

The MiraCosta Community College District recognizes the responsibility of its staff to report to the appropriate agency when there is a reasonable suspicion that an abuse or neglect of a child may have occurred. Mandated reporters include faculty, educational administrators, and classified staff. Volunteers are not mandated reporters, but are encouraged to report suspected abuse or neglect of a child.

Child abuse is defined as physical abuse, neglect, sexual abuse, and/or emotional maltreatment. 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 §11165).

“Reasonable suspicion” occurs when “it is objectively reasonable for a person 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” (Penal Code §11166[a]).

A child-protective agency is a police or sheriff’s department, a county probation department, or a county welfare department.

Any person, mandated or not, who makes a report of suspected child abuse has immunity unless the report is proven to be false and 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 §11172[a]). Reporting is an individual responsibility. An employee making a report cannot be required to disclose their identity to the employer (Penal Code §11166[h]). However, a person who fails to make a required report is guilty of a misdemeanor punishable by up to six (6) months in jail and/or up to a \$1,000 fine (Penal Code §11172[e]).

Mandated reporters must report immediately any reasonable suspicion of child abuse to a local child-protective agency and follow up with a written report within thirty-six hours. MiraCosta employees may make a report of suspected child abuse to the following agencies:

- A. MiraCosta College Police Department at 760-795-6640.
- B. County Social Services Department's Child Protective Services Child Abuse Hotline at 858-560-2191 or 800-344-6000.

The written report may be mailed or submitted by facsimile or electronic transmission. Child abuse reporting forms are available at college police or on the MiraCosta College Web site at www.miracosta.edu (click on Faculty and Staff; under On-line Forms and Requests, click on Suspected Child Abuse Reporting Form, or type in http://www.ag.ca.gov/childabuse/pdf/ss_8572.pdf).

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 a false report was made and the person knew that the report was false. (Penal Code §11172[a]).

When a MiraCosta College employee releases a minor pupil to a peace officer for the purpose of removing the minor from the campus, the Vice President, Student Services, or designee 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 §87044), except when a minor has been taken into custody as a victim of suspected child abuse, as defined in §11165 of the Penal Code, or pursuant to §305 of the Welfare and Institutions Code. In those cases, the 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 parental consent is not required for release of student information under the Family Education Rights and Privacy Act or the California Student Records Act (Education Code §§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 §11167[b]).

The MiraCosta Community College District shall provide a mandated reporter with a statement informing the employee that they are a mandated reporter and inform the employee of their reporting obligations under Penal Code §11166 and of their confidentiality rights under subdivision (d) of Penal Code §11167. The district shall provide a copy of Penal Code §§11165.7, 11166, and 11167 to the employee. Prior to commencing their employment and as a prerequisite to that employment, employee shall sign and return the statement to MiraCosta College. The signed statements shall be retained by the district (Penal Code §11166.5).

The MiraCosta Community College District will distribute this procedure to all employees.