



PROTECTION OF MINORS POLICY

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Reason for Policy	Last Updated: October 1, 2020
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POLICY STATEMENT

University of San Francisco (“University”) permits specified minors on campus for a variety of reasons including as prospective students; as enrollees in a University-sponsored program or camp; and as participants in certain other University-sponsored programs (some of which meet off-campus).

In all cases, the programs involving minors on campus, whether conducted by the University or an external entity, must include appropriate adult supervision to provide for their safety.

Departments may establish more protective-for minors procedures than those included in this Policy, if desired.

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REASON FOR POLICY

This Policy establishes the standards for the protection of minors participating in a University-operated or sponsored program or an activity. The Policy also complies with California Penal

Code Section 11164-11174.3, the Child Abuse and Neglect Reporting Act (CANRA), and related state laws governing the protection of minors.

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WHO SHOULD READ THIS POLICY

The department head of any employee, student, or volunteer who works in a program that allows minors on campus; the members of the Leadership Team; as well as supervisors and Business Managers who supervise an individual with such responsibilities. This policy also applies to third-party contractors. Non-University organizations and entities that operate programs or activities involving minors on campus must also comply with this policy (see [Criminal Background Check Verification Form](#)).

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POLICY TEXT

The University is committed to promoting the safety of students and others who visit our campuses, especially minors. This policy describes requirements to engage with minors to promote their protection, while visiting our campus or in a University-related program, and to fulfill our obligations as mandated by law under The California Child Abuse and Neglect Reporting Act (“CANRA”).

CANRA imposes specific requirements on employers that have regular contact with minors to report suspected child abuse or neglect, including, but not limited to, the following:

- Physical injury inflicted by other than accidental means,
- Sexual abuse or exploitation,
- Willful endangerment,
- Unlawful corporal punishment, and
- Other maltreatment.

See [FAQ #2](#) for additional information on the types of child abuse and neglect that are reportable under CANRA.

CANRA/Mandated Reporters

Employees (including faculty members, other academic personnel and student employees) and other administrators whose duties bring them into contact with minors on a regular basis, or who supervise others with such duties are Mandated Reporters for child abuse or neglect occurring on the University’s premises or at official University activities or programs. The law does not define “duties” or “regular basis.” Examples of Mandated Reporters are listed in Appendix A.

Volunteers and third-party contractors do not have the same civil and legal penalties if there is a failure to report under CANRA, however; the University expects both to act as a Mandated Reporter.

Students providing services on behalf of the University without compensation are not treated as Mandated Reporters under CANRA. These individuals, however, are subject to the requirements contained in this Policy applicable to Mandated Reporters if their volunteer services involve contact with minors on a regular basis. If a student is an employee of the University, and their duties bring them into contact on a regular basis, they will be considered a Mandated Reporter under this policy.

CANRA requires that employers of Mandated Reporters promote identification and reporting of child abuse or neglect. The University requires that all University employees and administrators who are Mandated Reporters make required reports to child protection or law enforcement agencies; and more broadly to encourage *all* members of the University community who observe, have actual knowledge of, or reasonably suspect child abuse or neglect at a University facility or perpetrated by University personnel to promptly report the concern to appropriate external and University officials.

Reporting

Mandated Reporters have a legal responsibility to report known or reasonably suspected child abuse or neglect, as follows:

1. **First Report: Reporter shall make a verbal report immediately or as soon as practicable to any of the following: local law enforcement, child protective services or county welfare departments.**
 - a) Law enforcement
 - San Francisco Police Department: (415) 553-0123
 - San Francisco Sheriff Department: (415) 554-7225
 - b) A list of Child Protective Services hotlines across California can be found [here](#).
 - c) A list of County welfare departments [can be found here](#).

Even where the abuse may have occurred in another state, your only obligation is to call one of these local or county agencies. It is the agencies' responsibility to refer the matter to the appropriate extra-state authorities.
2. **Second Report:** The verbal report must be followed within 36 hours by a written report to the law enforcement or child protective agency that the initial report was made to and will be investigating the incident. The investigating agency will ask you to complete the **Suspected Child Abuse Report, Form 8572**.
3. **Third Report-** Reporters shall then make an internal report (can be anonymous) to their supervisors, through the University's Whistleblower Hotline **1-800-316-4315**, Public Safety, or a [University officer](#). Supervisors who receive reports should promptly forward those to a [University Officer](#) or to the University Whistleblower Hotline to be made anonymously. An internal report is not a substitute for a Mandated Reporter's required external reports under CANRA or other applicable laws.

