



Mandatory Reporting Policy

The comprehensive *Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017* the “**SafeSport Act**” the *Victims of Child Abuse Act of 1990*, 34 U.S.C. § 20341, *et seq.*, and clarifies who is a mandatory reporter for cases of suspected child abuse. Specifically, the definition of mandatory reporter now includes any “adult who is authorized, by a national governing body, a member of a national governing body, or an amateur sports organization that participates in interstate or international amateur athletic competition, to interact with a minor or amateur athlete at an amateur sports organization facility or at any event sanctioned by a national governing body, a member of a national governing body, or such an amateur sports organization.” Consequently, SDYSA requires all participants to understand their reporting obligations under this important federal law.

In accordance with federal legislation, it is SDYSA’s Mandatory Reporting Policy that all Covered Personnel shall be considered mandatory reporters for cases of suspected child abuse. Individuals who may not be considered “Covered Personnel” under SDYSA’s Athlete and Participant Safety Program may nonetheless have an obligation to report suspected child abuse under applicable federal or state law. Therefore, SDYSA urges all individuals to act to report suspected child abuse.

Under the SafeSport Act, the reporting obligation is triggered when a mandatory reporter becomes aware of “facts that give reason to suspect” a child has suffered an incident of child abuse. Child abuse includes physical or mental injury, sexual abuse or exploitation, or negligent treatment of a child. Sexual Abuse is defined to include the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist another person to engage in, sexually explicit conduct or the rape, molestation, prostitution, or other form of sexual exploitation of children or incest with children. Mental Injury means harm to a child’s psychological or intellectual functioning which may be exhibited by severe anxiety, depression, withdrawal or outward aggressive behavior, or a combination of those behaviors, which may be demonstrated by a change in behavior, emotional response or cognition.

In the event the reporting obligation is triggered, a report must be made, within 24 hours, to appropriate law enforcement authorities, as governed by applicable federal and state law. Should the mandatory reporter require assistance making a report to the appropriate law enforcement authority, he or she should consult with the SDYSA State Office as immediately as possible to ensure a law enforcement report is initiated within the 24 hour requirement.”

The U.S. Department of Health & Human Services has information available online regarding State Child Abuse and Neglect Reporting Numbers:

https://www.childwelfare.gov/organizations/?CWIGFunctionsaction=rols:main.dspList&rolType=Custom&RS_ID=5&rL_ist=ROL

The Department of Social Services also has relevant information online specific to Mandatory Reporters in the state of South Dakota:

<https://dss.sd.gov/formsandpubs/docs/ABUSE/MandatoryReportingEntire.pdf>

A report to law enforcement may be made anonymously. There is no fee or cost associated with making a report.

SDYSA does not tolerate retaliation of any kind. No individual who makes a good faith report will be subject to retaliation, including harassment, as a result of making a report. The SafeSport Act also includes qualified immunity for good faith reports. SDYSA urges all mandatory reporters to refrain from judging or evaluating the credibility of such allegations—leave that to law enforcement. The obligation to report is not always satisfied by making an initial report. A Covered Personnel is required to report supplemental information of which he or she becomes aware that may be relevant to a pending investigation.

Importantly, civil or criminal statutes of limitations do not affect or negate the obligation of a Covered Personnel to report possible sexual misconduct. Misconduct should be reported, regardless of when it occurred. Failure to promptly report suspected child abuse to law enforcement authorities may constitute a violation of federal law and, in any event, will be deemed a violation of SDYSA's Athlete and Participant Safety Program and this Mandatory Reporting Policy.

In addition to the obligation to report cases of suspected child abuse to law enforcement pursuant to the SafeSport Act, Covered Personnel must also make a report to the SDYSA State Office.

Without limiting the foregoing, it is also SDYSA's Mandatory Reporting Policy that Covered Personnel must report *any* suspected violation of the SDYSA Athlete and Participant Safety Program to the SDYSA Executive Director. Furthermore, SDYSA prohibits retaliation against individuals making good faith reports of any suspected violation of the SDYSA Athlete and Participant Safety Program.

Violations of SDYSA's Athlete and Participant Safety Program will be handled as described by this program's Policy on Monitoring and Enforcement.