

MANDATORY REPORTING FOR FACULTY AND PROFESSIONAL STAFF

Code: **JHFE**

Adopted:

This document is intended to outline the College's policy regarding mandated reporting of concerning behaviors, discrimination, harassment and crimes by employees. It explains briefly the meaning and purpose of mandatory reporters, outlines the legal context, and articulates a straightforward set of guidelines for all employees to follow.

Mandatory Reporters: What and Why?

There are three federal laws that establish responsibilities for employees of colleges to report certain types of crimes and incidents, especially sexual misconduct--the Clery Act, Title VII and Title IX. Each of these areas of federal law has a different purpose, but generally the laws are intended to protect members of the campus community, visitors and guests from criminal and discriminatory behavior. The responsibilities established by these laws give rise to the term "mandatory reporter." Reporting of concerning and disruptive behaviors is not legally mandated, but is a policy mandate to assist the Behavioral Intervention Team (BIT) in early identification and detection of at-risk situations. Additionally, state law imposes mandates with respect to the reporting of child abuse and sexual abuse as follows.

The Legal Context

The Clery Act creates a duty for institutions to report crimes in 15 different categories and has the broadest scope. It is the College that has the duty to report these crimes and failure to do so can result in substantial fines being imposed on the institution by the Department of Education. Guided by the language of the Clery Act and subsequent amendments, the College is required to define which employees must report crime information they receive.

The language of the Act would allow the College to exclude some faculty in some instances and many professional staff from the obligation to report. Such an approach, however, risks creating confusion for faculty and staff, takes a minimalist approach to the ethical obligation to inform our community about serious crimes, and makes the institution more vulnerable to enforcement action.

Title VII focuses on sexual harassment in the workplace and failure to take appropriate action can lead to financial liability for the College. In this case, the law creates a duty to report for employees who supervise other employees, including students being paid by the College. As with the Clery Act, this language means that some faculty and staff would be expected to report while others might be exempted. Once again, however, this selective approach may create confusion and risk; and it fails to ask all of us to share the responsibility to create a work place free of sexual harassment.

Title IX focuses on the adverse consequences faced by victims of gender discrimination and sexual harassment and creates obligations for the College to investigate and to provide a "prompt and effective remedy." If the victim is a student, Title IX means among other things that the College must provide a safe environment that does not interfere with the victim's right to pursue an education.

The College incurs this obligation when a victim has given notice to a “responsible employee,” or when the College, in the exercise of reasonable care, should have known, about the assault or harassment. As with the other laws, the definition of “responsible employee” under Title IX would allow the College to treat only some faculty and staff as mandated reporters but with the same possibility of confusion and risk of institutional exposure.

College Policy

The College has decided to adopt a policy that defines all employees as mandatory reporters. If you learn about sexual misconduct such as sexual harassment, discrimination or sexual assault, you are expected to promptly contact the campus Title IX Coordinator who will take responsibility for prompt notification of the Campus Safety Department and other appropriate College officials. Other serious crimes covered by the Clery Act (defined on the attached sheet) must be reported to the Campus Safety Department. All concerning and disruptive behaviors must be timely reported to the Behavioral Intervention Team.

When reporting sexual harassment or discrimination or sexual assault, a College employee may initially be able to omit personally identifiable information (the name of the victim, the name of the accused individual, and other identifying details about witnesses, location, etc.). The Title IX Coordinator will guide you with regard to how much detail is needed in an initial report. Subsequent to an initial report, campus officials may need additional information in order to fulfill the College’s obligations under Title IX. In taking these subsequent actions, the College will always be guided by the goals of empowering the victim and allowing the victim to retain as much control over the process as possible, but no employee other than licensed professional counselors can or should promise confidentiality. Counselors are voluntary reporters, not mandated by law, but College policy creates an expectation to report non-personally identifiable information.

The Clery Act requires reporting of 15 serious crimes, including sexual assault. Sexual harassment and discrimination are not covered by the Clery Act, but reporting of such incidents is required under Title IX. Employees are expected to report crimes covered by the Clery Act to the Campus Safety Department without delay. Employees may choose -- but are not required -- to provide personally identifiable information (the name of the victim, the name of the accused individual, and other identifying details about witnesses, specific location, etc.) unless a clear threat to health or safety is present, as determined by DPS.

