1. STATEMENT OF POLICY:

The University, as part of its educational mission, from time to time has programs and services that include children. At times the university also allows external organizations to use University facilities for programs including children. The protection and safety of the children in these programs is among the highest priorities of the University and of the organizations administering these programs.

All students, faculty and staff of the University have a duty to immediately report any incidents or suspected incidents of child abuse to the Department of Public Safety at (310) 338-2893/Campus Safety & Security at (213) 736-1121 (Law School Campus), whether they are directly observed or reported to them by others. This includes reports of past child abuse of an individual that is 18 years of age or older that occurred when the individual was a minor.

It is important for every member of our University community to clearly understand this imperative and the University expectation and/or the legal requirement that everyone with knowledge of any abusive action(s) or activity(ies) will report such incidents or suspected incidents of child abuse. The ethos of LMU is that there is an expectation of reporting and that there are no individuals or groups of individuals who are exempt from this standard. The purpose of this policy is to provide students, faculty and staff members guidance regarding how to report witnessed or suspected incidents of child abuse that are observed by or reported to them.

2. DEFINITIONS¹:

“Child,” for the purpose of this policy, means any person under the age of eighteen (18).

“Child Abuse,” for the purpose of this policy, includes but is not limited to any observed or suspected incidents of the following: sexual assault, sexual exploitation, neglect, unlawful corporal punishment or injury, abuse or neglect in out-of-home care, or the willful harming or injuring of a child or the endangering of the person or health of a child.

“Sexual Assault,” for the purpose of this policy, includes rape, statutory rape, rape in concert, incest, sodomy, oral copulation, lewd or lascivious acts upon a child, sexual penetration, or child molestation. “Sexual Assault” includes, but is not limited to, all of the following:

¹ The terms, “child,” “child abuse,” “sexual assault,” “sexual exploitation,” “neglect,” “severe neglect,” “general neglect,” “unlawful corporal punishment or injury,” “abuse or neglect in out-of-home care,” and, “willful harming or injuring of a child or the endangering of the person or health of a child,” are defined pursuant to California Penal Code, §§11165, et seq.
1. Penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen.
2. Sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person.
3. Intrusion by one person into the genitals or anal opening of another person, including the use of any object for this purpose, except that, it does not include acts performed for a valid medical purpose.
4. The intentional touching of the genitals or intimate parts (including the breasts, genital area, groin, inner thighs, and buttocks) or the clothing covering them, of a child, or of the perpetrator by a child, for purposes of sexual arousal or gratification, except that it does not include acts which may reasonably be construed to be normal caretaker responsibilities; interactions with, or demonstrations of affection for, the child; or acts performed for a valid medical purpose.
5. The intentional masturbation of the perpetrator's genitals in the presence of a child.

“Sexual exploitation,” for the purpose of this policy, refers to any of the following:

1. Conduct involving matter depicting a minor engaged in obscene acts or employment of minor to perform obscene acts.
2. A person who knowingly promotes, aids, or assists, employs, uses, persuades, induces, or coerces a child, or any person responsible for a child's welfare, who knowingly permits or encourages a child to engage in, or assist others to engage in, prostitution or a live performance involving obscene sexual conduct, or to either pose or model alone or with others for purposes of preparing a film, photograph, negative, slide, drawing, painting, or other pictorial depiction, involving obscene sexual conduct. For the purpose of this section, "person responsible for a child's welfare" means a parent, guardian, foster parent, or a licensed administrator or employee of a public or private residential home, residential school, or other residential institution.
3. A person who depicts a child in, or who knowingly develops, duplicates, prints, downloads, streams, accesses through any electronic or digital media, or exchanges, a film, photograph, videotape, video recording, negative, or slide in which a child is engaged in an act of obscene sexual conduct.

“Neglect,” for the purpose of this policy means the negligent 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. The term includes both acts and omissions on the part of the responsible person.

1. "Severe neglect" means the negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed nonorganic failure to thrive. "Severe neglect" also means those situations of neglect where any person having the care or custody of a child willfully causes or permits the person or health of the child to be placed in a situation such that the child’s person or health is endangered, as proscribed by Section 11165.3, 2 including the intentional failure to provide adequate food, clothing, shelter, or medical care.
2. "General neglect" means the negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred.

“Unlawful corporal punishment or injury,” for the purpose of this policy, means a situation where any person willfully inflicts upon any child any cruel or inhuman corporal punishment or injury resulting in traumatic condition.

