



THOMAS GREGG  
NEIGHBORHOOD SCHOOL

## Thomas Gregg Neighborhood School

### DCS and Title IX Procedures

*Updated 10.14.17*

Employees of a school have an increased responsibility to report abuse or neglect to DCS. If a student makes a report, the employee is responsible for making the call. "We report. We do not investigate." Anytime neglect or abuse is suspected, DCS must be called. All employees of TGNS and employees of IPS will follow the IPS Procedures for Reporting Suspected Child Abuse or Neglect Policy #3213.01. All employees will be expected to review and familiarize themselves with this policy.

#### 1) DUTY TO REPORT

##### a. What triggers the duty to report?

A school staff member suspects that a child (under 18 years of age) is a victim of child abuse or neglect.

- i.* Suspects means you have any reason to believe that a child is abused or neglected. This is not a high-standard. Should you suspect child abuse or neglect, a report to The Department of Child Services ("DCS") must be completed. It is better to over report and have DCS conduct the investigation than to do nothing.
- ii.* Abuse or neglect means:
  - 1)** The child's physical or mental condition is seriously impaired or seriously endangered as a result of the inability, refusal, or neglect of the child's parent, guardian, or custodian to supply the child with necessary food, clothing, shelter, medical care, education or supervision; or
  - 2)** The child's physical or mental health is seriously endangered due to injury by the act or omission of the child's parent, guardian, or custodian; or
  - 3)** The child is a victim of rape, criminal deviant conduct, child molesting (defined here as "the fondling or touching of the buttocks, genitals, or female breasts"), child exploitation, child pornography, child seduction, sexual misconduct with a minor, public indecency, incest, or child prostitution; or
  - 4)** The child's parent, guardian, or custodian allows the child to participate in an obscene performance, to commit public indecency, indecent exposure, prostitution, patronizing prostitutes, promoting prostitution, or voyeurism.
- iii.* A staff member who suspects there has been abuse or neglect **must immediately report to DCS** at 1-800-800-5556 and notify the principal or other administrator who is in charge of the building. Do not discuss the matter with the alleged victim, the alleged perpetrator, staff members, or family members of the child.

##### b. Who has the duty to report?

All school personnel, including a school counselor or school social worker who acquired the

relevant facts, even in a privileged or confidential communication, have a duty to report to DCS.

## **2) MAKING THE REPORT**

### **a. What is the reporting obligation?**

- i.* The staff member must ***immediately*** contact DCS and notify an administrator (or, in the administrator's absence, the designated administrator-in-charge).
- ii.* The staff member and the administrator or administrator-in-charge ***are both responsible*** to notify DCS.
- iii.* Notifying the administrator or administrator-in-charge does not relieve the staff member of the responsibility of seeing that the matter is reported to DCS. Immediately report to DCS. Neither may the principal nor any other administrator prevent a staff member from making a report to DCS.
- iv.* Every adult in the building who has evidence suggesting that a child is abused or neglected has a duty to report that evidence to DCS and the principal or designated administrator-in-charge. This includes, but is not limited to:
  - 1)** volunteers;
  - 2)** staff with contracted agencies; and
  - 3)** visitors.

### **b. What is the reporting procedure?**

- i.* The school staff member should immediately call DCS.
- ii.* The administrator or administrator-in-charge and staff member together will call DCS and fill out the IPS Confirmation of Report to the Department of Child Services form and the Incident Procedure Checklist. If the person who initially reported to the administrator or administrator-in-charge is not an employee of TGNS or IPS, the IPS Confirmation form should identify that individual to facilitate the assessment.
- iii.* If the administrator or other administrator receives information against a staff member triggering a call to DCS, neither should discuss it with any other staff members, including the social worker/counselor.
- iv.* The staff member and administrator or administrator-in-charge (if available) immediately telephone the report to DCS at 1-800-800-5556.
- v.* If the administrator or administrator-in-charge is unavailable, the vice-administrator, assistant administrator, or designee may make the call with the staff member who received the information or report. If none are immediately available, then the staff member should immediately report the matter to DCS and should not wait for an administrator to become available.
- vi.* The administrator, administrator-in-charge or designee completes the Incident Procedure Checklist and Title IX report if applicable. The Title IX report should be completed if the incident involves sexual contact, gender identity, or sexually based threats.
- vii.* **Fax the IPS Confirmation of Report to Child Protection Service form, Incident Procedure Checklist and Title IX form to IPS Police Dispatch at 226-3434 immediately.** IPS Dispatch will send a copy of the IPS Confirmation form, Incident Procedure Checklist and Title IX form to Student Services, Title IX, Special Education,

Risk Manager and the Human Resources Division where applicable.

