



Reporting Child Abuse and Neglect

Academic Officer:	Vice Provost - Academic Personnel
Academic Office:	AP - Academic Personnel
Staff Officer:	VP - Human Resources
Staff Office:	HR - Human Resources
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Scope:	This policy applies to all University employees, volunteers, and students.

Contact:	Janet Lockwood (AP)	Jeannene Whalen (HR)
Email:	Janet.Lockwood@ucop.edu	Jeannene.Whalen@ucop.edu
Phone #:	(510) 987- 9499	(510) 987- 0853

I. POLICY SUMMARY

The California Child Abuse and Neglect Reporting Act (“CANRA”), codified at California Penal Code §§ 11164-11174.3, requires that employers of Mandated Reporters (as defined in the Act) promote identification and reporting of child abuse or neglect. It is the policy of the University of California to comply with its obligations under the Act; to require that all University employees and administrators who are Mandated Reporters make required reports to child protection or law enforcement agencies; and more broadly to encourage *all* members of the University community who observe, have actual knowledge of, or reasonably suspect child abuse or neglect at a University facility or perpetrated by University personnel to promptly report the concern to appropriate external and University officials.

II. DEFINITIONS

Child: A person under the age of 18 years. The term “child” includes Students who are under the age of 18, even those who are enrolled in regular University programs or who are not legally “minors.”

Child Abuse or Neglect: Refers to physical injury or death inflicted by other than accidental means on a child by another person. It includes willful harm or injury; sexual abuse, assault, and exploitation; endangerment; and unlawful corporal punishment or injury. See the attached “*Frequently Asked Questions*” for additional guidance on what type of conduct might meet the definition of abuse or neglect under CANRA.

Child Abuse and Neglect Reporting Act (the “Act” or “CANRA”): California Penal Code §§ 11164-11174.3, as currently in effect or subsequently amended.

Mandated Reporter: A University Employee, Official, or Volunteer who is required under the Act due to their licensure or profession, or otherwise by virtue of their University position or activities, to report child abuse and neglect to specified authorities. See Appendix A, *Mandated Reporter Categories*, for a summary of affected jobs and professions. For purposes of this policy, an “Employee” is any individual who has a relationship with the University for which compensation is paid through the University’s payroll system. An “Official” (referred to as an “administrator” in CANRA) is any individual who, other than as an Employee (for example, as an independent contractor or a volunteer) supervises Employees performing official University business or directs or manages official University programs. A “Volunteer” is an individual providing a service to the University under the supervision of the University (other than as an Employee, Official, or Student), without receipt of monetary compensation. “Without-compensation” academic personnel are “volunteers” under this policy.

Senior Administrator: This group refers to any Employee or Official holding the title of Director or above. Senior Administrators include, among others, all Chancellors and Vice Chancellors, Provosts and Vice Provosts, Deans, Associate Deans, and Assistant Deans, Department Chairs, Division Chiefs, and Chief Executive Officers.

Student: An individual for whom the University maintains student records and who is enrolled in or registered with any University academic program and who is not a University Employee. For purposes of this policy, the term “student” does not apply to other individuals who may qualify as students under general University policies. See Policies Applying to Campus Activities, Organizations, and Students ([AOS 14.40](#)).

III. POLICY TEXT

A. *Mandated Reporters*

1. Identification of Mandated Reporters

Each campus or location must identify job classifications or individual academic or staff Employees and Officials who, by virtue of professional licensure or required job qualifications (e.g., licensed health professionals) or their University duties or activities (e.g., day care workers, campus police, high school internship supervisors), are Mandated Reporters. Each campus or location also should attempt to identify Volunteers who are Mandated Reporters.

2. Notification to Employees Who Are Mandated Reporters

Each campus or location must develop and implement procedures to assure that, prior to and as a condition of employment (whether first-time employment or to a new position within the University), all Employees who are Mandated Reporters sign a statement that they understand and will comply with the Act. Completed forms shall be maintained in Employees' personnel files. See Appendix B, *Model Acknowledgement Forms and Appendices*, for a sample form that may be used to comply with this policy. This sample form may be modified for use by a campus or location as long as the local form complies with the Act's substantive acknowledgement mandate. A campus that discovers that an existing Employee is a Mandated Reporter but has not previously signed the acknowledgement form must secure the signature within thirty (30) days of the discovery.

3. Education of Mandated Reporters and Others

Each campus unit employing (or, in the case of Officials or Volunteers, otherwise responsible for) Mandated Reporters shall determine what, if any, training (in addition to that provided through the acknowledgment form process itself) is necessary and appropriate to advise those individuals on the subject of child abuse and neglect identification and reporting and of their obligations under the Act. See Appendix C, *Frequently Asked Questions ("FAQs")* for available training resources. **Note: Mandated Reporters must comply with the duties imposed by the Act whether or not they have received training from the University or any third party.**

B. Reporting Requirements

1. Assault

Separate from CANRA, the California Penal Code requires *any person* who reasonably believes he or she has observed murder, rape, or certain lewd or lascivious acts where the victim is a child under the age of 14 years to notify a peace officer (such as a campus or community police officer or a county sheriff) of the potential crime. **This reporting mandate applies whether or not the witness is a mandated reporter and regardless of his or her affiliation with the University.** It is subject only to very limited exceptions, and violation may result in criminal penalties. For additional details, see Appendix C, *Frequently Asked Questions* (“FAQs”).