2 This citation refers to the California Penal Code, section 11165.3.
“Abuse or neglect in out-of-home care,” for purpose of this policy, refers to physical injury or death inflicted upon a child by another person by other than accidental means, sexual abuse, neglect, unlawful corporal punishment or injury, or willful harming or injuring of a child or the endangering of the person or health of a child, where the person responsibility for the child’s welfare is a licensee, administrator or employee of any facility licensed to care for children, or an administrator or employee of a public or private school or other institution of agency.

"Willful harming or injuring of a child or the endangering of the person or health of a child," for the purpose of this policy means a situation in which any person willfully causes or permits any child to suffer, or inflicts thereon, unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of the child to be placed in a situation in which the child’s person or health is endangered.

“Mandated reporter” is defined pursuant to California Penal Code section 11165.7. See Appendix B, California Penal Code Section 11165.7.

3. POLICIES/PROCEDURES:

All students, faculty and staff of the University have a duty to immediately report any incidents or suspected incidents of child abuse to the Department of Public Safety at (310) 338-2893/Campus Safety & Security at (213) 736-1121 (Law School Campus), whether they are directly observed or reported to them by others.

There is no time limitation regarding the reporting of child abuse. If the victim was under 18 when the abuse occurred, the past abuse must be reported to the Department of Public Safety at (310) 338-2893/Campus Safety & Security at (213) 736-1121 (Law School Campus).

If there is child abuse in progress or an imminent threat of child abuse where it appears that child abuse is likely to take place, emergency assistance should be obtained immediately by contacting the Department of Public Safety at x222/Campus Safety & Security at (213) 736-1121 (Law School Campus), and the situation should be immediately reported concurrently to the LAPD by dialing 9-911.

A student, faculty or staff member who is unsure whether what the student, faculty or staff member has witnessed or what has been reported to the student, faculty or staff member constitutes child abuse should contact the Department of Public Safety at (310) 338-2893/Campus Safety & Security at (213) 736-1121 (Law School Campus) and report the incident. The Department of Public Safety/Campus Safety & Security will take appropriate responsive action based on the information provided.

When DPS/Campus Safety & Security receives a report of child abuse, DPS/Campus Safety & Security will notify governmental agencies, as appropriate.

DPS/Campus Safety & Security will then notify the following individuals:

- If students are involved – Dean of Students, if not available, the Senior Vice President of Student Affairs/Director of Student Affairs (Law School Campus), if not available, the Associate Director of Student Affairs (Law School Campus);
- If faculty or staff are involved – Vice President of Human Resources, if not available, the Executive Vice President and Chief Administrative Officer/Dean (Law School Campus);
If vendors, guests or other visitors are involved – Senior Director for Auxiliary and Business Services, if not available, the Vice President, Information Technology & Business Services.

If the reported child abuse also constitutes sexual assault, the Title IX Coordinator at (310) 568-6105.

**Mandated reporters**

Nothing in this policy is intended to or shall be construed to substitute, relieve or take the place of any reporting requirements imposed by law. The reporting requirements of this policy should be followed in addition to all reporting requirements imposed by law. See Appendix A, Chart of Reporting Child Abuse Procedures, below.

Some individuals, by virtue of their profession are deemed, by law, to be mandated reporters and are required to report suspected child abuse or neglect to designated governmental offices or officials. All University employees and administrators who meet the legal definition of, “mandated reporter,” set forth below in Appendix B, must immediately report suspected child abuse or neglect occurring on University premises, or at an official activity or program of the University to the Los Angeles Police Department (LAPD) and submit a corresponding written report, as required by state law, to LAPD within 36 hours.

**Appendix A: Chart of Reporting Child Abuse Procedures**

<table>
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<tr>
<th>STATUS OF REPORTER</th>
<th>CHILD ABUSE REPORTING PROCEDURE</th>
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| Mandated reporter (as defined by law) | Call LAPD by dialing 9-911 immediately or as soon as is practicably possible.  
Call the Department of Public Safety at (310) 338-2893 (x82893)/Campus Safety & Security at (213) 736-1121 (Law School Campus).  
Submit a written report, as defined by state law, to LAPD within 36 hours. |
| Non-Mandated reporter when child abuse is in progress or imminent | Call the Department of Public Safety at x222/Campus Safety & Security at (213) 736-1121 (Law School Campus).  
Immediately report concurrently to the LAPD by dialing 9-911. |
| Non-Mandated reporter when there is a reasonable suspicion of child abuse/neglect | Call the Department of Public Safety at x222/Campus Safety & Security at (213) 736-1121 (Law School Campus). |
Appendix B: California Penal Code Section 11165.7 (emphasis added)

