

1. Overview

New York State Law and/or CUNY policy may require certain professionals to perform certain types of mandated reporting. This document serves as a general guide to some mandated reporting requirements. Please note that these may not be all inclusive. Researchers are responsible for ensuring compliance with reporting requirements as they relate to their specific professions.

2. Role of the IRB

- a. In as much as is necessary to fulfill the IRB's responsibility of ensuring that risks to subjects are minimized; informed consent is adequate; and privacy and confidentiality protections are sufficient; the IRB may require a researcher to:
 - i. Provide his/her analysis of the possibility of a reportable event occurring during certain types of research; and
 - ii. Indicate his or her legal obligations to report.
- b. Based on the information provided by the researcher in 2.a. above, the IRB may require that researchers inform subjects, in research consent documents or otherwise, of the investigator's duty to report to appropriate authorities, and an explanation of how this may affect subject confidentiality.

3. Child Abuse or Maltreatment

New York State Office of Children & Family Services' Summary Guide for Mandated Reporters in New York State is available at <http://ocfs.ny.gov/main/publications/Pub1159.pdf>.

- a. Mandated reporters are required to report suspected child abuse or maltreatment when they are presented with a reasonable cause to suspect child abuse or maltreatment in a situation where a child, parent, or other person legally responsible for the child comes before the mandated reporter in the mandated reporter is acting in his or her official or professional capacity. Researchers who will be conducting surveys and interviews that could generate responses relating to child abuse or maltreatment by an identifiable parent or guardian are encouraged to contact the CUNY Office of the General Counsel prior to starting the research in order to clarify their reporting obligations.
 - b. A comprehensive description and complete list of mandatory reporters can be found in [Article 6, Title 6, and Section 413 of the New York Social Services Law, and includes teachers, psychologists, licensed behavior analysts, and licensed mental health counselors](#). The New York State Office of Children & Family Services interprets the statutory list of mandated reporters strictly, and views academic psychologists, whether or not licensed to practice, as mandated reporters because the statute does not specify "licensed psychologists."
- **Reference:** New York State Social Service Law, Article 6, Title 6, Section 413: *Persons and officials required to report cases of suspected child abuse or maltreatment.*

4. Communicable Disease

New York State Department of Health's summary guide for Communicable Disease Reporting is available at

<http://www.health.ny.gov/professionals/diseases/reporting/communicable/>.

- Reference: New York Codes, Rules and Regulations, Title 10, Chapter I: *State Sanitary Code*.

5. Wounds

- Certain wounds must be reported regardless of whether they were obtained during the course of the research.
- Reference: New York State Penal Law, Title P, Article 265, Section 25: *Certain wounds to be reported*.
- Reference: New York State Penal Law, Title P, Article 265, Section 26: *Burn injury and wounds to be reported*.