

EXECUTIVE ORDER 1083 Revised July 21, 2017 (EO 1083 Revised) MANDATORY REPORTING OF CHILD ABUSE AND NEGLECT

Frequently Asked Questions

1. ***Q: Who is considered a Mandated Reporter under this policy?***

A: The California Penal Code §§ 11164-11174.3 (also known as The California Child Abuse and Neglect Reporting Act, or CANRA) identifies certain groups of employees as Mandated Reporters. In addition to the statute, the CSU requires all Management Personnel Plan (MPP) employees, Executives, and all volunteers to be designated as Mandated Reporters. Categories of CSU employees and volunteers who qualify as Mandated Reporters are identified in Attachment B of the policy.

2. ***Q: What is the difference between a Limited Reporter and a General Reporter?***

A: CANRA identifies two categories of Mandated Reporters, which the CSU has termed “Limited Reporter” and “General Reporter.” General Reporters are those who are legally required to report child abuse or neglect *no matter where it occurs*. Limited Reporters are those who are legally required to report child abuse or neglect *only if it occurs on CSU premises or at an official activity of, or program conducted by, the CSU*.

3. ***Q: Did the CSU complete its meet and confer obligations for EO 1083 Revised?***

A: Yes, all unions were notified of and given the opportunity to meet and confer over the executive order requirements. The CSU completed its meet and confer obligations prior to execution of EO 1083 Revised.

4. ***Q: Are all CSU employees designated as Mandated Reporters?***

A: Not necessarily, only certain categories of CSU employees are Mandated Reporters. For a list of categories of employees who qualify as Mandated Reporters and their specific designation (as Limited Reporter or General Reporter), refer to Attachment B of the Executive Order (EO).

5. ***Q: Must we notify existing employees who were formerly designated as Mandated Reporters under EO 1083 issued January 1, 2013 if they are no longer designated as Mandated Reporters under this updated policy?***

A: Yes, these employees should be informed that they are no longer designated as Mandated Reporters under EO 1083 Revised.

6. ***Q: Are campus Presidents covered under this policy?***

A: Campus Presidents are covered under the policy and should be designated.

7. **Q:** *Does this Executive Order apply to student employees?*
- A: Yes, student employees should be appropriately designated if applicable.
8. **Q:** *Are student employees who work in camps where children attend required to be designated?*
- A: Yes, these student employees should be designated as General Reporters.
9. **Q:** *Does this Executive Order apply to auxiliary employees or CSU employees who work at camps or clinics not operated by the CSU during the summer months?*
- A: Auxiliary employees and other non-CSU employees are not covered under this policy. This includes CSU employees while they are employed by these organizations. For example, a CSU 10-month employee who is employed by an auxiliary or outside organization for the summer months would not be covered under the CSU policy during the 2-3 month timeframe, but would be strongly encouraged to report suspected child abuse or neglect.
10. **Q:** *Are all Student Life/Residence Hall staff designated as General Reporters under this policy?*
- A: Yes, all Student Life/Residence Hall staff will be designated as General Reporters.
11. **Q:** *Are all Outreach staff designated as General Reporters?*
- A: Outreach staff who participate in overnight programs will be designated as General Reporters. However, all Outreach staff should be reviewed for possible designation.
12. **Q:** *Are Registered Nurses (RNs) and Nurse Practitioners (NPs) Mandated Reporters under this policy?*
- A: Yes, RNs and NPs shall be designated as General Reporters, per CA Penal Code Section 11165.7(a)(21).
13. **Q:** *Attachment B lists faculty who are “likely to be assigned to teach lower-division undergraduate courses in the future” as Limited Reporters. How do we determine which faculty fall under this category?*
- A: This is at the campus’ discretion. It may be possible to determine which faculty are likely to be assigned to teach lower-division undergraduate courses in the future based on the faculty employee’s tenure status or teaching history. The designation should be periodically reviewed and updated.