11165.7. (a) As used in this article, "mandated reporter" is defined as any of the following:
   (1) A teacher.
   (2) An instructional aide.
   (3) A teacher's aide or teacher's assistant employed by a public
      or private school.
   (4) A classified employee of a public school.
   (5) An administrative officer or supervisor of child welfare and attendance, or a certificated pupil
      personnel employee of a public or private school.
   (6) An administrator of a public or private day camp.
   (7) An administrator or employee of a public or private youth center, youth recreation program, or youth
      organization.
   (8) An administrator or employee of a public or private organization whose duties require direct contact
      and supervision of children, including a foster family agency.
   (9) An employee of a county office of education or the State Department of Education whose duties
      bring the employee into contact with children on a regular basis.
   (10) A licensee, an administrator, or an employee of a licensed community care or child day care
        facility.
   (11) A Head Start program teacher.
   (12) A licensing worker or licensing evaluator employed by a licensing agency, as defined in Section
        11165.11.
   (13) A public assistance worker.
   (14) An employee of a child care institution, including, but not limited to, foster parents, group home
        personnel, and personnel of residential care facilities.
   (15) A social worker, probation officer, or parole officer.
   (16) An employee of a school district police or security department.
   (17) A person who is an administrator or presenter of, or a counselor in, a child abuse prevention
        program in a public or private school.
   (18) A district attorney investigator, inspector, or local child support agency caseworker, unless the
        investigator, inspector, or caseworker is working with an attorney appointed pursuant to Section 317 of
        the Welfare and Institutions Code to represent a minor.
   (19) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, who
        is not otherwise described in this section.
   (20) A firefighter, except for volunteer firefighters.
   (21) A physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist,
        chiropractor, licensed nurse, dental hygienist, optometrist, marriage and family therapist, clinical social
        worker, professional clinical counselor, or any other person who is currently licensed under Division 2
        (commencing with Section 500) of the Business and Professions Code.
   (22) An emergency medical technician I or II, paramedic, or other person certified pursuant to Division
        2.5 (commencing with Section 1797) of the Health and Safety Code.
   (23) A psychological assistant registered pursuant to Section 2913 of the Business and Professions
        Code.
   (24) A marriage and family therapist trainee, as defined in subdivision (c) of Section 4980.03 of the
        Business and Professions Code.
   (25) An unlicensed associate marriage and family therapist intern registered under Section 4980.44 of
        the Business and Professions Code.
   (26) A state or county public health employee who treats a minor for venereal disease or any other
        condition.
   (27) A coroner.
   (28) A medical examiner or other person who performs autopsies.
(29) A commercial film and photographic print or image processor as specified in subdivision (e) of Section 11166. As used in this article, "commercial film and photographic print or image processor" means a person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, or who prepares, publishes, produces, develops, duplicates, or prints any representation of information, data, or an image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image, for compensation. The term includes any employee of that person; it does not include a person who develops film or makes prints or images for a public agency.

(30) A child visitation monitor. As used in this article, "child visitation monitor" means a person who, for financial compensation, acts as a monitor of a visit between a child and another person when the monitoring of that visit has been ordered by a court of law.

(31) An animal control officer or humane society officer. For the purposes of this article, the following terms have the following meanings:
   (A) "Animal control officer" means a person employed by a city, county, or city and county for the purpose of enforcing animal control laws or regulations.
   (B) "Humane society officer" means a person appointed or employed by a public or private entity as a humane officer who is qualified pursuant to Section 14502 or 14503 of the Corporations Code.

(32) A clergy member, as specified in subdivision (d) of Section 11166. As used in this article, "clergy member" means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization.

(33) Any custodian of records of a clergy member, as specified in this section and subdivision (d) of Section 11166.

(34) An employee of any police department, county sheriff's department, county probation department, or county welfare department.

(35) An employee or volunteer of a Court Appointed Special Advocate program, as defined in Rule 5.655 of the California Rules of Court.

(36) A custodial officer, as defined in Section 831.5.