It also is the policy of the University to require all employees (without regard to Mandated Reporter status), volunteers, students, and third party contractors to immediately report in writing to Public Safety or a [University officer](#), any known or suspected child abuse or neglect that occurs on campus, in any off-campus University building or property, or in connection with any University-related program or activity in a manner consistent with this policy.

Failure to Report to USF- If an employee fails to report suspected sexual abuse of a minor, this may result in disciplinary action, including termination, consistent with applicable [University policies](#).

A Mandated Reporter who fails to execute their legal obligations may be subject to criminal penalties including fines, imprisonment or both.

- Misdemeanor or punishable by up to six months in jail,
- A fine of \$1000,
- Or both

No University supervisor, administrator, or other employee may inhibit the duty of a Mandated Reporter, or other individual subject to this Policy, from reporting suspected child abuse. A supervisor or administrator who impedes, inhibits, or sanctions a Mandated Reporter for filing a mandated report may be fined up to \$5,000, imprisoned for not more than 1 year, or both where that abuse and neglect result in death or great bodily injury. Any retaliation initiated against a reporter of child abuse or neglect will be addressed promptly, in accordance with the University's **Whistleblower Policy** or **Retaliation Policy**.

What information should you give and what information should you request of the reporting agency:

1. Call immediately or as soon as practicable

- Give the agency as many details as possible
- Tell them that you are a Mandated Reporter at the University of San Francisco
- Tell them you are filing a report under the section Penal Code 11160 (or P.C.11165.7(41))
- Record the name of the person who took the report along with the report number, a fax number or email of the agency, date and time.

2. Make a written report

- No later than 36 hours after your verbal report
- Fill out [Form SS 8572](#)
- Fax or scan/email it to the agency with whom you spoke

Training on Reporting Obligations

Mandated Reporters must watch the USF CANRA [training video](#) to advise Mandated Reporters and other members of the University community on the subject of child abuse and

neglect identification and reporting and of their obligations under CANRA. Mandated Reporters must comply with the duties imposed by CANRA whether or not they have undergone training from the University. Following the training, employees who are Mandated Reporters must sign a statement acknowledging that they understand and will comply with CANRA only after the Mandated Reporter has watched the USF CANRA Training Video. (See [CANRA Acknowledgment to Report Child Abuse Form](#)).

Persons authorized by the University to work in a program that brings that individual into regular contact with minors, or person who directs or supervises such a program, must sign the **CANRA Acknowledgment to Report Child Abuse Form**.

Requirements for Individuals Who Work with Minors

All employees, students, and volunteers authorized by the University to regularly work in a University-sponsored program, including the supervisors of such individuals, are treated as **Mandated Reporters** under this Policy. Such individuals must meet the following requirements prior to working in the program and annually thereafter:

- **“Protecting Children: Identifying and Reporting Sexual Misconduct” Training** – Successfully complete online training
- **Live Scan / Fingerprinting** - Fill out “Request for Live Scan Service” form, then authorize and successfully complete fingerprinting
- **CANRA Acknowledgment to Report Child Abuse Form** – Complete and sign CANRA form confirming the individual’s responsibility to report any known or reasonably suspected abuse or neglect of a minor, and (does not include students without compensation or volunteers)
- [CANRA Training Video](#)
- **Criminal Background Check Verification Form (third parties only)** – Complete and sign form required for third parties utilizing University facilities for programs or activities involving minors.

University Departments are responsible for ensuring that these requirements have been satisfied with respect to any person authorized to regularly work in a program involving minors. Copies of completed forms and other substantiating documentation must be retained by departments for audit purposes for a minimum of three years. Post three years, University departments must contact the Department of Public Safety to obtain consent to no longer retain documentation. Third-parties using University facilities for programs or activities involving minors may be asked to provide proof of training and fingerprinting upon request for audit purposes.

Exceptions

This policy does not apply to: (1) events on campus that are open to the public; (2) private events where minors attend under the supervision of a parent or legal guardian; and (3) activities or programs that only involve minors who are matriculated University students.

A request for an exception to the training and fingerprinting requirements must be submitted for review and approval in accordance with the procedures contained in this Policy. See **Authorization**.

Infrequent Contact with Minors

If an individual's job duties or assignment has only infrequent or incidental contact with minors, the individual is not a Mandated Reporter.