The Clery Act does not establish an obligation for Public Safety to conduct an investigation of the reported crime, only to report the crime as a statistic following Clery Act guidelines. In some cases, DPS may also be required to release a timely warning to the community about a threat to the community. In such cases, an initial investigation or determination of the nature of the threat may be conducted, after which a warning will be issued immediately.

**Mandatory Reporting Under the Clery Act, Title VII and Title IX:
Guidelines for Employees of Clackamas Community College**

1. The College has defined all employees, both faculty and professional staff, as mandatory reporters.
2. When an employee becomes aware of an alleged act of sexual harassment, discrimination or assault, the employee must promptly contact the Title IX Coordinator Reporting options may be found at <http://www.clackamas.edu/SexualRespect/Report/>.
3. The Title IX Coordinator will promptly inform the Campus Safety Department about the report.
4. When an employee thinks that a student may be about to report an act of sexual harassment, discrimination or assault, the employee should, if at all possible, tell the student that the College will maintain the privacy of the information, but the employee cannot maintain complete confidentiality and, is required to report the act and may be required to reveal the names of the parties involved. If the student wishes to proceed, the employee should inform the student of the implications of sharing the names of the parties involved, which puts the College on notice.
 - a. Rather than speaking to the student about confidential information, the employee should offer to refer or accompany the student to Counseling Services during the hours that those offices are open: Monday-Friday, 8 a.m. to 5 p.m.
 - b. The student can be referred to the Community Support Services hotline at any time (24 hours) at 888-235-5333 or at 503-655-8600.
5. The Title IX Coordinator is also available to provide guidance on how to handle a situation to faculty and professional staff at any time.
6. Under the Clery Act, College employees are mandatory reporters for a broader array of serious crimes, including the following:
 - a. Murder & Non-Negligent Manslaughter--The willful killing of one human being by another.
 - b. Negligent Manslaughter--The killing of another person through gross negligence.
 - c. Robbery--The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
 - d. Aggravated Assault--An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)
 - e. Burglary--The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
 - f. Motor Vehicle Theft--The theft or attempted theft of a motor vehicle. (Motor vehicle theft includes all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joyriding.)
 - g. Arson--Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
 - h. Arrests for Weapon Law Violations--The violation of laws or ordinances dealing with weapon

offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

i. Arrests for Drug Abuse Violations--Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadones); and dangerous nonnarcotic drugs (barbiturates, Benzedrine).

- j. Arrests for Liquor Law Violations--The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness & driving under the influence are not included in this definition.)
- k. Disciplinary Referrals for Weapon Law Violations
- l. Disciplinary Referrals for Drug Abuse Violations
- m. Disciplinary Referrals for Liquor Law Violations
- n. Hate Crimes
- o. Sex Offenses
- 1) Forcible--Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.
 - 2) Sex Offenses-Nonforcible--Unlawful, nonforcible sexual intercourse.
 - i Incest. Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - ii Statutory Rape. Nonforcible sexual intercourse with a person who is under the statutory age of consent.¹

Reference
[ORS 419B.005 - 419B.050](#)
[ORS 419B.005 - 419B.050](#)
<http://www.oregon.gov/dhs/children/pages/abuse/cps/report.aspx>

**REPORTING OF SUSPECTED ABUSE
OF A CHILD**

Code: **JHFE 1-2**

Adopted:

Any College employee who has reasonable cause to believe that any child with whom he/she has come in contact has suffered abuse or neglect, as defined in state law, or that any adult with whom he/she is in contact has abused a child, will immediately notify the Oregon Department of Human Services or the local law enforcement agency. The College employee shall also immediately inform his/her supervisor, department head or President.

Abuse of a child by College employees or by students will not be tolerated. All College employees are subject to this policy and the accompanying administrative regulation. If a College employee is a suspected abuser, reporting requirements remain the same. The College will designate the Title IX Coordinator, to receive reports of abuse by College employees and specify the procedures to be followed upon receipt of an abuse report. In the event the designated person is the suspected abuser, the Vice President of College Services shall receive the report of abuse. The College will post in each building the name and contact information of the person designated to receive abuse reports, as well as the procedures the Title IX Coordinator will follow upon receipt of a report. When the Title IX Coordinator takes action on the report, the person who initiated the report must be notified.

