



Child Abuse and Neglect Reporting Procedures

Responsible Officials:	Executive Vice Chancellor and Provost Vice Chancellor for Business and Administrative Services Vice Chancellor for Student Affairs
Responsible Offices:	Academic Personnel Office Human Resources Student Affairs
Issuance Date:	12/16/2014
Effective Date:	12/16/2014
Summary:	The University of California's policy is to comply with its statutory obligations under CANRA and more broadly to encourage all employees, volunteers and students who observe, have actual knowledge of, or reasonably suspect child abuse or neglect at a University facility or function, including offsite functions, or perpetrated by University personnel, to comply with their statutory reporting obligations and to promptly report the concern to the University.
Scope:	This procedure applies to all University employees, including academic personnel, staff, and students; volunteers; and activities and programs operated by the University taking place on campus or under the authority and direction of the University at other locations, at which children will be physically present.

Contact:	Luanna Putney, Associate Chancellor
Email:	lputney@ucmerced.edu
Phone:	(209) 201-3491

I. REFERENCES AND RESOURCES

The reporting requirements addressed in this procedure implement the mandatory child abuse and neglect reporting provisions of The California Child Abuse and Neglect Reporting Act ("CANRA") [California Penal Code](#) sections §§ 11164-11174.3 and the [University of California Policy on Reporting Child Abuse and Neglect](#)

Additional Resources:

California Child Abuse Prevention Handbook 2007 (http://www.ctc-capc.org/wpcontent/uploads/2010/06/CA_Child_Abuse_Prevention_Handbook_2007_ADA.pdf)

California Child Abuse & Neglect Law Condensed 2007 (http://www.ctc-capc.org/wp-content/uploads/2010/06/CA-Child-Abuse-Neglect-Law-Condensed_2007.pdf)

Mandated Reporter Issues and Answers (<http://www.ctc-capc.org/wp-content/uploads/2010/06/MRTissues-and-answers.pdf>)

Asuntos y respuestas para las personas bajo mandato de reportar (<http://www.ctc-capc.org/wp-content/uploads/2010/06/CA-Reporting-law-Span.pdf>)

II. POLICY/PROCEDURE SUMMARY & SCOPE

The University of California's policy is to comply with its statutory obligations under CANRA and more broadly to encourage all employees, volunteers and students who observe, have actual knowledge of, or reasonably suspect child abuse or neglect at a University facility or function, including offsite functions, or perpetrated by University personnel, to comply with their statutory reporting obligations and to promptly report the concern to the University.

University policy includes internal reporting requirements that are in addition to the statutorily mandated requirements. Compliance with the internal reporting requirements does not fulfill a Mandated Reporter's statutory reporting obligations.

III. SCOPE

1. This procedure provides guidance to University of California, Merced (UCM) employees, including academic personnel, staff, and students, and volunteers regarding the mandatory requirements in California law that govern the reporting of suspected cases of child abuse and child neglect; and affirms the commitment of UCM to the protection of the safety and welfare of children who come into contact with the UCM community.
2. This procedure applies to activities and programs operated by University taking place on campus or under the authority and direction of the University at other locations, at which children will be physically present.
3. Any exceptions to these procedures must be approved by a Responsible Officer.

IV. DEFINITIONS

Child: Any person under 18 years of age. 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: Any conduct defined as "child abuse or neglect" under the Act. See Appendix 1 for guidance on what type of conduct might meet the definition.

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.

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.

University Employee: Any individual who has a relationship with the University for which compensation is paid through the University's payroll system.

University Official: 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.

University Volunteer: Any individual providing a service to the University under the supervision of the University without receipt of monetary compensation. "Without-compensation" academic personnel are "volunteers" under this policy.