Supervision and Protection of Minors

The following standards must be observed in the conduct of any University program involving minors and are intended to ensure the safety of the participants and minimize any disruption to the University's regular business activities:

- Minors who are not accompanied by a parent or legal guardian must be supervised at all times by at least one adult authorized by the University to work in an on-campus or off-campus activity designed for children.
- Minors, even if accompanied by an adult, shall be restricted from using certain equipment or entering certain areas of the campus such as laboratories and other facilities, when it presents a safety hazard for children.
- If minors will be receiving instruction or volunteering in a laboratory, the department must insure that these students receive appropriate training in lab safety rules and procedures. See **Laboratory Safety Policy**.
- Minors are not allowed in classrooms while classes are in session unless prior approval has been obtained from the faculty member and the dean.
- Minors who are disruptive or who do not meet appropriate standards of student conduct may be removed from the program, at the discretion of the University.

Departments that administer or sponsor programs designed for minors should implement the procedures set forth in the University's **Guidelines for Supervising Minors**.

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RELATED INFORMATION

Type	Title
USF	Guidelines for Supervising Minors
USF	Laboratory Safety Policy
USF	Vehicular Use Policy
USF	Whistleblower Policy
USF	Retaliation Policy
External	California Child Abuse and Neglect Reporting Act
External	EduRisk Learning Portal – Protecting Children: Identifying and Reporting Misconduct

DEFINITIONS

Term	Definition
Abuse	Includes physical injury inflicted by other than accidental means on a child; sexual assault or sexual exploitation of a child; willful harming or injuring of a child; and unlawful corporal punishment or injury inflicted on a child, resulting in a traumatic condition. [CANRA Sections 11165.1 and 11165.6]
Business Manager	A University employee, designated by the President, Vice President, Vice Provost, or Dean who is the financial manager for the University account(s) being used for the expense. This may include the President, Vice Presidents, Vice Provosts, or the Deans.
Employee	Someone who is permitted or suffered to work for the University for compensation. Volunteers are not treated as employees.
Mandated Reporter	Any person employed by the University or other individual who is required under CANRA to report known or reasonably suspected child abuse or neglect to appropriate law enforcement authorities. See Appendix A .
Minor (or Child)	Any person under the age of eighteen (18) who is <i>not</i> enrolled in an undergraduate or graduate University program.
Neglect	The negligent treatment or maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health and welfare. The term includes both acts and omissions on the part of the responsible person such as lack of adequate food, clothing, medical care, etc. [CANRA Section 11165.2]
Volunteer	An individual who provides services on behalf of the University for no remuneration or expectation that they will be compensated except for the reimbursement of out-of-pocket expenses.

FORMS

Form	Use	Location
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Acknowledgment to Report Child Abuse Form (CANRA)	Used to document that individuals who are Mandated Reporters will comply with the reporting requirements set forth in this Policy.	Risk Management
Release and Waiver of Liability, Assumption of Risk, and Indemnity Agreement	Used to obtain consent from the parent or legal guardian of a minor who will be participating in a University activity.	Risk Management
Request for Live Scan Service (BCIA 8016)	Used to request electronic fingerprinting check by the DOJ.	Department of Justice
Suspected Child Abuse Report, Form SS 8572	Used to report suspected child abuse or neglect to an authorized law enforcement agency.	Department of Justice

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RESPONSIBILITIES

Mandated Reporters

- Consents to fingerprinting prior to performing any services in a University-sponsored program involving minors.
- Completes initial and annual training on the protection of minors.
- Signs **CANRA Acknowledgment to Report Child Abuse Form**.
- Immediately reports known or reasonably suspected child abuse or neglect to local law enforcement, child protective services or county welfare departments in accordance with this Policy.
- Completes written report, as instructed by the investigating agency, within 36 hours of making initial call to local law enforcement, child protective services or county welfare departments.

Department/Business Manager

- Ensures that individuals under its jurisdiction who regularly work with minors, or who supervise such individuals, undergo requirements under this Policy.
- Ensures that parents or guardians of children participating in a department program designed for minors complete and sign the **Release and Waiver of Liability** form.
- Ensures that parents or guardians provide prior written authorization whenever a minor will be released to the custody of another adult or transported in a vehicle occupied only by a University adult and a minor.
- Ensures that individuals under its jurisdiction who regularly work with minors, or who supervise such individuals, immediately report any known or reasonably suspected child abuse or neglect.
- Forwards reports to a [University Officer](#) or to the Whistleblower Hotline to be made anonymous, if an employee has reported it to them.