Upon request, the College shall provide records of investigations of suspected abuse by a College employee or former College employee to law enforcement or the Department of Human Services.

Any College employee participating in good faith in the making of a report, pursuant to this policy and Oregon law and who has reasonable grounds for the making thereof, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of any such report. Further, the initiation of a report in good faith about suspected abuse may not adversely affect any terms or conditions of employment or the work environment of the complainant. If a student initiates a report of suspected abuse by a College employee or a student, in good faith, the student will not be disciplined by the Board or any College employee. Intentionally making a false report of abuse is a Class A violation.

The College will provide annual training to College staff in the prevention and identification of abuse of a child and on the obligations of College employees under ORS 419B.005, as directed by Board policy, to report suspected abuse of a child.

The President shall implement such regulations as are necessary to accomplish the intent of this policy and to comply with state law.

END OF POLICY

Legal Reference(s):

[ORS 418.746](#) to-418.751

HB 4016 (2012)

[ORS 419B.005](#) to-419B.050

Greene v. Camreta, 588 F.3d 1011 (9th Cir. 2009), vacated in part by, remanded by Camreta v. Greene, 131 S. Ct. 2020 (U.S. 2011); vacated in part, remanded by Greene v. Camreta 661 F. 3d 1201 (9th Cir. 2011)

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REPORTING OF SUSPECTED ABUSE OF A CHILD

Code: **JHFE-AR(1)**
Revised/Reviewed:

Reporting

Any College employees having reasonable cause to believe that any child with whom the employee comes in contact has suffered abuse, or that any person with whom the employee comes in contact has abused a child, shall orally report or cause an oral report to be immediately made by telephone or otherwise to the local office of the Oregon Department of Human Services or to a law enforcement agency within the county where the person making the report is at the time of his/her contact. The College employee should also immediately inform his/her supervisor, department head or President.

If known, such report shall contain the names and addresses of the child, the child's parents or other persons responsible for the child's care, the child's age, the nature and extent of the suspected abuse, the explanation given for the suspected abuse, any other information which the person making the report believes might be helpful in establishing the possible cause of the suspected abuse and the identity of a possible perpetrator.

A written record of the abuse report shall be made by the employee suspecting the abuse. The following must be completed:

1. The name and position of the person making the report;
2. The name, address of the child, the parents or other person responsible for the child's care;
3. The name and position of any witness to the report;
4. A description of the nature and extent of the abuse, including any information which could be helpful in establishing cause of abuse and identity of the abuser;
5. A description of how the report was made (i.e., phone or other method);
6. The name of the agency and individual who took the report;
7. The date and time that the report was made; and
8. The names of persons who received a copy of the written report.

The written record of the abuse report shall not be placed in the student's educational record. A copy of the written report shall be retained by the employee making the report and a copy shall be provided to the employee's supervisor.

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When the College receives a report of suspected abuse of a child by one of its employees, and the Title IX Coordinator determines that there is reasonable cause to support the report, the College shall place the College employee on paid administrative leave until the Department of Human services or a law enforcement agency either: 1) determines that the report is unfounded or that the report will not be pursued; or 2) determines that the report is founded and the College takes the appropriate disciplinary action against the College employee. If the Department of Human services or a law enforcement agency is unable to determine whether the abuse of a child occurred, the College may either reinstate the employee or take disciplinary action at the College's discretion.

The written record of each reported incident of abuse of a child, action taken by the College and any findings as a result of the report shall be maintained by the College.

Definitions

1. Oregon law recognizes these types of abuse:
 - a. Physical;
 - b. Neglect;
 - c. Mental injury;
 - d. Threat of harm;
 - e. Sexual abuse and sexual exploitation.
2. Child means an unmarried person who is under 18 years of age.

Confidentiality of Records

The name, address and other identifying information about the employee who made the report are confidential and are not accessible for public inspection.

The disciplinary records of a College employee or former College employee convicted of a crime listed in ORS 342.143 are not exempt from disclosure under ORS 192.501 or 192.502. Therefore, if a College employee or former employee is convicted of a crime listed in ORS 342.143, the College that is or was the employer of that employee when the crime was committed, shall disclose the disciplinary records of the employee to any person upon request. However, prior to the disclosure of a disciplinary record the College shall remove any personally identifiable information from the record that would disclose the identity of a child, a crime victim or a College employee who is not the subject of the disciplinary record.

