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CHANCELLORS
LAWRENCE BERKELEY NATIONAL LABORATORY DIRECTOR
MEDICAL CENTER CHIEF EXECUTIVE OFFICERS

Dear Colleagues:

Enclosed is the University of California Policy on Reporting Child Abuse and Neglect. The California Child Abuse and Neglect Reporting Act (CANRA), codified by California Penal Code §§ 11164-11174, increased the scope of who is considered a “mandated reporter” in the state of California for reporting child abuse and/or neglect. CANRA requires employers, including the University, to identify mandated reporters (individuals required to report observed or suspected child abuse or neglect to designated law enforcement or social service agencies) and secure, as a condition of employment, acknowledgement of their status and reporting obligations. The policy has been written to be generally consistent to the regulatory requirements as the basis for University employee compliance to this regulation; however, there is additional language encouraging “other non-mandated reporters” to report, and a requirement is included for employees to also report any potential issues through the internal reporting mechanism.

This policy will be posted online at <http://policy.ucop.edu>.

Sincerely yours,

Mark G. Yudof
President

Enclosure

cc: Members, President’s Cabinet
Systemwide Policy Office
Chief Human Resource Officers



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
Issuance Date:	June 13, 2013
Effective Date:	July 1, 2013
Scope:	This policy applies to all University employees, volunteers, and students.

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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://aq.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.

University of California – Policy CANRA
Reporting Child Abuse and Neglect

- **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.

Appendix B-Mandated Reporter Categories

Type of Entity or Profession	Affected Individuals
postsecondary institutions (as of January 1, 2013)	<ul style="list-style-type: none"> - an employee or administrator whose duties bring the administrator or employee into contact with children on a regular basis, or who supervises those whose duties bring the administrator or employee into contact with children on a regular basis, as to child abuse or neglect occurring on that institution's premises or at an official activity of, or program conducted by, the institution - an athletic coach, including, but not limited to, an assistant coach or a graduate assistant involved in coaching, at public or private postsecondary institutions
public or private schools	teachers, instructional aides, teacher's aides, teacher's assistants, classified employees, administrative officers and supervisors of child welfare attendance, and certified pupil personnel employees, administrators or presenters of or counselors in child abuse prevention programs
community care or child day care facilities	licensees, administrators, and employees
day camps	administrators
private youth centers, youth recreation programs, youth organizations	administrators or employees
health care professionals	all licensed health professionals and certain trainees and interns, including: physicians, psychiatrists, psychologists, dentists (and residents and interns), podiatrists, chiropractors, licensed nurses, dental hygienists, optometrists, marriage and family therapists (and trainees and interns), clinical social workers, professional clinical counselors (and trainees and interns); certified EMTs, paramedics, and other emergency technicians; registered psychological assistants; alcohol and drug counselors; coroners, medical examiners, and others who perform autopsies
law enforcement and public safety professionals	employees of any police department, county sheriff's department, county probation department, or county welfare department; peace officers; firefighters; district attorney investigators, inspectors, local child support agency caseworkers (unless the investigator, inspector or caseworker is working with certain attorneys to represent the children); social workers; probation officers, parole officers; employees of school district police or security departments; animal control and human society officers
clergy	priests, ministers, rabbis, religious practitioners, or similar functionaries of any church, temple, or recognized denomination or organization; and their respective records custodians
any public or private organization	administrators or employees whose duties require direct contact and supervision of children
child care institutions	employees (including, but not limited to, foster parents, group home personnel, personnel of residential care facilities)
State Department of Education County Offices of Education	employees whose duties bring them into contact with children on a regular basis
State Department of Social Services (and county contractors)	licensing workers and licensing evaluators
Head Start Program	teachers
commercial photography and filmmaking	commercial film and photographic print processors (including anyone who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, for compensation, as well as their employees), excluding public agencies
miscellaneous	public assistance workers; state and county public health employees who treat minors for VD or other conditions; compensated child visitation monitors; employees or volunteers of Court Appointed Special Advocate program; certain custodial officers; supportive services providers delivering services to children under the Welfare & Institutions Code

UNIVERSITY OF CALIFORNIA POLICY ON REPORTING CHILD ABUSE AND NEGLECT

Frequently Asked Questions

1. Which University personnel are likely to be Mandated Reporters under the Child Abuse and Neglect Reporting Act (“CANRA” or “the Act”)?