V. PROCEDURES

A. IDENTIFICATION OF MANDATED REPORTERS

1. Human Resources (HR), Academic Personnel (APO) and Student Affairs (SA) (the "Responsible Offices"), in collaboration with Campus Counsel, must identify job classifications or individual academic or staff Employees, including Student Employees, University Officials and Volunteers who are Mandated Reporters, in accordance with the guidelines below.
 - a) Mandated Reporters are those who, by virtue of their professional licensure or required job qualifications or their University duties or activities, may have contact with children on a regular or repeated basis, regardless of whether the contact is frequent, including, but not limited to, faculty, researchers, individuals working in or supervising programs that involve children (e.g., childcare centers, day camps and K-12 programs) and individuals assigned to work in and around campus facilities where minors are regularly present, (e.g., Police, Housing, Recreation, and Facilities Management).
 - b) Supervisors of such employees are Mandated Reporters.

See Appendix 1 of the [University of California Policy on Reporting Child Abuse and Neglect](#) for a description of individuals that are Mandated Reporters under the Act.

2. The Responsible Offices shall establish and maintain a current list of their identified Mandated Reporters and must conduct an annual review based on a schedule approved by the Responsible Officer each calendar year to update the list, ensuring

that all Mandated Reporters have been identified and have signed the CANRA Acknowledgement Form (Attachment 2). The Responsible Offices shall submit a copy of their current list of Mandated Reporters, along with a statement by the Responsible Officer certifying that the list is current and complete, to the Campus Ethics and Compliance Officer (Associate Chancellor).

3. Upon revision of position descriptions, establishment or reclassification of positions, transfers or promotions, the Responsible Offices shall determine if the current or prospective incumbent of that position is/will be a Mandated Reporter.
4. Each campus department or unit also should attempt to identify and report to APO, HR or SA, any University Officials or Volunteers who are Mandated Reporters. Volunteers, including student volunteers, who provide services in University programs are generally not Mandated Reporters unless they are considered University Officials as defined above, or otherwise are Mandated Reporters by virtue of serving in a particular position of responsibility or supervision (e.g., volunteer coaches, volunteer childcare workers).

B. NOTIFICATION TO EMPLOYEES WHO ARE MANDATED REPORTERS

1. The Responsible Offices must advise all current academic or staff Employees including Student Employees, University Officials and Volunteers identified as Mandated Reporters of the requirements to report any observed or suspected child abuse or neglect and obtain their signatures on the CANRA Acknowledgment Form.
2. Upon discovery that an existing Employee, University Official or Volunteer is a Mandated Reporter but has not previously signed the acknowledgement form, the Responsible Office shall advise the individual that he/she is a Mandated Reporter and secure their signature on the CANRA Acknowledgment Form within thirty (30) days of the discovery.
3. Prior to and as a condition of employment, promotion, reclassification, position description revision, or transfer, the Responsible Office shall advise new appointees of the requirement to report any observed or suspected child abuse or neglect and obtain their signatures on the CANRA Acknowledgment Form.
4. HR and APO shall retain the original signed CANRA Acknowledgment Form in the Employee's official personnel file. SA shall retain forms signed by Student Employees in a separate file maintained for purposes of compliance with the requirements of this procedure. Campus departments or units shall forward forms signed by University Officials and Volunteers to APO, HR or SA which shall maintain the forms in a separate file maintained for purposes of compliance with the requirements of these procedures. Forms shall be retained during the period of the Mandated Reporter's employment or affiliation with the University, and thereafter consistent with UC's records retention policy.

C. TRAINING OF MANDATED REPORTERS

1. Each department or unit supervisor shall determine what, if any, training is necessary and appropriate to advise their Mandated Reporters on the subject of child abuse and

neglect identification and reporting and of their obligations under the Act. The training may vary based upon position assignment.

2. UC/Praesidium CANRA Training resources are available through Risk Services. Recommendations for training are based on the program type.

Mandated Reporters must comply with the duties imposed by state law whether or not they have been notified that they are a Mandated Reporter or have received training from the University or any third party.