Failure to Comply

Any College employee who fails to report a suspected abuse of a child as provided by this policy and the prescribed Oregon law, commits a violation punishable by law. A College employee who fails to comply with the confidentiality of records requirements commits a violation

punishable by the prescribed law. If an employee fails to report suspected abuse of a child or fails to maintain confidentiality of records as required by this policy, the employee will be disciplined.

Cooperation with Investigator

The College staff shall make every effort in suspected abuse of a child cases to cooperate with investigating officials as follows:

1. Any investigation of abuse of a child will be directed by the Oregon Department of Human Services or law enforcement officials as required by law. When an administrator or representative of the College is notified that the Department of Human Services or law enforcement would like to interview a student at the College, the administrator or representative must request that the investigating official demonstrate that he/she has a warrant, court order, exigent circumstances or parental consent to interview the student. Failure to meet one of these criteria may result in the administrator's or representative's refusal to allow the student interview on College property. If the student is to be interviewed at the College, the administrator or representative shall make a conference space available. The administrator or representative of the College may at the discretion of the investigator, be present to facilitate the interview. Law enforcement officers wishing to interview or remove a student from the premises shall present themselves at the Director of Campus Services office and contact the administrator or representative. The officer shall sign the student out on a form to be provided by the College;
2. When the subject matter of the interview or investigation is identified to be related to suspected abuse of a child, College employees shall not notify parents;

College employees are not authorized to reveal anything that transpires during an investigation in which the employee participates, nor shall the information become part of the student's education records, except that the employee may testify at any subsequent trial resulting from the investigation and may be interviewed by the respective litigants prior to any such trial

REPORTING OF CHILD ABUSE

419B.005 Definitions. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

(1)(a) “Abuse” means:

- (A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child which has been caused by other than accidental means, including any injury which appears to be at variance with the explanation given of the injury.
 - (B) 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.
 - (C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual penetration and incest, as those acts are described in ORS chapter 163.
 - (D) Sexual abuse, as described in ORS chapter 163.
 - (E) Sexual exploitation, including but not limited to:
 - (i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage in the performing for people to observe or the photographing, filming, tape recording or other exhibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not including any conduct which is part of any investigation conducted pursuant to ORS 419B.020 or which is designed to serve educational or other legitimate purposes; and
 - (ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution as described in ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as described in ORS 163.413 or to patronize a prostitute as described in ORS 167.008.
 - (F) Negligent treatment or maltreatment of a child, including but not limited to the failure to provide adequate food, clothing, shelter or medical care that is likely to endanger the health or welfare of the child.
 - (G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm to the child’s health or welfare.
 - (H) Buying or selling a person under 18 years of age as described in ORS 163.537.
 - (I) Permitting a person under 18 years of age to enter or remain in or upon premises where methamphetamines are being manufactured.
 - (J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, that subjects a child to a substantial risk of harm to the child’s health or safety.
- (b) “Abuse” does not include reasonable discipline unless the discipline results in one of the conditions described in paragraph (a) of this subsection.
- (2) “Child” means an unmarried person who is under 18 years of age.
- (3) “Higher education institution” means:
- (a) A community college as defined in ORS 341.005;
 - (b) A public university listed in ORS 352.002;
 - (c) The Oregon Health and Science University; and
 - (d) A private institution of higher education located in Oregon.
- (4) “Law enforcement agency” means:
- (a) A city or municipal police department.