A complete list of Mandated Reporters with detailed definitions is published at Cal. Penal Code § 11165.7. See the attached *Mandated Reporter Categories* table for a summary. For additional guidance, contact your local campus counsel.

2. Are faculty members Mandated Reporters?

Although faculty members are not typically “teachers” under CANRA (even when students under the age of 18 enroll in their classes), some may be Mandated Reporters under other provisions of the Act:

- Physicians, nurses, and other health professionals are generally Mandated Reporters.
- Faculty members and other academic personnel who have responsibility for instruction at the preschool, elementary, or high school level, for example those who teach high school seminars or who serve as mentors in on-campus high school internship programs.
- Individuals whose University duties require direct contact *and* supervision of children are Mandated Reporters. This group may include faculty members who hire children under age 18 to assist with scholarship, research, or other academic activities as volunteers or interns.
- *Effective January 1, 2013, employees (including faculty members and other academic personnel) and administrators whose duties bring them into contact with children on a regular basis, or who supervise others with such duties, are mandated reporters for child abuse or neglect occurring on the University’s premises or at official University activities or programs.*

The law does not define the definition of “duties” or “regular basis”. Questions about whether a particular individual is a Mandated Reporter should be directed to the Office of General Counsel or your local campus or medical center counsel office (Office of Legal Affairs).

3. Are the National Laboratories “Post-Secondary Institutions” Under CANRA?

No.

4. I’m not a Mandated Reporter under CANRA, but I saw an adult who seemed to be touching a child inappropriately. What should I do?

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.*

5. Does CANRA or the University Policy on Reporting Child Abuse and Neglect require contractors or volunteers (other than University administrators) to sign certification forms?

The certification mandate applies only to employees. However, local campus units may utilize the certification form as a means of notifying volunteers of their statutory obligations and University expectations for reporting. This approach is particularly encouraged for volunteers who serve as University administrators and therefore may be Mandated Reporters effective January 1, 2013; as well as for volunteers who otherwise regularly interact with children through University programs.

6. May members of the University community who are not Mandated Reporters make reports about suspected child abuse or neglect directly to law enforcement officials?

Yes, and in fact they are encouraged to do so. Anyone may make a report to the appropriate state agency, or to any law enforcement agency, including the University of California Police Department.

7. What is a “reasonable suspicion”?

“Reasonable suspicion” is defined in CANRA to mean that it is reasonable for a person to suspect abuse or neglect based on the information he or she has and his or her training or experience. It does not require certainty that child abuse or neglect has occurred, nor a specific medical indication of abuse or neglect.

8. What type of conduct is reportable?

Child abuse or neglect, including physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse, neglect, willful harm or injury, endangerment, unlawful corporal punishment or injury. Child abuse does not include “mutual affray” between minors (e.g., fist-fights); the pregnancy of a minor does not *in and of itself* constitute a basis for reasonable suspicion of sexual abuse.

The following concerns may be reported even absent abuse or neglect: Serious emotional damage or substantial risk of serious emotional damage, evidenced by states of being or behavior including but not limited to severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others.

For detailed definitions of reportable conduct, please refer to the definitions found in Cal. Penal Code § 11165.1-11165.6. Additional helpful information is available through the Los Angeles County Department of Public Health website.

Note: The duty to report child abuse or neglect supersedes a licensed health professional’s duty to maintain the confidentiality of communications with his or her patients (e.g., the physician-patient or psychotherapist-patient privilege).

9. What information must a Mandated Reporter report?

Mandated reports must include name, business address, and telephone number of the mandated reporter, what makes the person a mandated reporter, and the information that gave rise to the reasonable suspicion of child abuse or neglect and the source or sources of that information. The following information, if known, must also be included: child’s name, address, present location and if applicable school, grade, and class; names, addresses, and phone numbers of the child’s parents or guardians; name, address, phone number, and other relevant personal information about the person or

persons who might have abused or neglected the child. A mandated report must be made even if some of the above information is unknown or uncertain at the time of the report.

