

**THE CALIFORNIA STATE UNIVERSITY  
Office of the Chancellor  
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**Executive Order:** 1083  
**Effective Date:** January 1, 2013  
**Supersedes:** No Prior Executive Order  
**Title:** Mandatory Reporting of Child Abuse and Neglect

This executive order provides direction on implementing the California Child Abuse and Neglect Reporting Act (“CANRA”) (Penal Code §§ 11164-11174.3), which is intended to protect children from abuse and neglect. On September 24, 2012, the Governor signed into law amendments to CANRA, which take effect January 1, 2013.

CANRA sets forth legal obligations of persons who are “mandated reporters” of child abuse or neglect. This executive order:

- Establishes who is a mandated reporter within the CSU;
- Identifies the responsibilities of mandated reporters;
- Provides forms and training resources for mandated reporters;
- Identifies information that must be included on job postings/position announcements and job descriptions;
- Requires each campus to designate a Mandated Reporting Coordinator; and
- Specifies the responsibilities of the campus Mandated Reporting Coordinator.

## **I. PERSONS WHO ARE REQUIRED TO REPORT**

CANRA identifies more than 40 employment positions with specified responsibilities as mandated reporters, including teachers and, as of January 1, 2013, university employees whose duties involve regular contact with children, or who supervise employees whose duties involve regular contact with children. For purposes of this policy, all CSU employees are designated mandated reporters. Volunteers are not mandated reporters.

As designated mandated reporters, all employees are required to report suspected child abuse or neglect.

## II. WHEN REPORTING IS REQUIRED

Whenever an employee, in his/her professional capacity or within the scope of his/her employment, has knowledge of or observes a child (i.e., a person under the age of 18 years) whom the employee knows, or reasonably suspects, to have been the victim of child abuse or neglect, the employee must report the incident.

An employee should reasonably suspect child abuse or neglect whenever “it is objectively reasonable ... to entertain such a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, to suspect child abuse or neglect.” (Penal Code § 11166(a)). Facts upon which a reasonable suspicion may arise do not have to have been witnessed by the employee, but rather can be learned from other sources.

The employee may seek assistance from the campus Mandated Reporting Coordinator, whose duties are described below. However, the employee is personally responsible for determining when reporting is called for and following the reporting procedures identified in this executive order.

## III. ABUSE THAT MUST BE REPORTED

Employees must report the following types of abuse or neglect:

- **Physical injury** inflicted by other than accidental means on a child
- **Sexual abuse** meaning sexual assault or sexual exploitation of a child
- **Neglect** meaning the negligent treatment or maltreatment of a child by a parent or caretaker under circumstances indicating harm or threatened harm to the child’s health or welfare
- **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
- **Unlawful corporal punishment** or injury willfully inflicted upon a child and resulting in a traumatic condition

## IV. WHAT IS NOT CHILD ABUSE?

The following is **not** child abuse for reporting purposes:

- Corporal punishment that is not cruel or inhumane or does not result in a traumatic condition

- Injuries caused by two children fighting during a mutual altercation
- An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment
- Reasonable and necessary force used by public school officials to quell a disturbance threatening physical injury to person or damage to property
- Voluntary sexual conduct between minors
- Not receiving medical treatment for religious reasons
- An informed and appropriate medical decision made by a parent or guardian after consultation with a physician who has examined the child

## **V. MANDATED REPORTING COORDINATOR**

Each campus president shall designate a “Mandated Reporting Coordinator.” The Coordinator must be a Management Personnel Plan employee. The Coordinator should not be an employee within the campus police department, given the separate role each has with regard to reported child abuse incidents, as explained in other sections of this executive order.

The Coordinator will have direct or oversight responsibilities for the following:

- Ensuring that the statement described below appears in the position announcement and position description of all CSU positions
- Ensuring that all employees are provided with Attachments A through D
- Ensuring that written resources the campus controls contain the most current information
- Tracking employees’ completion of Attachments A and B
- Assisting employees in carrying out their reporting responsibilities
- Taking measures, if necessary, to ensure that employees are not impeded in performing their duties
- Coordinating and consulting with campus administrators to develop, implement, and ensure the effectiveness of campus practices necessary to carry out the campus’s responsibilities under this executive order
- Coordinating and consulting with campus administrators and University Counsel, as necessary, to ensure that reported incidents of suspected child abuse or neglect are properly handled by the university

## VI. PROCEDURE FOR REPORTING

Employees must report suspected child abuse or neglect:

- ***Immediately, or as soon as practically possible:*** Call the campus police department
- ***Within 36 hours of receiving the information concerning the incident:*** Complete Form SS 8572 (included as Attachment D) and send, fax, or electronically transmit it to the campus police department

**Note:** In case of an emergency or if a crime is in progress, employees should always immediately call campus police or 911.

At the time of the phone call to the campus police department, the employee must provide the following information, if known:

- Name, business address, and telephone number of the employee
- Child's name, address, and present location
- Names, addresses, and telephone numbers of the child's parents or guardians
- Source of information that led to the suspicion of child abuse
- Name, address, telephone number, and other personal information of person(s) who might have abused the child

The employee is not excused from making a report where some of this information is not known or is uncertain.

The CSU encourages employees to also report suspected child abuse or neglect to their supervisors. However, reporting to a supervisor, a coworker, or some other person is not a substitute for making a mandated report to the agencies listed above.