14. **Q:** *An employee was hired into a non-MPP position before 1/1/1985 but is now a MPP. Does this policy apply to the employee?*
- A: Yes, the policy requires all MPPs to be designated as a Limited Reporter, at the minimum. Only non-MPP employees hired before 1/1/1985 are excluded from this EO; however, they are strongly encouraged to report suspected child abuse or neglect.
15. **Q:** *Can non-MPP employees who were hired before 1/1/1985 but had a break in service be designated as Mandated Reporters?*
- A: The employee's designation should be reviewed upon the employee's return. If the employee's job duties fall within those listed in Attachment B, the employee is a Mandated Reporter and must complete the appropriate acknowledgment form.
16. **Q:** *Should a supervisor be designated as a Mandated Reporter simply because the employee s/he supervises has been designated as a Mandated Reporter?*
- A: The supervisor's designation should be independent of their employees' designation, with the exception of those who supervise employees who have regular contact with children. As a reminder, the statute requires reporting child abuse or neglect to the appropriate authorities (e.g., campus police, sheriff's department, or Child Protective Services); making a report to a supervisor or manager is not a substitute for making a mandated report (Penal Code § 11166(i)(1)).
17. **Q:** *May the campus designate all of their employees as Limited Reporters?*
- A: No, designating all employees (or all employees in a particular bargaining unit, unless already designated so in the executive order) as Limited Reporters – at the minimum – would be a unilateral change in the terms and conditions of employment that require notice and meet and confer with the unions. The designation of all CSU employees (or all employees in a particular bargaining unit) as Limited Reporters would also be contrary to what the CSU had already bargained under EO 1083 Revised. Campuses must use Attachment B as a guideline for designating employees as General or Limited Reporters.
18. **Q:** *Is there a deadline for campuses to comply with the Executive Order?*
- A: The Executive Order must be implemented on the campus no later than January 15, 2018.
19. **Q:** *What is a “reasonable amount of time” for existing employees or volunteers to return the signed acknowledgment forms?*
- A: This will be at the campus' discretion. As a reminder, campuses have the responsibility of implementing the policy on their campuses no later than January 15, 2018.

20. **Q:** *How is “regular contact with children” defined?*

A: Employees with “regular contact with children” are employees whose job duties bring them into close physical proximity to a minor once a week or more, on average. Employees who work in a building where minors are likely to enter or the employees who are likely to walk pass a minor on campus is not sufficient to have “regular contact with children,” as these actions/activities are not associated with the employee’s job duties.

21. **Q:** *Is fingerprinting a requirement of this EO?*

A: Fingerprinting is a separate requirement that does not fall under the scope of this policy. Please refer to the CSU Background Check Policy for fingerprinting requirements.

22. **Q:** *Our employees have already signed the acknowledgment form under EO 1083 issued January 1, 2013. Are they required to sign the new form under EO 1083 Revised?*

A: Yes, existing employees who are designated under EO 1083 Revised must complete the appropriate acknowledgment form. These forms identify the specific Mandated Reporter designation (e.g., Limited Reporter or General Reporter) which was not required under EO 1083 (January 1, 2013).

23. **Q:** *What if existing employees or volunteers refuse to sign the acknowledgment form?*

A: Existing employees designated as Mandated Reporters who refuse to sign the acknowledgment form within a reasonable period of time, despite being reminded by Campus Human Resources, will be subject to disciplinary action, up to and including dismissal. Existing volunteers who refuse to sign the acknowledgment form within a reasonable period of time cannot continue to serve as volunteers.

24. **Q:** *Are volunteers who provide their services occasionally or at a one-time event required to sign the acknowledgment form?*

A: Yes, the policy applies to *all* volunteers, so these volunteers will be required to sign the acknowledgment form prior to providing service. It is recommended that the form be incorporated into the paperwork that volunteers complete prior to the start of their service.

25. **Q:** *Can the campus integrate language explaining a Mandated Reporter’s responsibilities and the importance of the designation into their volunteer onboarding documents?*

A: This is at the campus’ discretion. However, the acknowledgment form should not be altered.

26. **Q:** *Can the acknowledgment forms be sent and collected electronically?*

A: Yes, campuses may use electronic means to distribute and collect forms, as long as there is a means of retention.