Written reports are made on a form designated by the California Attorney General (http://oag.ca.gov/sites/all/files/pdfs/childabuse/ss_8572.pdf). See http://oag.ca.gov/sites/all/files/pdfs/childabuse/8572_instruct.pdf for instructions.

10. When must an external report be made?

A Mandated Reporter must make an initial report immediately or as soon as is practicably possible by telephone; and must submit a written follow-up report by mail, fax, or other electronic means within 36 hours of receiving the information about the incident.

11. Does the Act require background checks?

No. However, many federal, state and/or accreditation standards require background checks in order to license and/or credential professionals who may also be Mandated Reporters. In the case of policy-covered staff employees, Mandated Reporters and other University employees who regularly encounter minors in the course and scope of their employment, work, or studies typically are considered to fill "Critical Positions" and would therefore be subject to background checks pursuant to the Systemwide Guidelines on Designating Critical Positions (attached to PPSM 21). In addition, the University's sexual misconduct and molestation insurance may not provide coverage if the individual involved was not appropriately fingerprinted and/or underwent the appropriate background checks.

12. What if I am working for the University in another state or outside the United States?

CANRA is a California law. Child abuse and neglect identification and reporting laws vary by state, although they tend to impose similar requirements. Information about state laws on child abuse and neglect can be found at http://www.childwelfare.gov/systemwide/laws_policies/state/can/. Employees who would like input on child abuse and neglect reporting laws of another state or those that pertain to their international activities, should contact their local Office of Legal Affairs to obtain advice.

13. Do I have to report potential child abuse or neglect to my supervisor?

Any University employee who, regardless of their location, witnesses or otherwise forms a reasonable suspicion of child abuse or neglect while working within the course or scope of their University activities out of state or overseas, must promptly report their concerns to their supervisors or the University compliance hotline. Medical center, student health center, and FSAP employees are exempt from this reporting obligation but must comply with any site-specific policies.

14. We rent our facilities to individuals and organizations that operate programs for children such as conferences, retreats, and day camps. Does the policy apply in those situations?

CANRA applies to any mandated reporter and to any employer (such as an independent camp that rents University facilities) of mandated reporters. The University policy on reporting child abuse and neglect applies to University personnel who provide services to those camps. For example, a University employee who provides food services at a camp and thus regularly comes into contact with campers who are children is a Mandated Reporter under this policy, as is his or her immediate supervisor. A volunteer who runs a retreat program for children on behalf of the University is also a Mandated Reporter (an "Official"

under the policy). University administrators who are responsible for managing facility rentals for camps or other programs that may bring children onto campus facilities should comply with any contracting standards that may be adopted by the campuses requiring such renters to conduct background checks, comply with CANRA, and promptly report any observed or suspected abuse to appropriate authorities.

15. What happens if a mandated reporter refuses to sign an acknowledgement form?

Failure to sign an acknowledgement form required by the law may result in revocation of an offer of employment. In the case of current employees who are required to sign but who have not previously signed, failure to sign when requested may result in a prohibition on contact with minors. This in turn may result in an inability to perform required job functions and, ultimately, disciplinary action up to and including dismissal.

16. What happens if I don't make a mandatory report?

Violation of the University Policy on Reporting Child Abuse and Neglect may result in disciplinary action consistent with applicable University personnel policies and collective bargaining agreements. Violation of the law requiring Mandated Reporters to promptly report suspected child abuse or neglect may result in criminal penalties including fines, imprisonment, or both.

17. Where can I find additional information and resources?

California Mandatory Violence Law, [Cal. Penal Code §§ 11160-11163.6](#)

Dependent Adults and Elders, [Cal. Welfare & Institutions Code § 15630](#)

California Department of Social Services: [Hotlines and Other Resources](#)

California Department of Justice

- [Child Abuse Page and Forms and Background Check Information](#)
- [Bureau of Medi-Cal Fraud & Elder Abuse](#)

Mandated Reporter Training: [Child Abuse Mandated Reporter Training Project](#)

[CDC Guide to Preventing Child Abuse Within Youth-Serving Organizations](#)

[California Attorney General Citizen's Guide to Preventing Elder Abuse](#)

[Child Abuse Prevention and Treatment Act Information](#)

[Clery Act and Information for UC Campus Management](#)