VI. RESPONSIBILITIES

1. All Persons

- a) Any person, whether or not identified as a Mandated Reporter, who reasonably believes he or she has observed a murder, rape, or certain lewd or lascivious acts where the victim is a child under the age of 14 years is required under state law to notify a peace officer (at any police or sheriff's department, including UC Merced Police Department) of the potential crime.
- b) Individuals who are not otherwise required to report under this policy are encouraged to report observed or suspected child abuse or neglect to their supervisors or through the [University of California Compliance Hotline](#).

2. Mandated Reporters

- a) Sign CANRA Acknowledgment Form.
- b) Participate in training related to identification of child abuse and neglect and reporting obligations under the Act and University policy if required by their department or unit.
- c) **External Report Required by Law:** Immediately by telephone report observed or suspected child abuse or neglect to agencies designated to receive these reports. These include the UC Merced Police Department (209 CAT COPS), or the local police or sheriff's department (911), or the county Child Protective Services office. The initial telephone report must be followed by a written report to the same agency within 36 hours. A written report may be submitted on form SS8572, available online at http://ag.ca.gov/childabuse/pdf/ss_8572.pdf.
- d) Additional **Internal Report Required by UC Policy:** Promptly report observed or suspected child abuse or neglect to his/her supervisor or through the [University of California Compliance Hotline](#):
 - i. 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.

- ii. Mandated Reporters at any UC Merced healthcare facility (e.g. Student Health Services and Counseling & Psychological Services) who observe or suspect child abuse or neglect must comply with any internal reporting obligations set forth in the facilities' local bylaws and policies.

An internal report is not a substitute for a Mandated Reporter's required external report as described in 2c above.

3. Supervisors

- a) In collaboration with HR, APO and/or SA, determine whether Employees (including Student Employees), University Officials or Volunteers reporting to them are mandated reporters under CANRA.
- b) Determine the training requirements for staff members, volunteers, and other individuals working with minors in a program under their supervision and ensure any required training is completed.
- c) Promptly forward reports of observed or suspected child abuse or neglect to the [University of California Compliance Hotline](#).

Supervisors who are Mandated Reporters must independently comply with the statutory (external) reporting requirements.

4. Senior Administrators

- a) Promptly forward reports of observed or suspected child abuse or neglect to the [University of California Compliance Hotline](#).

5. Police Department

- a) Accept reports submitted under both CANRA and University policy. The Police Department shall notify the Chancellor, campus counsel, and Risk Services of all reports of child abuse or neglect submitted under CANRA or University policy.
- b) Investigate complaints of suspected child abuse or neglect and refer the matter for further handling, (including prosecution) as appropriate.
- c) Conduct criminal background checks as part of the hiring, reclassification, promotion or transfer process, or when otherwise requested by a Responsible Officer.
- d) Ensure that the University offices responsible for administrative action, including discipline, in each instance of reported child abuse or neglect are notified. For example, claims alleging child abuse by University employees would be referred to Employee and Labor Relations; claims alleging child abuse by University students would be referred to the Office of Judicial Affairs.

6. Human Resources, Academic Personnel Office and Student Affairs

- a) Provide advice and assistance to departments and organizational units on applicability of CANRA, University policy and this procedure, to their academic and, staff Employees and Student Employees, and University Officials and Volunteers affiliated with their programs.
- b) Prior to posting vacant positions, review the position to determine if it will be a Mandated Reporter. If so, ensure the position description and job announcement include this information.
- c) Ensure that Mandated Reporters are provided with information regarding their responsibilities under the Act and University Policy prior to commencing their duties in a position by virtue of which they are a Mandated Reporter.
- d) Ensure Mandated Reporters sign a statement (the CANRA Acknowledgement Form) that they understand and will comply with the Act.
- e) Ensure CANRA Acknowledgement Forms are placed in Mandated Reporters' official personnel files or, in the case of Student Employees, University Officials and Volunteers, a separate file maintained for purposes of compliance with the requirements of these procedures.