Risk Management

- Coordinates registration of authorized drivers operating University-owned or private vehicles to transport minors in connection with a University-sponsored program.
- Coordinates review of requests for an exception to this Policy.
- Coordinates with HR to arrange for checking fingerprinting results in the Department of Justice database.
- Facilitates mobile Live Scan Notary service to perform fingerprinting onsite with a respective department or group.

Human Resources

- Communicates fingerprinting results to Risk Management of employees, students, and volunteers who regularly work in a program intended for minors.

President, Vice Presidents, Vice Provosts, and Deans

- Ensures that employees in their division who work in or administer programs involving minors are in compliance with this Policy.

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REVISION HISTORY

12/01/2018	First publication of Policy.
10/1/2020	3 rd party contractors, CANRA updates and removal of background checks.

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PROCEDURES

Authorization

Live Scan / Fingerprinting

Protecting Children Training/CANRA

Participant Waiver

Drivers

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AUTHORIZATION

This Policy is published under the authority of the Vice President for Business and Finance. Any request for an exception to the Policy must be submitted to Risk Management for review and approval, if appropriate. The request must include a written statement explaining why the standards set forth in the Policy are not attainable or desirable and a description of the alternative procedures, if any, that would be implemented in their place.

LIVE SCAN / FINGERPRINTING

All University employees, students, and volunteers who regularly work in a University-sponsored program intended for minors or who administers such a program are required to successfully complete fingerprinting prior to undertaking an assignment involving minors.

Fingerprinting is coordinated by the Office of Risk Management and Human Resources. Departments that administer programs involving minors must arrange for the following:

- **Fingerprinting** – The University uses the California Department of Justice (DOJ) Live Scan Service for conducting fingerprinting. Each person subject to this Policy must complete the **Request for Live Scan Service (BCIA 8016)** form and provide appropriate identification for submission to the DOJ, which will conduct an electronic check of the individual's fingerprints. Make sure to obtain the ORI Code and Billing Number for the Live Scan form from Risk Management to ensure results are sent to the University of San Francisco confidential Department of Justice portal. Risk Management can arrange for an on-site Live Scan Service unit to be on campus to take fingerprints for groups of 15 or more. Individuals who are unable to use this service must complete fingerprinting independently.

All individuals authorized to work with minors on a regular basis must complete fingerprinting on an annual basis. Individuals who have not completed the check will not be permitted to participate in a University-sponsored activity involving minors.

Documentation substantiating that individuals subject to this Policy have successfully completed fingerprinting checks must be retained by departments for audit inspection by Risk Management and the Office of Internal Audit and Tax Compliance for a minimum of three years.

PROTECTING CHILDREN TRAINING

Any person authorized by the University to work in a program that brings that individual into regular contact with minors, or person who directs or supervises such a program, must complete the Protecting Children Training offered by the University third-party vendor, EduRisk.

To access the training, new users will need to register with EduRisk, as follows:

- The user must log into the **EduRisk Learning Portal**.
- First-time users need to register on the Learning Portal.
- Be sure to enter a valid email address as this will be your username and cannot be changed.
- After completing registration, you should receive an email with a temporary password.
- Follow the link in the email to sign on.

- You will be prompted to enter a new password when first signing in.
- Upon completion, you will receive an email with a link to download the certificate of completion. You can also go to “My Completions” to obtain evidence of completion.

Once the registration process is completed, the user can access the Protecting Children training module. Individuals who complete this training must provide a copy of their certificate of completion to their department.

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PARTICIPANT WAIVER

The parent or legal guardian of each minor participating in a University program must complete and sign the **Release and Waiver of Liability** form published by Risk Management. The form must be signed and returned to the department in advance of the minor’s participation in the program. Minors will not be allowed to take part in the program until a properly completed form is received by the department. Copies of the completed forms must be retained by departments for audit purposes for a minimum of three years.

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DRIVERS

Any individual operating a vehicle as part of a University-sponsored activity involving minors must be registered as an authorized driver with Risk Management, in accordance with the **Vehicular Use Policy**. Drivers who are not registered with Risk Management are prohibited from transporting minors in connection with any University activity.

A University-owned vehicle, rather than a privately-owned vehicle, should be used for transporting minors. A minor should also never be driven alone in a vehicle by an adult driver. See [Guidelines for Supervising Minors](#).

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VIOLATIONS

A violation of any portion of this Policy may result in disciplinary action, up to and including termination of employment and/or legal action. In addition, a Mandated Reporter who fails to report an incident of known or reasonably suspected child abuse or neglect is subject to fines and/or imprisonment pursuant to CANRA Section 11166.(c).