- (b) A county sheriff's office.
- (c) The Oregon State Police.
- (d) A police department established by a university under ORS 352.383 or 353.125.
- (e) A county juvenile department.
- (5) "Public or private official" means:
 - (a) Physician or physician assistant licensed under ORS chapter 677 or naturopathic physician, including any intern or resident.
 - (b) Dentist.
 - (c) School employee, including an employee of a higher education institution.
 - (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide or employee of an in-home health service.
 - (e) Employee of the Department of Human Services, Oregon Health Authority, Early Learning Division, Youth Development Division, Office of Child Care, the Oregon Youth Authority, a county health department, a community mental health program, a community developmental disabilities program, a county juvenile department, a licensed child-caring agency or an alcohol and drug treatment program.
 - (f) Peace officer.
 - (g) (g) Psychologist.
 - (h) Member of the clergy.
 - (i) Regulated social worker.
 - (j) Optometrist.
 - (k) Chiropractor.
 - (l) Certified provider of foster care, or an employee thereof.
 - (m) Attorney.
 - (n) Licensed professional counselor.
 - (o) Licensed marriage and family therapist.
 - (p) Firefighter or emergency medical services provider.
 - (q) A court appointed special advocate, as defined in ORS 419A.004.
 - (r) A child care provider registered or certified under ORS 329A.030 and 329A.250 to 329A.450.
 - (s) Member of the Legislative Assembly.
 - (t) Physical, speech or occupational therapist.
 - (u) Audiologist.
 - (v) Speech-language pathologist.
 - (w) Employee of the Teacher Standards and Practices Commission directly involved in investigations or discipline by the commission.
 - (x) Pharmacist.
 - (y) An operator of a preschool recorded program under ORS 329A.255.
 - (z) An operator of a school-age recorded program under ORS 329A.257.
 - (aa) Employee of a private agency or organization facilitating the provision of respite services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS 109.056.
 - (bb) Employee of a public or private organization providing child-related services or activities:
 - (A) Including but not limited to youth groups or centers, scout groups or camps, summer or day camps, survival camps or groups, centers or camps that are operated under the guidance, supervision or auspices of religious, public or private educational systems or community service organizations; and
 - (B) Excluding community-based, nonprofit organizations whose primary purpose is to provide confidential, direct services to victims of domestic violence, sexual assault, stalking or human trafficking.

(cc) A coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete, if compensated and if the athlete is a child. [1993 c.546 §12; 1993 c.622 §1a; 1995 c.278 §50; 1995 c.766 §1; 1997 c.127 §1; 1997 c.561 §3; 1997 c.703 §3; 1997 c.873 §30; 1999 c.743 §22; 1999 c.954 §4; 2001 c.104 §148; 2003 c.191 §1; 2005 c.562 §26; 2005 c.708 §4; 2009 c.199 §1; 2009 c.442 §36; 2009 c.518 §1; 2009 c.570 §6; 2009 c.595 §364; 2009 c.633 §10; 2009 c.708 §3; 2010 c.60 §§4,5; 2011 c.151 §12; 2011 c.506 §38; 2011 c.703 §34; 2012 c.37 §60; 2012 c.92 §1; 2013 c.129 §26; 2013 c.180 §40; 2013 c.623 §17; 2013 c.624 §82; 2013 c.720 §11]

419B.007 Policy.

The Legislative Assembly finds that for the purpose of facilitating the use of protective social services to prevent further abuse, safeguard and enhance the welfare of abused children, and preserve family life when consistent with the protection of the child by stabilizing the family and improving parental capacity, it is necessary and in the public interest to require mandatory reports and investigations of abuse of children and to encourage voluntary reports. [1993 c.546 §13] **419B.010 Duty of officials to report child abuse; exceptions; penalty.**

(1) Any public or private official having reasonable cause to believe that any child with whom the official comes in contact has suffered abuse or that any person with whom the official comes in contact has abused a child shall immediately report or cause a report to be made in the manner required in ORS 419B.015. Nothing contained in ORS 40.225 to 40.295 or 419B.234 (6) affects the duty to report imposed by this section, except that a psychiatrist, psychologist, member of the clergy, attorney or guardian ad litem appointed under ORS 419B.231 is not required to report such information communicated by a person if the communication is privileged under ORS 40.225 to 40.295 or 419B.234 (6). An attorney is not required to make a report under this section by reason of information communicated to the attorney in the course of representing a client if disclosure of the information would be detrimental to the client.

(2) Notwithstanding subsection (1) of this section, a report need not be made under this section if the public or private official acquires information relating to abuse by reason of a report made under this section, or by reason of a proceeding arising out of a report made under this section, and the public or private official reasonably believes that the information is already known by a law enforcement agency or the Department of Human Services.

