



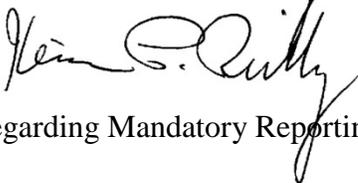
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November 29, 2012

TO: Senator Alberta Darling, Chairperson  
Legislative Council Committee on Reporting of Child Abuse and Child Neglect

FROM: Kevin P. Reilly, President 

SUBJECT: UW Recommendations Regarding Mandatory Reporting of Child Abuse and Neglect

The UW System Board of Regents supports Executive Order #54 (EO 54) and its creation of comprehensive safeguards for children. Drafted by the Governor’s Office in consultation with the UW System and signed by Governor Walker in late 2011, EO 54 requires UW System employees to report suspected child abuse and neglect. Since that time, all UW institutions have embarked on an aggressive but thoughtful series of changes in policies and practices that impact children. UW System officials have provided regular updates on this process to the Board of Regents at public meetings.

The UW System has testified at two previous Committee meetings to update the Committee on implementation of EO 54. At the Committee’s last meeting there appeared to be general agreement within the Committee that the UW System was implementing sound procedures to ensure child safety.

A proposed statutory change now before the Committee would make all employees and volunteers of an institution of higher education who work directly with children at least 40 hours in a school year mandatory reporters of child abuse and child neglect under Wis. Stat. § 48.981(2)(a). This approach differs significantly from EO 54. As such, it raises several concerns.

- Under this proposal, working with minors less than one hour per week could elevate a university employee or volunteer to mandatory reporter status, making them potentially subject to penalties including a fine of up to \$1,000 and/or imprisonment not to exceed six months.
- In many circumstances it will be difficult for university employees and volunteers to determine if they are mandatory reporters under the proposed law because the age of most University students is not apparent, because the hourly requirement is not easy to track, and because it is unclear what it means to “work directly with children.”
- The 40 hour threshold is measured by the “school year,” while the vast majority of children who come to UW institutions do so in the summer months for camps and other enrichment programs.
- Current mandatory reporters primarily are licensed individuals in the K-12 teaching professions and in other helping professions where identifying and addressing child abuse or neglect is a part of the professional curriculum and subsequent licensure. The UW System employees and volunteers that

the proposed law would add to the mandatory reporter statute are not members of these licensed professions and have not been similarly trained to identify and react to child abuse or neglect. We have concerns regarding the appropriateness of requiring these individuals to identify and report abuse or neglect under the potential penalty of criminal prosecution.

- Institutions of higher education primarily serve very different populations than K-12 schools, and recognition of this crucial distinction is important when considering this proposed change to the state's mandatory reporting law.

#### RECOMMENDATIONS:

The Committee/Legislature could forgo statutory action at this time and continue to monitor the UW System's implementation of EO 54. A determination regarding whether further legislation is needed in this area could be made at a later time.

The Committee/Legislature could propose codifying EO 54 in a separate section of Chapter 48 that would apply to all public and private institutions of higher education. Governor Walker's office worked closely with the UW System in developing EO 54, and EO 54 accordingly is specifically tailored for higher education institutions. By placing EO 54 in a separate section, these tailored reporting provisions for higher education are retained and the potential criminal penalties that are appropriate for trained and licensed mandatory reporters like K-12 teachers and other professionals would not be applied to higher education employees and volunteers. This approach would preserve and codify the child abuse and neglect reporting requirement for higher education employees that is the main thrust of EO 54.