



## IRB Guidelines for Persons who are Mandatory or Permissive Reporters.

### Purpose:

Researchers are charged to protect the privacy of participants and confidentiality of their data per federal regulations. However this is superseded by the Washington State law that mandatory reporters must report suspected abuse or neglect.

This guidance is meant to provide researchers information regarding events and circumstances that must be reported to specified authorities by the individuals or entities that learn about the events or circumstances. All Whitworth University employees are **mandatory reporters**. Student researchers are not mandatory reporters they are **permissive reporters** under Washington State law, which encourages persons other than mandatory reporters to make a report. However, the faculty overseeing the student project are mandatory reporters.

### Applicable Washington State Laws

RCW 288.10.846 Child Abuse and Neglect

**Abuse or neglect** means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW [9A.16.100](#); or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child.

**Mandatory Reporters:** All employees or institutions of higher education, not considered academic or athletic department employees (who are covered under RCW26.44.030).

A useful DSHS website on Mandatory and Permissive Reporting can be found:

<https://www.dshs.wa.gov/altsa/home-and-community-services/mandatory-and-permissive-reporters>

### Role of the Whitworth IRB

If the IRB believes that a reportable observation or revelation of suspected harm to a child or other vulnerable persons, such as a dependent adult or elder, might occur during the research, it may require that the informed consent statement include a warning of the limits to research confidentiality and advise subjects of the investigator's duty to report know or suspected incidents of abuse or neglect to appropriate authorities, including law enforcement. In such a case, the IRB will:

- Ask researchers about whether subjects should be provided with information about possible mandatory reporting when it seems appropriate based on the nature of the subject population and the nature and circumstances of the research. The IRB will also ask researchers about the consent process in which mandatory reporting language has been included but seems inappropriate or unnecessary.
- Review and assist with the language used to inform subjects about the possibility of mandatory reporting.
- Ensure that IRB requirements and consent information do not override state reporting requirements.

### Role of the Researcher

- Assess whether there is a reasonable possibility that mandatory reporting circumstances or events will be encountered during the research.
- Identify any mandatory reporters on the research team
- Clarify if a permissive reporter intends to report.
- Provide subjects with information about the possibility of mandatory reporting, when appropriate and after obtaining IRB approval.

### **Consent Process**

Subjects must be informed that there are instances where breach of confidentiality is required by law. Thus, all projects that involve minors, elders or vulnerable adults and in which the researchers involved are mandatory reporters, should include a statement in the consent and assent forms that indicates this to the subject.

### **Examples for investigators who ARE mandatory reporters:**

**Consent form:** *We need to make you aware of one exception to confidentiality. In certain research studies, it is our ethical and legal responsibility to report situations of child abuse, child neglect, (substitute elder or vulnerable adults as appropriate to study) or any life-threatening situation to appropriate authorities. However, we are not seeking this type of information in our study nor will you be asked questions about these issues.*

**OR**

*Under Washington State law, the researcher(s) will not maintain as confidential, information about known or reasonably suspected incidents of abuse or neglect of a child, dependent adult or elder, including but not limited to physical, sexual, emotional, and financial abuse or neglect. If any researcher has or is given such information, he or she may be required to report it to the authorities.*

**Assent form:** *We will not tell anyone what you tell us without your permission unless there is something that could be dangerous to you or someone else. If you tell us that someone is or has been hurting you, we may have to tell that to people who are responsible for protecting children so that can make sure you are safe.*

### **Examples for investigators who are permissive reporters:**

**Consent form:** *The researcher(s) may not be able to maintain as confidential, information about known or reasonably suspect incidents of abuse or neglect of a child, dependent adult or elder, including, but not limited to physical, sexual, emotional, and financial abuse or neglect. If the researcher is given such information, he or she may report it to the authorities.*

**Assent Form:** *We will not tell anyone what you tell us without your permission unless there is something that could be dangerous to you or someone else. If you tell us that someone is or has been hurting you, we may have to tell that to people who are responsible for protecting children so they can make sure you are safe.*