



# ADMINISTRATIVE PROCEDURES

No. 315.1

MENDOCINO - LAKE COMMUNITY COLLEGE DISTRICT

## PROCEDURES FOR CHILD ABUSE REPORTING

The Mendocino-Lake Community College District recognizes the responsibility of its staff, within the scope of employment or in their professional capacity, to report to the appropriate agency when there is a reasonable suspicion that an abuse or neglect of a child may have occurred.

### Definition

Child abuse is defined as physical abuse, neglect, sexual abuse, and/or emotional maltreatment of a person under the age of 18 years. This procedure addresses the sexual assault, sexual exploitation, and/or sexual abuse of a child; the willful cruelty or unjustifiable punishment of a child; incidents of corporal punishment or injury against a child; abuse in out-of-home care; and the severe and/or general neglect of a child (definitions contained in Penal Code Sections 11165.1 – 11165.5).

### Reasonable Suspicion

A person has a “reasonable suspicion” when “it is objectively reasonable for a person to entertain 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 Section 11166[a][1])

The following warning signals are sufficient to presume abuse: fractures; lacerations; bruises that cannot be explained or explanations that are not compatible with the injury; unexplained or implausibly explained burns and/or facial injuries; self-destructive behavior; extreme fear or withdrawn behavior around others; complaints by the child of being sexually molested; indications by the child of pain from an inflicted injury; and/or suspicion of substantial neglect.

### Mandated Reporters

The following employees of the District and other persons designated pursuant to Penal code Section 11165.7 are “mandated reporters” and are required to report instances of suspected child abuse or neglect where they have a reasonable suspicion of the abuse or neglect (see the definition of reasonable suspicion above):

- Administrators, Supervisors, and Confidential staff
- Faculty
- Classified staff
- Temp/hourly staff

Volunteers are not mandated reporters but are encouraged to obtain training in the identification and reporting of child abuse and to report suspected abuse or neglect of a child.

### Reporting

Mandated reporters must report immediately (or as soon as possible) by phone any reasonable suspicion of child abuse to a police, sheriff or local child protective agency and follow up with a written report within 36 hours of receiving the information concerning the incident. The written report may be mailed or submitted by fax or electronic submission.

Reports may be made with the Department of Social Services 24 Hour Abuse Hotline:

- Mendocino County – 707.463.7992 or 866.236.0368 (no charge to the calling party)
- Lake County – 707.262.0235 or 800.386.4090 (no charge to the calling party)

Reporting is an individual responsibility. An employee making a report cannot be required to disclose his or her identity to the employer (Penal Code Section 11166(i)(2)). See “Failure to Report” section below.

No mandated reporter who reports a known or suspected instance of child abuse shall be civilly or criminally liable for any report required or authorized by the Penal Code. Any person other than a child care custodian reporting a known or suspected instance of child abuse shall not incur any liability as a result of making any report of child abuse, unless it can be proven that the person reporting knows it is false, or the report is made with reckless disregard of the truth or falsity of the incident (Penal Code Section 11172(a)).

Child abuse reporting forms shall be available in the Student Services Office, Room 1000.

### **Notice and Release of Information**

When the Superintendent/President, Vice President of Education and Student Services, or designee, releases a minor student to a peace officer for the purpose of removing the minor from the campus, and assuming the removal involves a health or safety emergency or other basis for the notification of the parents or guardians of a College student, the District official shall take immediate steps to notify the parent or guardian regarding the release of the minor to the officer and regarding the place to which the minor is reportedly being taken (Education Code Section 87044).

However, when a minor has been taken into custody as a victim of suspected child abuse, as defined in Section 11165 of the Penal Code, or pursuant to Section 305 of the Welfare and Institutions Code, the District official shall provide the peace officer with the address and telephone number of the minor's parent or guardian.

Non-accidental physical injury is considered to be a health and safety emergency, and student consent is not required for release of student information under the Family Education Rights and Privacy Act. (Education Code Sections 76200 et seq.). Information relevant to the incident of child abuse may be given to an investigator from a child protective agency who is investigating the known or suspected cause of child abuse (Penal Code Section 11167(b)).

### **Failure to Report**

Any mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required by this section is guilty of a misdemeanor punishable by up to six months confinement in a county jail or by a fine of one thousand dollars (\$1,000) or by both that imprisonment and fine. If a mandated reporter intentionally conceals his or her failure to report an incident known by the mandated reporter to be abuse or severe neglect under this section, the failure to report is a continuing offense until an agency specified above under "Reporting" discovers the offense. Penal Code Section 11166(c)

### **District Responsibilities**

The Mendocino-Lake Community College District will provide copies of this Administrative Procedure to employees to inform them of their mandated reporter obligations and their confidentiality rights, per Penal Code Sections 11166 and 11167(d). Employees will be asked to sign and return a statement to the District acknowledging receipt of and compliance with these statutory procedures which will be retained by the District. Per Penal Code Section 11166.5, Penal Code Sections 11165.7, 11166, and 11167 are available to employees on the District website with this procedure.

### **Reference:**

Penal Code Sections 261, 261.5(a), 264.1, 273a, 273d, 285, 286, 288, 288a, 289, 647a, and 11164-11174.3; Welfare and Institutions Code Sections 300, 318, and 601; Family Code Sections 7802, 7807, 7808, 78207829, 7890, and 7892

*Adopted: March 3, 1982*

*Revised: March 9, 2010 – through PPAC*

*May 14, 2010 – by College Counsel*