediate reporting obligations with regard to known or suspected child abuse.

II. **DEFINITIONS** In accordance with SBOE Rule 6A-14.099 and for purposes of this Policy, applicable terms are defined as follows:

A. “Abuse,” “Abandonment,” “Neglect,” “Caregiver,” and “Child” are defined as set forth in Section 39.01, Florida Statutes.

1. "Abuse" means any willful act or threatened act that results in any physical, mental, or sexual abuse, injury, or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Abuse of a child includes acts or omissions. Corporal discipline of a child by a parent or legal custodian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child.

2. "Abandoned" or "abandonment" means a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, has made no significant contribution to the child's care and maintenance or has failed to establish or maintain a substantial and positive relationship with the child, or both.

3. "Child" means any unmarried person under the age of 18 years who has not been emancipated by order of the court.

4. "Neglect" occurs when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment or a child is permitted to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired.

B. The term “Administrator” means the following high level personnel who have been assigned the responsibilities of college-wide or campus-wide academic or administrative functions, who serve SCF with the title of: College President; Vice President; Chief Information Officer; General Counsel; Assistant Vice President; Chief of Public Safety and Security; Director of Human Resources, Equity Officer; Director, Institutional Compliance; and Head of School.

C. The term “Law Enforcement Agency” means the unit of the college which is vested with the authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic or highway laws of the state. SCF does not have a “unit of the college which is vested with the authority to bear arms and make arrests” and therefore does not have a Law Enforcement Agency.

III. REPORTING OBLIGATIONS

A. Any Person. Section 39.201, Florida Statutes requires any person who knows, or has reasonable cause to suspect, that a child is abused, abandoned, or neglected, to report such knowledge or suspicion to the Florida Department of Children and Family Services (DCF). In addition to this reporting obligation, Section 39.205(1), Florida Statutes prohibits any person from knowingly and willfully preventing another person from meeting their reporting obligation to DCF. Any person may contact local law enforcement authorities to make a report of suspected child abuse at any time; however, this does not negate their statutory obligation to first report to DCF.

B. SCF “Administrators”. In addition to the mandates set forth in Sections 39.201 and 39.205, Florida Statutes (described in Section III.A. above) which apply to any person; Section 39.205(3), Florida Statutes requires SCF Administrators (as defined above), upon receiving information from faculty, staff, or other institution employee of known or suspected child abuse, abandonment, or neglect committed on college property, or during a college-sponsored event or function, to report such knowledge or suspicion to DCF; and prohibits SCF Administrators from knowingly and willfully preventing another person from doing so.

IV. SANCTIONS FOR NON-COMPLIANCE

A. State Level Sanctions for Non-Compliance

Florida State Board of Education sanctions for non-reporting or non-compliance are codified in Section 39.205, Florida Statutes and establish specific sanctions and processes for a review of an allegation of non-compliance and include a possible sanction of a fine of \$1 million for each such failure to be assessed against the College in the event the SBOE determines that a College Administrator knowingly and willfully failed to report known or suspected child abuse, abandonment, or neglect to DCF.

A person who is required to report known or suspected child abuse, abandonment, or neglect and who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so, commits a felony of the third degree, punishable as provided in Sections 775.082, 775.083, or 775.084, Florida Statutes, which includes up to 5 years imprisonment and a

\$5,000 fine. Details concerning the SBOE review and appeal process are codified in SBOE Rule 6A-14.099.

B. College Sanctions for Non-Compliance

Any employee who fails to comply with this Policy will be subject to the applicable penalties as described above. In addition, as this Policy is more inclusive and is specific to SCF, the College may impose additional direct penalties in accordance with college Policies and procedures up to suspension and termination from employment.

V. IMMUNITY

Any SCF Administrator or employee who makes a report in good faith to the Florida Abuse Hotline or law enforcement agency regarding known or suspected child abuse, abandonment or neglect including sexual abuse, shall be immune from any civil or criminal liability. (Section 39.203 Florida Statutes)

VI. NON-RETALIATION

SCF prohibits retaliation against any individual because of a good faith report of child abuse, abandonment, or neglect. In accordance with Section 39.203, Florida Statutes, a person who makes a child abuse, abandonment, or neglect report shall have a civil cause of action for appropriate compensatory and punitive damages against any person who causes detrimental changes in the employment status of such reporting person by reason of his or her making such report.

VII. RELATED STATUTES, RULES, POLICIES, AND DOCUMENTS:

(Note: All persons should verify current links and statutes for possible changes and/or updates)

Section 39.01, Florida Statutes.

Section 39.201, Florida Statutes.

Section 39.203, Florida Statutes.

Section 39.205 Florida Statutes.

SBOE Rule 6A-14.099