The Coordinator shall be available to assist employees in identifying whether there is a reasonable suspicion that abuse has occurred and how to report it, as well as provide employees with appropriate resources. Whenever the Coordinator will be on vacation or otherwise unavailable, another Management Personnel Plan employee must be designated to assume this responsibility. Because of the extremely short reporting timelines, the Coordinator must be able and willing to respond to inquiries from employees on an urgent basis (i.e., within 24 hours and sometimes sooner).

Attachment D is the California Department of Justice form for use by employees to report suspected child abuse. Known as Form SS 8572, it is available online at: [http://ag.ca.gov/childabuse/pdf/ss\\_8572.pdf](http://ag.ca.gov/childabuse/pdf/ss_8572.pdf). Instructions for completing the form are available online at: [http://oag.ca.gov/sites/all/files/pdfs/childabuse/8572\\_instruct.pdf](http://oag.ca.gov/sites/all/files/pdfs/childabuse/8572_instruct.pdf).

**VII. INTERNAL CSU PROCEDURES FOLLOWING REPORT OF ABUSE**

The Coordinator must evaluate every instance of abuse and determine any actions to be taken by the campus. The Coordinator must notify and/or consult with the following campus administrators, as appropriate:

- Campus police department
- University Counsel
- Human Resources and/or Faculty Affairs (if employees are involved)
- Faculty Affairs (if faculty employees are involved)
- Student Affairs (if students are involved)
- Title IX Coordinator (if sexual abuse is involved)
- Parents or guardians of the child (but not a parent or guardian who is an alleged abuser)

The campus police department shall promptly convey all information it receives about any incident of child abuse to the campus Coordinator. The Coordinator will use his/her judgment to determine whether anyone else should be notified or consulted.

The actions to be taken will vary depending on the facts of each incident. Facts relevant to the determination of appropriate steps for the campus to take include:

- The relationship of the child to the campus
- The relationship of the alleged abuser to the campus
- Whether the campus has authority, control, or influence over the actions of the alleged abuser
- Whether the abuse occurs on university premises, at an official activity of, or program conducted by, the CSU

Actions may involve some or all of the following:

- Cooperating with any external investigation conducted by outside agencies
- Implementing interim measures to protect the safety of the child
- Conducting a timely investigation into the reported incident

- Executing actions in response to the findings of the campus investigation, designed to remedy the effects on the child, prevent future incidents, and protect the campus community, if applicable

### **VIII. IMMUNITY AND CONFIDENTIALITY OF REPORTER**

Mandated reporters are not civilly or criminally liable for their reports. (Penal Code § 11172(a)). The identity of the person who reports and the report are confidential and disclosed only among appropriate agencies. (Penal Code § 11167(d)).

### **IX. PENALTY FOR FAILURE TO REPORT ABUSE OR IMPEDING REPORT**

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. Where the abuse results in death or great bodily injury, the mandated reporter or administrator or supervisor who impeded or inhibited the report shall be punished by up to one year in jail, a fine of \$5,000, or both.

It is not anticipated that a failure to make a required report would form an independent basis for employee discipline, but any final determination on this issue will be made by the president on a case-by-case basis, taking into account all the circumstances of the case and the position held by the employee.

### **X. WRITTEN ACKNOWLEDGMENT OF LEGAL RESPONSIBILITY TO REPORT ABUSE**

All employees are required to sign a written statement provided by their campus, which states that the employee knows his/her legal reporting obligations and will comply with them. Attachment A functions as a notification to each employee that he/she is a mandated reporter and an acknowledgment from that employee that he/she has been notified. All employees must complete Attachment A within four weeks of this executive order taking effect, or for future employees, within four weeks of their start date.

### **XI. CERTIFICATION OF COMPLETED TRAINING**

Online CSU specific training will be developed and required for all employees. In the interim, until such training is developed, employees will be provided a written summary of topics related to mandated reporting. All employees must certify that they have completed the online training by completing Attachment B within eight weeks of the training being made available to the employee.

**XII. POSITION ANNOUNCEMENT/POSITION DESCRIPTION REQUIREMENTS**

The position announcements (also known as “vacancy” announcements) and the position descriptions for all CSU positions shall state that compliance with CANRA and this executive order are a condition of employment in language similar to the following: “The person holding this position is considered a ‘mandated reporter’ under the California Child Abuse and Neglect Reporting Act and is required to comply with the requirements set forth in CSU Executive Order 1083 as a condition of employment.” Existing position announcements and position descriptions for all CSU positions shall be revised to include this language either at the time a recruitment to fill the position is open or at the time the position description is next scheduled for a periodic review by campus Human Resources, whichever is earlier.

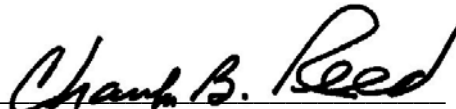
Attachments:

**Attachment A** (Acknowledgment of Mandated Reporter Status and Legal Duty to Report Child Abuse and Neglect)

**Attachment B** (Certificate of Training Completion)

**Attachment C** (California Child Abuse and Neglect Reporting Act, Penal Code §§ 11165.7, 11166, and 11167)

**Attachment D** (Form SS 8572, Suspected Child Abuse Report)

  
Charles B. Reed, Chancellor

Dated: December 21, 2012