- viii.** If the building keeps the original of the IPS Confirmation, it must be kept in a secure place under the control of the administrator or administrator-in charge. **No copies of the IPS Confirmation form should be given to other school personnel.**

**c. In addition, if the report involves an IPS or TGNS employee:**

- i.** The administrator or administrator-in-charge shall notify his/her supervisor.
- ii.** As much as possible, the administrator or administrator-in-charge is to ensure that the employee and the student have no further contact until resolution by DCS and Human Resources or the Title IX Coordinator.
- iii.** For all cases that may imply sexual abuse and for all cases where there is evidence of physical injury, the administrator, administrator-in-charge (or designee) is to notify Human Resources immediately.
- iv.** All suspensions that come as a result of enforcing child abuse procedures are to be done by Human Resources staff, only.
- v.** Upon receiving the fax of the Confirmation of Report to DCS and Incident Procedure Checklist, if Human Resources has not received communication from the school, Human Resources will contact the building administrator or administrator-in-charge/supervisor.
- vi.** The administrator or administrator-in-charge will provide Human Resources with an assessment of the situation, including any employee history as it pertains to this type of incident.
- vii.** If the allegations involve sexual conduct, the Title IX Coordinator must be notified and will conduct an investigation in coordination with the school, DCS, IPS PD, and IMPD when necessary. In all other cases, Human Resources will initiate the investigation which will be conducted in coordination with the school, DCS, IPS PD, and IMPD as necessary.
- viii.** There may be cases in which an employee will be placed on or continued on suspension after DCS has found allegations of abuse or neglect unsubstantiated so that IPS and/or TGNS can conduct its investigation of possible violations of IPS policies and rules.
- ix.** Unless the alleged abuse is of a criminal nature and/or unless the alleged abuse will possibly lead to further disciplinary action, it will be the intent of IPS and TGNS to limit the time on suspension, as much as possible.

**3) DEPARTMENT OF CHILD SERVICES ROLE**

- a.** DCS makes a written report.
- b.** DCS determines if the report involves "abuse" or "neglect" within its jurisdiction. If DCS decides the allegations are not within its jurisdiction, it will advise IPS or TGNS that it will not assess, and the matter is then returned to IPS or TGNS for investigation and action. If DCS decides the allegations are within its jurisdiction, DCS assigns the case to a DCS case manager.
- c.** The DCS case manager conducts an assessment (beginning within 24 hours after the report, if abuse is alleged, within no more than 5 days if neglect is alleged, and within 1 hour if the child is in imminent danger of serious bodily harm). Law enforcement personnel may also investigate where criminal charges could result.

- d.** Interviews made by DCS and law enforcement are often conducted at school when the report was made by a school, or was received by DCS at a time the child is at school. DCS will do its best to arrange the interview in advance. Neither a parent nor an IPS or TGNS representative is entitled to be present. You should not notify the parent that DCS will interview the child. You should provide a quiet and private place for DCS to conduct the interview.
- e.** DCS has the authority to take a child into custody and may remove a student from your building. If DCS or another law enforcement official removes your student, make sure you have gotten all the information necessary to complete the Student Custody Receipt. The administrator or administrator-in-charge should have on file a completed Receipt for every child removed from school by DCS, IPS Police, or another law enforcement agency.
- f.** DCS is required to notify the parent or guardian that the child has been taken into custody. If the parent or guardian calls you and does not know the whereabouts of the child, direct him/her to the official and agency identified in this Receipt. When IPS Police take a student into custody, particularly after school hours, the School Police will work with DCS to get the information to the family.
- g.** DCS is required to complete its assessment within 30 days. DCS will send a feedback report with findings to the Title IX Coordinator who will send one copy to the administrator or administrator-in-charge. The administrator or administrator-in-charge should share the information with staff members on a "need to know" basis. If the building keeps its copy of the feedback report, it must be kept in a secure place under the control of the administrator or administrator-in-charge. Make no additional copies.
- h.** If you have heard nothing and more than thirty days have passed since you reported to DCS, call the Title IX Coordinator, who will then deal with DCS about feedback issues.