(37) A person providing services to a minor child under Section 12300 or 12300.1 of the Welfare and Institutions Code.

(38) An alcohol and drug counselor. As used in this article, an "alcohol and drug counselor" is a person providing counseling, therapy, or other clinical services for a state licensed or certified drug, alcohol, or drug and alcohol treatment program. However, alcohol or drug abuse, or both alcohol and drug abuse, is not, in and of itself, a sufficient basis for reporting child abuse or neglect.

(39) A clinical counselor trainee, as defined in subdivision (g) of Section 4999.12 of the Business and Professions Code.

(40) An associate clinical counselor intern registered under Section 4999.42 of the Business and Professions Code.

(41) An employee or administrator of a public or private postsecondary educational institution, 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 that institution's premises or at an official activity of, or program conducted by, the institution. Nothing in this paragraph shall be construed as altering the lawyer-client privilege as set forth in Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code.

(42) An athletic coach, athletic administrator, or athletic director employed by any public or private school that provides any combination of instruction for kindergarten, or grades 1 to 12, inclusive.

(43) (A) A commercial computer technician as specified in subdivision (e) of Section 11166. As used in this article, "commercial computer technician" means a person who works for a company that is in the business of repairing, installing, or otherwise servicing a computer or computer component, including, but not limited to, a computer part, device, memory storage or recording mechanism, auxiliary storage recording or memory capacity, or any other material relating to the operation and maintenance of a
computer or computer network system, for a fee. An employer who provides an electronic communications service or a remote computing service to the public shall be deemed to comply with this article if that employer complies with Section 2258A of Title 18 of the United States Code.

(B) An employer of a commercial computer technician may implement internal procedures for facilitating reporting consistent with this article. These procedures may direct employees who are mandated reporters under this paragraph to report materials described in subdivision (e) of Section 11166 to an employee who is designated by the employer to receive the reports. An employee who is designated to receive reports under this subparagraph shall be a commercial computer technician for purposes of this article. A commercial computer technician who makes a report to the designated employee pursuant to this subparagraph shall be deemed to have complied with the requirements of this article and shall be subject to the protections afforded to mandated reporters, including, but not limited to, those protections afforded by Section 11172.

(44) Any athletic coach, including, but not limited to, an assistant coach or a graduate assistant involved in coaching, at public or private postsecondary educational institutions.

(b) Except as provided in paragraph (35) of subdivision (a), volunteers of public or private organizations whose duties require direct contact with and supervision of children are not mandated reporters but are encouraged to obtain training in the identification and reporting of child abuse and neglect and are further encouraged to report known or suspected instances of child abuse or neglect to an agency specified in Section 11165.9.

(c) Except as provided in subdivision (d), employers are strongly encouraged to provide their employees who are mandated reporters with training in the duties imposed by this article. This training shall include training in child abuse and neglect identification and training in child abuse and neglect reporting. Whether or not employers provide their employees with training in child abuse and neglect identification and reporting, the employers shall provide their employees who are mandated reporters with the statement required pursuant to subdivision (a) of Section 11166.5.

(d) Pursuant to Section 44691 of the Education Code, school districts, county offices of education, state special schools and diagnostic centers operated by the State Department of Education, and charter schools shall annually train their employees and persons working on their behalf specified in subdivision (a) in the duties of mandated reporters under the child abuse reporting laws. The training shall include, but not necessarily be limited to, training in child abuse and neglect identification and child abuse and neglect reporting.

(e) (1) On and after January 1, 2018, pursuant to Section 1596.8662 of the Health and Safety Code, a child care licensee applicant shall take training in the duties of mandated reporters under the child abuse reporting laws as a condition of licensure, and a child care administrator or an employee of a licensed child day care facility shall take training in the duties of mandated reporters during the first 90 days when he or she is employed by the facility.

(2) A person specified in paragraph (1) who becomes a licensee, administrator, or employee of a licensed child day care facility shall take renewal mandated reporter training every two years following the date on which he or she completed the initial mandated reporter training. The training shall include, but not necessarily be limited to, training in child abuse and neglect identification and child abuse and neglect reporting.

(f) Unless otherwise specifically provided, the absence of training shall not excuse a mandated reporter from the duties imposed by this article.

(g) Public and private organizations are encouraged to provide their volunteers whose duties require direct contact with and supervision of children with training in the identification and reporting of child abuse and neglect.