

The MiraCosta Community College District recognizes the responsibility of its employees to report to the appropriate agency when there is a reasonable suspicion of abuse or neglect of a child may have occurred. Mandated reporters include faculty, 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 Section §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 [their] training and experience, to suspect child abuse” (Penal Code Section §11166 subdivision[a]).

A child-protective agency is a police or sheriff’s department, a county probation department, or a county welfare department. College police departments are not child protective agencies (Penal Code Section §11165.9).

Any person 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 Section §11172 subdivision [a]). Reporting is an individual responsibility. An employee making a report cannot be required to disclose their identity to the employer (Penal Code Section §11166 subdivision [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 up to a \$1,000 fine (Penal Code Section §11172 subdivision [e]).

Mandated reporters must immediately report any reasonable suspicion of child abuse or neglect to a local child-protective agency and follow up with a written report within thirty-six (36) hours. MiraCosta employees make reports of suspected child abuse as follows:

- A. All child abuse reports are reported directly to the Health and Human Services Agency’s Child and Family Well-Being Child Abuse Hotline at 858-560-2191 or 800-344-6000.

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Effective Date: 11/3/09, 8/6/20, 4/15/21, 12/19/24

References: Penal Code §§261, 264.1, 273a, 273d, 285, 286, 288, 288a, 289, 601, 647a, 11164-11174.3

Welfare and Institutions Code §§300, 318, 601

Family Code §§7802, 7807, 7808, 7820-7829, 7890, 7892

CCLC Update: #5, 8/03; #8, 2/05; #10, 2/06; #11, 8/06; #14, 2/08, #32, 4/18

Steering: VPAS / N/A

- B. If there is a possible impact to the safety of the campus community, also make a report to MiraCosta College Police Department at 760-795-6640.

The written report may be mailed or submitted by facsimile or electronic transmission. Child abuse reporting forms are available on the California Attorney General's website (<https://oag.ca.gov/childabuse/forms>).

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 Section §11172 subdivision [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 Section §87044), except 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. 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 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 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 subdivision [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 Section §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 Section §11166.5).

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