2. Mandated Reporters

External Reports. Mandated Reporters must report observed or suspected child abuse or neglect to agencies designated to receive such reports. These include police and sheriffs’ departments, such as the UC Police Department, and county welfare departments. See <http://www.cdss.ca.gov/cdssweb/PG20.htm> for a current list of Child Protective Services hotlines across California. Initial external reports must be made immediately, by telephone, and followed by written reports as soon as reasonably practicable but in any event within 36 hours. A written report must include the information described in Section 11167(a) of the Act and may be submitted on form SS 8572, available online at http://ag.ca.gov/childabuse/pdf/ss_8572.pdf (instructions at http://oag.ca.gov/sites/all/files/pdfs/childabuse/8572_instruct.pdf). Note that local agency procedures may vary. **Failure to make a mandated external report may result in criminal penalties.**

Internal Reports. Under this policy, Mandated Reporters must also make internal reports, as further described below. This *internal* reporting requirement does not apply to: (1) clinicians or staff who identify abuse or neglect in connection with the provision of mental health services through Faculty and Staff Assistance Programs; nor (2) victim advocates employed by or volunteering in campus resource or advocacy centers who identify abuse or neglect in connection with their confidential work as advocates.

An internal report made under this policy is not a substitute for a Mandated Reporter’s required external reports under CANRA or other applicable laws.

- Mandated Reporters at University Healthcare Facilities. Mandated Reporters who observe or suspect child abuse or neglect at University owned or operated hospitals, clinics, or other health care facilities, including student health and psychological services facilities, must comply with any internal reporting obligations set forth in the facilities' local bylaws and policies. *Note: Abuse or neglect suspected to have occurred in licensed health facilities and clinics may trigger additional reporting requirements to the California Department of Public Health, The Joint Commission, and other agencies and organizations.*
 - Other Mandated Reporters. All Mandated Reporters other than those working at University healthcare facilities must promptly report observed or suspected child abuse or neglect to their supervisors or through the University Compliance Hotline (<https://secure.ethicspoint.com/domain/media/en/gui/23531/index.html>). Supervisors who receive reports should promptly forward those reports to the Hotline. These internal reports may be made anonymously.
3. Other University Personnel and Members of the University Community. Individuals who are not otherwise required to report under this policy are nevertheless encouraged to report observed or suspected child abuse or neglect to their supervisors or through the University Compliance Hotline (<https://secure.ethicspoint.com/domain/media/en/gui/23531/index.html>). These internal reports may be made anonymously.
 4. Management of Reports Made to Senior Administrators or to the Hotline. All reports of potential child abuse or neglect made initially to a Senior Administrator shall immediately be forwarded to the University Compliance Hotline. Hotline reports shall, within twenty-four (24) hours, be forwarded in writing to: (1) the relevant campus police unit and/or any appropriate external law enforcement authority for further investigation and handling as appropriate; *and* (2) the Office of General Counsel, through the relevant campus or medical center Office of Legal Affairs.

C. *Indemnification and Immunity*

The University will, consistent with [Cal. Gov. Code § 995](#) and [Regents Policy 4202](#), defend and indemnify University Employees in any civil action arising from a good faith report of child abuse or neglect required or

encouraged under this policy. CANRA provides immunity from liability and other protections to all reporters of abuse and neglect. For additional details, see the FAQs in Appendix C.

D. Local Policies and Practices

1. Each Campus and Laboratory may develop and implement local policies or procedures to facilitate reporting and apprise Senior Administrators of reports made or required under the Act.
2. No supervisor, administrator, or other Official may impede or inhibit a Mandated Reporter's duties, nor impose any sanction on any person making a good-faith report under the Act or under this policy. Retaliation against any good-faith reporter will be handled under the University's regular whistleblower protection policy.
3. Individuals making reports to the University compliance hotline are encouraged but not required to identify themselves to facilitate thorough investigation of all reported concerns. University personnel (other than law enforcement officials) may not require any Mandated Reporter to disclose his or her identity to University administrators.

IV. COMPLIANCE / RESPONSIBILITIES

A. Audits

Systemwide and local Audit Services offices will conduct periodic audits to confirm compliance with this policy and local policies and procedures.

B. Non-Compliance and Disciplinary Action

Failure to make a required report under this policy may result in disciplinary action under applicable University policies or, as applicable, collective bargaining agreements. Failure to comply with CANRA may constitute an improper governmental activity.

V. PROCEDURES

Any local procedures implemented under this policy must be consistent with this policy and the Act, as well as with guidance provided in the attached *Frequently Asked Questions*.

VI. RELATED INFORMATION

Child Abuse and Neglect Reporting Act, [Cal. Pen. Code §§ 11164-11174.3](#).

UC Whistleblower Policies, <http://www.ucop.edu/uc-whistleblower/policies-training/index.html>

VII. FREQUENTLY ASKED QUESTIONS

See Appendix C, attached.

VIII. REVISION HISTORY

This is the first version of this policy.