27. **Q:** *May we retain electronic copies of the acknowledgment forms if they are collected electronically?*
- A: Signed acknowledgment forms must be placed in each employee's personnel file. For employees who have an electronic personnel file, campuses must retain the electronic copies in the same location where all other types of personnel file documents are kept for that particular employee. Similarly, if employees only have a physical personnel file, the signed acknowledgment form must be placed in the employee's physical personnel file.
28. **Q:** *Can electronic or digital signatures be used for the acknowledgment forms?*
- A: Electronic or digital signatures may be accepted if it is the campus' current practice/policy for accepting these types of documents.
29. **Q:** *Are we required to specify the designation (Limited Reporter or General Reporter) in position announcements and position descriptions for all positions designated as Mandated Reporters?*
- A: No, the specific designation does not need to be listed in position announcements and position descriptions. However, they must contain 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 Revised July 21, 2017 as a condition of employment."
30. **Q:** *Are teaching assistants required to sign the acknowledgment form?*
- A: Yes, per the statute and Attachment B, teaching assistants shall be designated as General Reporters and will be required to submit a signed acknowledgment form (Attachment D).
31. **Q:** *How often should an employee complete the acknowledgment form and training?*
- A: Employees who have an employment status change (e.g., promotion, transfer, reassignment, rehire) should have their designations re-evaluated. If designated as a Mandated Reporter in the new position, the employee should complete the appropriate acknowledgment form and be offered the opportunity to complete the training. As a reminder, the training is strongly encouraged, not required.
32. **Q:** *How should the signed acknowledgment forms be retained?*
- A: Signed forms are placed in the employee's personnel file, and be maintained according to the CSU Retention Policy. If there is no personnel file (e.g., volunteers), the form should be placed where the campus maintains its documents/records for these individuals.

33. **Q:** *How can we track the designation of CSU employees as well as the completion of the acknowledgment forms?*

A: Systemwide Human Resources has plans to update PeopleSoft to track employee Mandated Reporter designation and receipt of a signed acknowledgment form in the future delivery of CHRS (Common Human Resources System). More information will be provided to the campuses once this is completed.

34. **Q:** *Is training available for volunteers?*

A: Yes, training is available to volunteers in Skillport. Training may be offered to volunteers (as well as other non-CSU employees) through the “Non-State/Non-Member” category. Please contact Systemwide Professional Development for further details.

35. **Q:** *Can the campus require training for non-represented employees and volunteers?*

A: No, the EO specifically states that the campus may not require training for any employee or volunteer. However, training is strongly encouraged for all Mandated Reporters.

36. **Q:** *Can Mandated Reporters satisfy the reporting obligation by making a report of suspected child abuse or neglect to their supervisors, managers, or the appropriate administrator?*

A: No, Mandated Reporters are legally required to report child abuse or neglect to a police or sheriff’s department (including campus police but not including a school district police or security department), a county probation department, or the county welfare department (Child Protective Services). Reporting to a supervisor, coworker, or any other person is not a substitute for making a mandated report to one of the agencies listed.

37. **Q:** *A faculty member discovers possible child abuse or neglect in the course of instruction with students. Is the faculty member required to report child abuse or neglect under this policy?*

A: This depends on the designation of the faculty member and where the alleged abuse occurred:

- If the faculty member is not designated as either a Limited or General Reporter, the faculty member is not required to report, but is still strongly encouraged to report the suspected child abuse or neglect.
- If the faculty member is a Limited Reporter and there is reasonable suspicion that the abuse occurred on the CSU premise or at an official activity of, or program conducted by, the CSU, then the faculty member has a legal requirement to make the report to the appropriate authorities. Where the abuse did not occur on CSU premises or at an official activity of, or program conducted by the CSU, the Limited Reporter does not have a legal obligation to report; however, the report is strongly encouraged.

-If the faculty member is a General Reporter and there is reasonable suspicion that the abuse occurred (no matter where it occurred), then the faculty member has a legal requirement to make the report to the appropriate authorities.

38. Q: *If an employee has two positions at the campus, where one falls under the General Reporter category, but the second position falls under the Limited Reporter category, how should the employee be designated?*

A: The employee shall be designated as a General Reporter. Similarly, an employee with two positions where one falls under the Limited Reporter category but the second position is not designated, the employee shall be designated as a Limited Reporter.

39. Q: *An employee who has been designated as a Limited Reporter is transferred into a position that falls under the Limited Reporter category. Does the employee need to complete a new acknowledgment form?*

A: No, the employee's position has been re-evaluated and it has been determined that the employee's designation as a Limited Reporter has not changed. However, if the employee's designation has changed to a General Reporter, the employee is required to complete the appropriate form.

40. Q: *A campus' auxiliary organization adopts requirements that are similar to the CSU's Mandated Reporter Policy, and thus requires forms to be completed for Mandated Reporters. Many of the auxiliary employees are also CSU employees who have been designated as a Mandated Reporter. Can the auxiliary verify completion of the signed acknowledgment form with CSU Human Resources?*

A: No, the forms are specific to the CSU; they refer to CSU's Executive Order 1083 Revised July 21, 2017 and provide links to the CSU-provided training. The auxiliary is responsible for designating their employees and notifying them of their CANRA obligations as an auxiliary employee.