

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

**POLICY SUMMARY FORM**

**Policy Name:** Reporting of Abuse, Exploitation or Neglect of Elderly Persons or or Persons with Disabilities

**Policy Number:** 13.18

**Is this policy new, being reviewed/revised, or deleted?** Review/Revise

**Date of last revision, if applicable:** 11/7/2016

**Unit(s) Responsible for Policy Implementation:** President

**Purpose of Policy (what does it do):** To comply with state law that requires the reporting of abuse, exploitation, or neglect of elderly or disabled persons.

**Reason for the addition, revision, or deletion (check all that apply):**

- Scheduled Review       Change in law       Response to audit finding  
 Internal Review       Other, please explain:

*Please complete the appropriate section:*

**Specific rationale for new policy:**

**Specific rationale for each substantive revision:** Reviewed with no changes recommended.

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

Tiffany Rivers, Director of Disability Services  
Dr. Adam Peck, Assistant VP and Dean of Student Affairs  
Dr. Steve Westbrook, Vice President for University Affairs  
Damon Derrick, General Counsel

# Reporting of Abuse, Exploitation or Neglect of Elderly Persons or Persons with Disabilities

**Original Implementation:** August 1, 2000

**Last Revision:** ~~November 7, 2016~~ *October 28, 2019*

The purpose of this policy is to comply with state law that requires the reporting of abuse, exploitation, or neglect of elderly or disabled persons, as those terms are defined in Section 48.002 of the Human Resources Code. Unless otherwise required by law, employees and students of the university are required to report to the appropriate department head for the area involved if they have reasonable cause to believe that an elderly person or person with a disability has been abused, exploited or neglected within the university and its programs. Failure to report may subject the employee or student to university and/or criminal penalties. The department head shall contact and advise the general counsel regarding the report. A thorough investigation shall be conducted as outlined in the Human Resources Code promptly after receiving the report. If the report involves a person with a disability, the Office of Disability Services will be advised and included in the investigation process. If necessitated by the result of the investigation, the allegation shall be reported to the appropriate regulatory agency. Allegations involving clients of the Texas Workforce Commission shall be reported to the commission-assigned liaison or client's sponsoring vocational rehabilitation counselor. A substantiated allegation shall result in appropriate disciplinary or legal action.

## Definitions:

1. "Abuse" means:
  - a. the negligent or willful infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical or emotional harm or pain to an elderly person or person with a disability by the person's caretaker, family member, or other individual who has an ongoing relationship with the person; or
  - b. sexual abuse of an elderly person or person with a disability, including any involuntary or nonconsensual sexual conduct that would constitute an offense under Section 21.08, Penal Code (indecent exposure) or Chapter 22, Penal Code (assaultive offenses), committed by the person's caretaker, family member, or other individual who has an ongoing relationship with the person.
  
2. "Exploitation" means the illegal or improper act or process of a caretaker, family member, or other individual who has an ongoing relationship with an elderly person or person with a disability that involves using, or attempting to use, the resources of the elderly person or person with a disability, including the person's social security number or other identifying information, for monetary or personal benefit, profit, or gain without the informed consent of the person.

3. "Neglect" means the failure to provide for one's self the goods or services, including medical services, which are necessary to avoid physical or emotional harm or pain or the failure of a caretaker to provide such goods or services.

**Cross Reference:** Tex. Hum. Res. Code Ch. 48

**Responsible for Implementation:** President

**Contact for Revision:** Director of Disability Services, General Counsel

**Forms:** None

**Board Committee Assignment:** Academic and Student Affairs