7. Risk Services

- a) Maintain a web site and other informational resources to inform departmental human resources managers, supervisors, employees, and volunteers about their obligations under CANRA.
- b) Provide on-line Child Abuse and Neglect Reporting Act (CANRA) and other minor-related training to campus units.
- c) Submit a record of all reported incidents to the Campus Ethics and Compliance Officer (Associate Chancellor).

8. Associate Chancellor

- a) As Campus Ethics and Compliance Officer, take administrative responsibility for this procedure, in consultation with Campus Counsel interpret this procedure and University policy for the campus, and revise this procedure as necessary.

VII. VIOLATIONS OF POLICY

1. Failure to sign a CANRA Acknowledgment Form required by the law may result in revocation of an offer of employment.
2. Failure of current employees to sign a CANRA Acknowledgement Form when requested may result in a prohibition on contact with minors as part of University activities. This in turn may result in an inability to perform required job functions, and

ultimately, disciplinary action up to and including dismissal.

3. Failure of a Mandated Reporter to make a required internal and/or external report under this policy may result in disciplinary action up to and including termination (for internal reports) and/or criminal penalties (for external reports).
4. Failure to comply with CANRA may constitute an improper governmental activity.

VIII. CAMPUS RESOURCES

For questions about this procedure contact the following offices:

Subject	Contact	Phone	Email
Primary contact for this procedure	Associate Chancellor	201-3491	lputney@ucmerced.edu
Mandated Reporter Acknowledgement Form	Human Resources	228-8247	hr@ucmerced.edu
	Academic Personnel	228-7948	bgubser@ucmerced.edu
	Student Affairs	228-7620	cnies@ucmerced.edu
Questions about observed or suspected child abuse or neglect	Public Safety	228-8273	police@ucmerced.edu
CANRA law; UC CANRA policy	Associate Chancellor	201-3491	lputney@ucmerced.edu
	Campus Counsel	228-2406	egunther@ucmerced.edu
Online training; Managing risks of activities involving minors; Sexual molestation liability insurance	Risk Services	228-4763	riskservices@ucmerced.edu
Research involving minors	Office of Research Compliance	383-8655	dmotton@ucmerced.edu

IX. REVISION HISTORY

Date	Action/Summary of Changes
October 30, 2017	Technical Updates [Contact Information]

APPENDICES

APPENDIX 1 – CHILD ABUSE OR NEGLECT SUMMARY OF DEFINITIONS

Harm or threatened harm to a child's health or welfare can occur through, among other things, non-accidental physical or mental abuse, sexual abuse or attempted sexual abuse, sexual exploitation or attempted sexual exploitation, or neglect.

Physical Abuse: intentional acts or omissions that cause, or fail to prevent, a physical injury to a child.

Emotional or Mental Abuse: intentional actions or omissions that have an actual or likely negative impact on a child's emotional and behavioral development, including those resulting from persistent or severe emotional mistreatment.

Sexual abuse: may be perpetrated by an adult or another child and includes the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in, any sexual assault including rape, incest, sodomy, lewd or lascivious acts, oral copulation, penetration of genital or anal opening by a foreign object and child molestation. Sexual abuse also includes any activity that is meant to arouse or gratify the sexual desires of the perpetrating adult or child. Sexual abuse may or may not involve touching.

Sexual exploitation: meaning depicting a child in, or knowingly developing, duplicating, printing, downloading, streaming, accessing through any electronic or digital media, or exchanging, a film, photograph, videotape, video recording, negative, or slide in which a child is engaged in an act of obscene sexual conduct.

Neglect: a severe or persistent failure to provide for a child's physical, emotional or basic needs. However, it is *not* "neglect" if the actual or suspected injuries result solely from economic or environmental factors that are beyond the caretaker or parent's control, such as inadequate housing, income, clothing, and medical care.