#### **4) ADMINISTRATOR OR ADMINISTRATOR-IN-CHARGE ACTIONS DURING DCS ASSESSMENT**

- a.** Do nothing that might interfere with the DCS assessment. Do not attempt to conduct any investigation unless directed otherwise by the Title IX Coordinator or Human Resources.
- b.** Do take action, where it is appropriate, to separate the child from the accused employee or student or otherwise to minimize the risk of further problems while the report is being assessed.
- c.** If the incident involves an IPS/TGNS employee or another student or occurred on school grounds, a school bus, or at a school-related activity, the administrator or administrator-in-charge should call and alert the parent of the alleged victim before the student goes home. Tell the parent only that there has been an allegation of an incident involving the child and the state in general terms the nature of the incident; tell the parent what, if any, interim action you have taken to protect the child. Do not identify the accused person or discuss the allegations in any detail.
- d.** In all other cases, do not inform the parents or other family members of this report.
- e.** If the accused person is a school staff member and you are going to take some interim action (like removing a child from the classroom), follow the advice of Human Resources on whether and when to tell the staff member that a report concerning his/her conduct has

been made to DCS. If the report is assigned for assessment, DCS will deal directly with him/her about the report. That is all you should say. Do not identify the student or discuss details that could interfere with the DCS assessment.

- f.** If the accused person is a student, and you are going to take some interim action (like removing the child from the classroom), advise the parent of the action and the conduct that is its basis. Do not make reference of the report to DCS.
- g.** Do not talk to anyone else about the allegations of the report. You must maintain the utmost confidentiality to keep from jeopardizing the reputations of staff members, students, and families.
- h.** If there are documents or devices in your school that might be relevant to the allegations (e.g., photographs, attendance reports, student records, notes, school computers), collect and secure them.
- i.** Don't over-react; don't pre-judge.

## **5) ADMINISTRATOR OR ADMINISTRATOR-IN-CHARGE ROLE DURING DCS INVESTIGATION**

- a.** First, do not do anything to interfere or impede DCS or IMPD from investigating. If DCS or IMPD request assistance in the investigation, report that to IPS police and to Human Resources and the Title IX Coordinator, if a Title IX report has been filed.
- b.** Whatever DCS does, when the allegations relate to a staff member or student in your school, IPS or TGNS needs to determine whether, apart from the issue of abuse or neglect, the facts alleged raise issues of conduct or misconduct with which IPS or TGNS needs to deal. For example, a teacher's use of corporal punishment could raise an issue of child abuse, which would be assessed and determined by DCS, and raise a separate issue about whether the teacher had violated IPS policy, TGNS policy or professional expectations. The latter issues would need to be investigated and dealt with by IPS or TGNS. Reports to DCS about student conduct may similarly give rise to student discipline or student service issues. In these circumstances, HR (or the Title IX coordinator in appropriate cases) will lead the effort to investigate these issues and consult with, and involve, you as appropriate. DCS's determination does not substitute for IPS' or TGNS' investigation.
- c.** The Title IX Coordinator or Human Resources will take the lead in planning and carrying out the IPS or TGNS investigation, including deciding when to begin investigating without interfering with DCS or the police. The Title IX Coordinator or Human Resources will give you direction regarding your role in the IPS or TGNS investigation.

## **6) QUESTIONS AND GUIDANCE**

- a.** All school personnel who acquired the relevant facts, even in a privileged or confidential communication, have a duty to ***immediately report to DCS.***
- b.** Call the Operations Officer at 226-3281 or the Risk Manager at 226-4482 who are your primary resource persons in these matters.