

## Office of Legal Affairs

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### NOTICE TO ALL EMPLOYEES OF PACIFIC UNIVERSITY

Effective January 1, 2013, employees of Oregon public and private higher education institutions are considered by law to be mandatory reporters of child abuse for minors. The following questions and answers are provided to assist you in understanding your obligations as a mandatory reporter.

Please refer questions to Troy Strass, Director, Office of Human Resources at 503-352-2882 or Monica Marvin, Director, Office of Legal Affairs at 503-352-2236.

**IF A MINOR IS BEING HURT OR IS IN DANGER RIGHT NOW, CALL 911 IMMEDIATELY.**

### FREQUENTLY ASKED QUESTIONS

1. Who is a mandatory reporter?
2. Who is not a mandatory reporter?
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## **1. Who is a mandatory reporter?**

All “public and private officials” as defined by state statute (ORS 419B.005)

- School Employees. Effective January 1, 2013, employees of Oregon higher education institutions are explicitly included in the law as mandatory reporters. (ORS 92 enacted in 2011)
- Coaches
- Certain State Agency/Commission Employees
- Legislators
- Peace Officers
- Firefighters and Emergency Medical Personnel
- Members of the Clergy
- Child Care Providers
- Doctors/Nurses/Dentists/Pharmacists/Chiropractors
- Psychologists/Professional Counselors/Therapists
- Social Workers
- Child Care or Foster Care Providers
- Attorneys

## **2. Who is not a mandatory reporter?**

Volunteers, contractors or students who are not employees are not mandatory reporters unless their profession is otherwise noted in the list in question 1 above.

## **3. Is there a “research exemption” under this law?**

No, even if the employee learns of suspected child abuse through research meant to help children (for example, in sex trafficking, parenting, and drug-related research). Please contact the Pacific University Administrator about what notification of reporting requirements you will need to give your research subjects.

## **4. Who is a “child” under the law? Are Pacific University students included in the definition of a “child” for the purpose of complying with mandatory reporting requirements?**

A “child” is any “unmarried person who is under 18 years of age.” Some Pacific University students qualify under this definition and are covered by the mandatory reporting law.

## **5. What is “abuse” under the mandatory reporting law?**

- Any assault of a child and any physical injury to a child caused by other than accidental means;
- Any mental injury to a child, which shall include only observable and substantial impairment of the child’s mental or psychological ability to function caused by cruelty to the child, with due regard to the culture of the child;
- Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual penetration and incest;
- Sexual abuse; and
- Sexual exploitation, including:
  - Contribution to the sexual delinquency of a minor;
  - Allowing, permitting, encouraging or hiring a child to engage in prostitution or patronize a prostitute;
  - Negligent treatment or maltreatment of a child;
  - Threatened harm to a child, which means subject a child to a substantial risk of harm to the child’s health or welfare; and
  - Buying or selling a child.

## **6. What about various forms of discipline, such as spanking?**

The law exempts from the definition of “abuse” any “reasonable discipline” unless the discipline results in one of the conditions described above.

## **7. Whom do I contact if I suspect or learn of child abuse?**

You must immediately report to the State of Oregon Department of Human Services (DHS) or law enforcement if you have “reasonable cause to believe” that any child with whom you come into contact has suffered abuse, or that any person with whom you come into contact has abused a child. The law requires an “oral” report, so reports are typically made by phone. You may be asked for additional written information from the agency you contacted.

A law enforcement agency is a local police department, county sheriff, county juvenile department, or Oregon State Police.

Most DHS offices throughout the state are open from 8 am to 5 pm, Monday through Friday. After hours reports should be made to local law enforcement or a local child abuse hotline. Dedicated child abuse hotlines for Clackamas, Lane, Multnomah and Washington Counties are, as follows:

<b>County</b>	<b>Daytime phone</b>	<b>Office hours</b>	<b>After hours phone</b>
<b>Clackamas</b>	971-673-7112 local	M through F 8 a.m. to 5 p.m.	971.673-7112*
<b>Lane</b>	541-686-7555 local 866-300-2782	M through F 8 a.m. to 5 p.m.	911
<b>Multnomah</b>	503-681-6917 local 800-275-8952 dial 1,	M through F 8 a.m. to 5 p.m.	503-681-6917 local *
<b>Washington</b>	503-681-6917 local	M through F 8 a.m. to 5 p.m.	503-681-6917 local *

\*After hours calls are forwarded to Multnomah County hotline

You do not need to report to both DHS and local law enforcement. A report to one agency will be communicated to the other.

Pacific University also requires that you report to Pacific University Office of Human Resources 503-352-2882. However, this does not alleviate your duty to report to DHS or law enforcement.

Should a supervisor receive such a report, the supervisor is to immediately contact the Pacific University Office of Human Resources at 503-352-2882 or [troy.strass@pacificu.edu](mailto:troy.strass@pacificu.edu).

## **8. What information do I need to report?**

If possible, provide the following information:

- Names and addresses of the child and parent or guardian;
- Child's age;
- Type and extent of abuse;
- The explanation given (if any) for the abuse; and
- Any other information that will help establish the cause of abuse or identify the abuser.

## **9. Do I have to prove that abuse occurred?**

No. You are asking DHS or law enforcement to make an assessment of the situation, and you must report any time you have "reasonable cause" to believe a child was abused. If you have questions about whether or not to report, please call the local DHS office or the Pacific University Office of Human Resources.

### **10. What if I learn of abuse from a long time ago?**

If you reasonably believe that another person with whom you come in contact abused a child in the past, your reporting obligation has no time limit and you are to contact DHS or law enforcement.

Your reporting obligation regarding abuse inflicted on a person is only triggered when the person whom you think may have been abused is still a “child” at the time you have the reasonable suspicion of abuse. You are still encouraged, however, to provide information to DHS or law enforcement so as to avoid potential future harm by the accused against other persons who are “children” under the law.

### **11. As a mandatory reporter, do my reporting obligations under the law end when I am not working or I am not “on-the-job”?**

As an employee of an Oregon institution of higher education, you are designated by the law as a mandatory reporter. Your obligations as a mandatory reporter are specific to you as an individual, not a time period, location, or role/duty. As a mandatory reporter, your obligations continue 24/7 no matter where you are.

### **12. Will my report be confidential?**

The reporter’s identity will remain confidential to the full extent allowable by laws. If court action is initiated, the reporting person may be called as a witness or the court may order that the reporter’s name be disclosed. Only people with firsthand knowledge of the child’s situation can provide testimony proving that abuse has occurred.

### **13. Can I be sued if I report?**

Oregon law (ORS 419.025) provides that anyone participating in good faith in making a report of child abuse and who has reasonable grounds for making the report, will have immunity from any liability, civil or criminal, that might occur with respect to the making or content of such report.

### **14. What if I don’t report?**

A mandatory reporter who fails to report is subject to prosecution of a Class A criminal violation of the law, which carries a maximum penalty of \$2,000.

Some mandatory reporters have also been sued for damages in civil court for failure to report. Failure to report also violates Pacific University policy, and can be grounds for discipline up to and including termination of employment.

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