APPENDIX 2 – STATEMENT ACKNOWLEDGING REQUIREMENT TO REPORT CHILD ABUSE

Name: _____ Title: _____
Campus: _____

California law *requires* certain people to report known or suspected child abuse or neglect. You have been identified as a person who may be a “mandated reporter.” The complete statute can be found online at <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=11001-12000&file=11164-11174.3>.

WHEN REPORTING ABUSE IS REQUIRED

Any person who reasonably believes he or she has observed murder, rape, or lewd or lascivious acts where the victim is age 14 or younger must promptly notify law enforcement authorities. In addition, a mandated reporter, who in his or her professional capacity, or within the scope of his or her employment, has knowledge of or observes a person under the age of 18 years (even an enrolled or registered student) whom he or she knows or reasonably suspects has been the victim of child abuse or neglect must report the suspected incident. The reporter must contact a designated agency immediately or as soon as practically possible by telephone, and must prepare and send a written report within 36 hours of receiving the information concerning the incident. [CANRA § 11165.6]

ABUSE THAT MUST BE REPORTED

- *Physical injury* inflicted by other than accidental means. [CANRA § 11165.6]
- *Sexual abuse* meaning sexual assault or sexual exploitation of a child. [CANRA § 11165.1]
- *Sexual exploitation*, meaning depicting a child in, or knowingly developing, duplicating, printing, downloading, streaming, accessing through any electronic or digital media, or exchanging, a film, photograph, videotape, video recording, negative, or slide in which a child is engaged in an act of obscene sexual conduct. [CANRA § 11165.1]
- *Neglect* meaning the negligent treatment, lack of treatment, or the maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare. [CANRA § 11165.3]
- *Willful harming or injuring or endangering a child* meaning a situation in which any person inflicts, or willfully causes or permits a child to suffer unjustifiable physical pain or mental suffering, or causes or permits a child to be placed in a situation in which the child or child's health is endangered. [CANRA § 11165.3]
- *Unlawful corporal punishment or injury* willfully inflicted on a child and resulting in a traumatic condition. [CANRA § 11165.4]

WHERE TO CALL IN AND SEND THE WRITTEN ABUSE REPORT

Reports of suspected child abuse or neglect must be made to any police department or sheriff's department (not including a school district police or security department), county probation department (if designated by the county to receive mandated reports), or county welfare department. [CANRA § 11165.9] Campus Police accept reports. The written report must include the information described in CANRA § 11167(a) and may be submitted on form SS 8572, available online at http://ag.ca.gov/childabuse/pdf/ss_8572.pdf. In addition, an internal report must be made to your supervisor or to the University Compliance Hotline. This internal report may be made anonymously.

IMMUNITY AND CONFIDENTIALITY OF REPORTER AND OF ABUSE REPORTS

Mandated reporters have immunity from criminal or civil liability for reporting as required

or authorized by law. [CANRA § 11172(a)] The identity of a mandated reporter is confidential and disclosed only among agencies receiving or investigating reports, and other designated agencies. [PC § 11167(d)(1)] Reports are confidential and may be redisclosed only to specified persons and agencies. Any violation of confidentiality provided by CANRA is a misdemeanor punishable by imprisonment, fine, or both. [PC § 11167.5(a)-(b)]

PENALTY FOR FAILURE TO REPORT ABUSE

A mandated reporter who fails to make a required report is guilty of a misdemeanor punishable by up to six months in jail, a fine of \$1000, or both. [CANRA § 11166(b)]

COPY OF THE LAW

My employer, the University of California, has provided me with a copy of CANRA sections 11165.7, 11166, and 11167. [CANRA § 11166.5(a)]

ACKNOWLEDGEMENT OF RESPONSIBILITY I have knowledge of my responsibility to report known or suspected child abuse or neglect in compliance with CANRA § 11166.

Signature/Printed Name

Date