

## **Youth Protection Program Abuse Reporting Guidelines**

[CSU Executive Order 1083](#) requires that most employees, volunteers and independent contractors interacting with minors on campus or in university-sponsored youth programs be designated as mandated reporters with a duty to report suspected child abuse and/or neglect.

### **Basis to Report**

[CSU Executive Order 1083 “Mandatory Reporting of Child Abuse and Neglect”](#) requires *all* University employees, campus community volunteers and independent contractors, regardless of their status as a mandated reporter as defined by California law, who, in the course of their University business or volunteer activity, have reasonable suspicion of child abuse, as defined by California law, must make a report as outlined in this policy.

The California Child Abuse and Neglect Reporting Act, California Penal Code §§11164-11174.3 ("CANRA" or the "Act"), identifies certain groups of employees as "Mandated Reporters" of child abuse and also imposes various obligations on and extends certain protections to those Mandated Reporters as well as their employers. As a covered employer, the California State University (CSU) is required to comply with the Act.

To implement and assure compliance with the Act, this executive order (EO 1083):

- Identifies the categories of employees within the CSU that are Mandated Reporters;
- Explains the difference between two types of Mandated Reporters;
- Provides information to Mandated Reporters regarding their reporting requirements and the procedures they must follow;
- Provides information to Mandated Reporters regarding the legal immunity extended with respect to their reporting;
- Provides forms and training resources for Mandated Reporters (training is available for all employees and volunteers); and,
- Identifies information that is required to be included on job postings/position announcements and job descriptions.

It is the policy of the California State University to require all Management Personnel Plan employees and all volunteers to report child abuse and neglect occurring on CSU premises or at an official activity of or program conducted by the CSU. The CSU also strongly encourages all other members of the CSU community who are not designated as mandated reporters under EO 1083 to report suspected child abuse and neglect occurring on CSU premises.

### **Who are mandated reporters?**

Though everyone should report child abuse, a number of professionals must report abuse or be held liable by law.

The specific positions are listed in California Penal Code §11165.7. Attachment B “Categories of Mandated Reporters” to [Executive Order 1083](#) identifies two categories of mandated reporters:

**General Reporters** is defined by the CSU as those who are legally required to report child abuse or neglect *no matter where it occurs*.

**Limited Reporters**, in accordance with California Penal Code §11165.7(a)(41), and defined by the CSU as those who are legally required to report child abuse or neglect *only if it occurs on CSU premises or at an official activity of, or program conducted by, the CSU*.

### **When is Reporting Required?**

Mandated Reporters should report suspected Child Abuse and Neglect in Accordance with [Executive Order 1083](#) when:

- They observe or suspect it within their professional capacity and/or scope of their employment.
- They learn of suspected child abuse & neglect from other sources. It does not have to be witnessed.

Mandated Reporters are personally responsible to determine when reporting is required and follow protocol. It is the individual employee’s legal obligation to report, not the CSU’s.

### **What must be reported?**

Mandated Reporters must report the following types of abuse or neglect:

- **Physical abuse**, meaning physical injury other than by accidental means inflicted on a child (Penal Code §11165.6)
- **Sexual assault**, including sex acts with a child, intentional masturbation in the presence of a child, child molestation, and lewd or lascivious acts with a child under 14 years of age or with a child under 16 years of age if the other person is at least ten years older than the child (Penal Code §11165.1(a)(b))
- **Sexual exploitation**, including acts relating to child pornography, child prostitution, or performances involving obscene sexual conduct by a child (Penal Code §11165.1(c))
- **Statutory rape** involving sexual intercourse between a child under 16 years of age and a person 21 years of age or older, which is also a form of “sexual assault” (Penal Code §§261.5(d) and 11165.1(a))
- **Neglect**, meaning the negligent treatment or maltreatment of a child by a parent, guardian or caretaker under circumstances indicating harm or threatened harm to the child's health or welfare (Penal Code §11165.2)
- **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 (Penal Code §11165.3)

- **Unlawful corporal punishment**, meaning a situation in which any person willfully inflicts upon a child cruel or inhuman corporal punishment or a physical injury (Penal Code §11165.4)

### What is not considered Child Abuse and Neglect?

Executive Order 1083 identifies the following examples of what is **not** child abuse and neglect:

- Injuries caused by two children fighting during a mutual altercation (Penal Code §11165.6)
- An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment (Penal Code §11165.6)
- Reasonable and necessary force used by public school officials to quell a disturbance threatening physical injury to person or damage to property, for self-defense, or to obtain possession of weapons or other dangerous objects under a child's control (Penal Code §11165.4)
- Corporal punishment, unless it is cruel or inhuman or willfully inflicts a physical injury (Penal Code §11165.4)
- Not receiving medical treatment for religious reasons (Penal Code §11165.2(b))
- Acts performed for a valid medical purpose (Penal Code §11165.1(b)(3))
- An informed and appropriate medical decision made by a parent, guardian or caretaker after consultation with a physician who has examined the child (Penal Code §11165.2(b))

### How to report

1. Immediately, or as soon as practically possible, contact by phone one of the following:
  - A police or sheriff's department (including campus police but not including a school district police or security department);
    - If an emergency, dial 911. Otherwise, Call University Police Department at (415) 338-7200.
  - A county probation department (if designated by the county to receive mandated reports); or,
  - The county welfare department (Child Protected Services or CPS)
    - In San Francisco, please report abuse and neglect to the [City and County of San Francisco Human Services Agency's Family and Children's Services \(FCS\) department](#) at (800) 856-5553 FSC Hotline, 24 hours a day, 7 days a week.
2. Within 36 hours of receiving the information concerning the incident:
  - Complete [Form SS 8572](#)
  - Transmit via fax or email Form SS 8572 to the agency that was contacted by phone (Penal Code §11166(a))

### Failing to Report or Impeding Reporting

A Mandated Reporter who fails to make a required report, or any administrator or supervisor who impedes or inhibits a report, is guilty of a misdemeanor punishable by up to six months in jail, a fine of \$1,000, or both (Penal Code §§11166(c) and 11166.01(a)). Where the abuse results in

death or great bodily injury, the Mandated Reporter who fails to make a required report or administrator or supervisor who impeded or inhibited the report is subject to punishment of up to one year in jail, a fine of \$5,000, or both (Penal Code §11166.01(b)).

Received by: \_\_\_\_\_

Signature: \_\_\_\_\_