Protection of Minors Policy FAQ

1. Are faculty members Mandated Reporters?

In general, faculty members are not Mandated Reporters because they normally teach only enrolled University students. However, a faculty member may meet the definition of a Mandated Reporter set forth in CANRA because of other duties performed by the individual. For example, a faculty member may:

- Instruct minors in connection with an academic program, lab training, or other enrichment activity.
- Interact with high school students as part of a University internship or recruiting program.
- Conduct a research study that utilizes volunteers who may be minors.

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2. What type of conduct is reportable?

Under CANRA, the following forms for child abuse or neglect must be reported:

- Physical injury inflicted by other than accidental means [CANRA Section 11165.6].
- Sexual abuse, meaning sexual assault or sexual exploitation of a child [CANRA Section 11165.1].
- Sexual exploitation, meaning depicting a child in, or knowingly developing, duplicating, printing, downloading, streaming, accessing through any electronic or digital media, or exchanging, a film, photograph, videotape, video recording, negative, or slide in which a child is engaged in an act of obscene sexual conduct [CANRA Section 11165.1(c, d)].
- Neglect, meaning the negligent treatment, lack of treatment, or the maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare [CANRA Section 11165.2].

Child abuse does not include "mutual affray" between minors (e.g., fist-fights).

For additional information on reportable conduct, see [CANRA Code Sections 11165.1-11165.6](#).

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3. What is "reasonable suspicion?"

As defined under CANRA, "reasonable suspicion" means that 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. "Reasonable suspicion" does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect; any "reasonable suspicion" will suffice. The pregnancy of a minor, however, does not, in and of

itself, constitute a basis for a reasonable suspicion of sexual abuse [CANRA Section 11166(a) (1)].

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4. In my job I don't have regular contact with minors. Do I have to complete the requirements to work with minors and sign a CANRA form?

An individual who does not have contact with minors on a “regular basis” may not have to undergo training and fingerprinting. Because the term “regular basis” is not defined under CANRA, questions regarding whether a particular individual would be treated as a Mandated Reporter or not should be referred to Risk Management, which will conduct a review of the job duties assigned to the position that involve contact with minors.

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5. Can I simply tell my supervisor if I observe an incident of child abuse or neglect?

No. If you are a Mandated Reporter, informing your supervisor does not meet your legal obligation to call local law enforcement, child protective services, or county welfare departments . While you should promptly notify your supervisor, all employees, students, and volunteers who regularly work with minors are required to call local law enforcement, child protective services, or county welfare departments. If they reasonably suspect an occurrence of child abuse or neglect.

6. Does CANRA or the University Policy on Reporting Child Abuse and Neglect require contractors or volunteers (other than University administrators) to sign certification forms?

The certification mandate applies only to employees. However, the University may utilize the certification form as a means of notifying volunteers of statutory obligations and University expectations for reporting. This approach is particularly encouraged for volunteers who otherwise regularly interact with children through University programs. Volunteers do not have the same civil and legal penalties if there is a failure to report under CANRA, however; the University expects both to act as a Mandated Reporter.

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Mandated Reporters

Appendix A

Under the California Child Abuse and Neglect Reporting Act (**CANRA**), certain University employees are required to report known or reasonably suspected cases of child abuse or neglect. Such employees are deemed to be “Mandated Reporters” and include, but are not limited to, the following positions:

- A teacher.
- An instructional aide or teacher’s assistant.
- An administrator or employee of a youth recreation program.
- An administrator or employee whose duties require direct contact and supervision of children.
- An administrator or employee whose duties bring the administrator or employee into contact with children on a regular basis, or who supervises those whose duties bring the administrator or employee into contact with children on a regular basis, as to child abuse or neglect occurring on the institution’s premises or at an official activity of, or program conducted by, the institution.
- Child care employees.
- An employee of a police department or a peace officer.
- Members of the clergy.
- Any athletic coach, assistant coach, or graduate assistant involved in coaching.
- Health care professionals, including physicians, psychiatrists, psychologists, residents, nurses, therapists, clinical counselors, and similar workers.

Students providing services on behalf of the University without compensation are not treated as Mandated Reporters under CANRA. These individuals, however, are subject to the requirements contained in this Policy applicable to Mandated Reporters if their volunteer services involve contact with minors on a regular basis.

For a complete list of all mandated reporters, see Section 11165.7(a) of **CANRA**.

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