(3) The duty to report under this section is personal to the public or private official alone, regardless of whether the official is employed by, a volunteer of or a representative or agent for any type of entity or organization that employs persons or uses persons as volunteers who are public or private officials in its operations. The duty to report under this section exists regardless of whether the entity or organization that employs the public or private official or uses the official as a volunteer has its own procedures or policies for reporting abuse internally within the entity or organization.

(4) A person who violates subsection (1) of this section commits a Class A violation. Prosecution under this subsection shall be commenced at any time within 18 months after commission of the offense. [1993 c.546 §14; 1999 c.1051 §180; 2001 c.104 §149; 2001 c.904 §15; 2005 c.450 §7; 2012 c.92 §11]

419B.015 Report form and content; notice.

(1)(a) A person making a report of child abuse, whether the report is made voluntarily or is required by ORS 419B.010, shall make an oral report by telephone or otherwise to the local office of the Department of Human Services, to the designee of the department or to a law enforcement agency within the county where the person making the report is located at the time of the contact. The report shall contain, if

known, the names and addresses of the child and the parents of the child or other persons responsible for care of the child, the child's age, the nature and extent of the abuse, including any evidence of previous abuse, the explanation given for the abuse and any other information that the person making the report believes might be helpful in establishing the cause of the abuse and the identity of the perpetrator.

(b) When a report of child abuse is received by the department, the department shall notify a law enforcement agency within the county where the report was made. When a report of child abuse is received by a designee of the department, the designee shall notify, according to the contract, either the department or a law enforcement agency within the county where the report was made. When a report of child abuse is received by a law enforcement agency, the agency shall notify the local office of the department within the county where the report was made.

(2) When a report of child abuse is received under subsection (1)(a) of this section, the entity receiving the report shall make the notification required by subsection (1)(b) of this section according to rules adopted by the department under ORS 419B.017.

(3)(a) When a report alleging that a child or ward in substitute care may have been subjected to abuse is received by the department, the department shall notify the attorney for the child or ward, the child's or ward's court appointed special advocate, the parents of the child or ward and any attorney representing a parent of the child or ward that a report has been received. (b) The name and address of and other identifying information about the person who made the report may not be disclosed under this subsection. Any person or entity to whom notification is made under this subsection may not release any information not authorized by this subsection. (c) The department shall make the notification required by this subsection within three business days of receiving the report of abuse.

(d) Notwithstanding the obligation imposed by this subsection, the department is not required under this subsection to notify the parent or parent's attorney that a report of abuse has been received if the notification may interfere with an investigation or assessment or jeopardize the child's or ward's safety. [1993 c.546 §15; 1993 c.734 §1a; 2005 c.250 §1; 2007 c.237 §1]

419B.016 Offense of false report of child abuse.

(1) A person commits the offense of making a false report of child abuse if, with the intent to influence a custody, parenting time, visitation or child support decision, the person:

(a) Makes a false report of child abuse to the Department of Human Services or a law enforcement agency, knowing that the report is false; or

(b) With the intent that a public or private official make a report of child abuse to the Department of Human Services or a law enforcement agency, makes a false report of child abuse to the public or private official, knowing that the report is false.

(2) Making a false report of child abuse is a Class A violation. [2011 c.606 §2]

Note: 419B.016 was added to and made a part of 419B.005 to 419B.050 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

419B.025 Immunity of person making report in good faith.

Anyone participating in good faith in the making of a report of child abuse and who has reasonable grounds for the making thereof shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of such report. Any such

participant shall have the same immunity with respect to participating in any judicial proceeding resulting from such report. [1993 c.546 §17]

419B.045 Investigation conducted on public school premises; notification; role of school personnel.

If an investigation of a report of child abuse is conducted on public school premises, the school administrator shall first be notified that the investigation is to take place, unless the school administrator is a subject of the investigation. The school administrator or a school staff member designated by the administrator may, at the investigator's discretion, be present to facilitate the investigation. The Department of Human Services or the law enforcement agency making the investigation shall be advised of the child's disabling conditions, if any, prior to any interview with the affected child. A school administrator or staff member is not authorized to reveal anything that transpires during an investigation in which the administrator or staff member participates nor shall the information become part of the child's school records. The school administrator or staff member may testify at any subsequent trial resulting from the investigation and may be interviewed by the respective litigants prior to any such trial. [1993 c.546 §22; 2003 c.14 §225]