

## Club Sports Team Acknowledgement of Volunteer Relationship

*Each Club Sport team that has volunteers must have all volunteers for the club signs this form.*

Name: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
\_\_\_\_\_ Email: \_\_\_\_\_  
\_\_\_\_\_ Club Team: \_\_\_\_\_

***As a Volunteer, I agree to donate my services for public service, religious or humanitarian reasons. My participation in this volunteer venture is not in exchange for any consideration, including without limitation pay, benefits or the promise of future employment. I acknowledge that I have not been promised anything in exchange for my service as a volunteer. I have neither been promised any consideration nor do I expect to receive any consideration. As a volunteer for the Club Sport Program at Santa Clara University, I will report to Campus Recreation, the Club Sport Program, and Club Sport team. I acknowledge and understand that as a volunteer I am not a University employee. I understand and agree that either the University or I may terminate my participation at any time, for any reason, with or without advance notice.***

1. **Acknowledgments.** As a Club Sports Team Volunteer I agree to abide by all policies and procedures set forth by SCU, Campus Recreation, the Club Sports Program, SCU Student Handbook, the national governing body and/or league, including but not limited to the following:
  - a) I understand that I report to the Assistant Director of Recreation. I agree to maintain regular contact with the Assistant Director of Recreation and attend all mandatory coaches' meetings and trainings.
  - b) I agree that I will allow the Team's elected leaders to serve as the primary liaisons between the team and SCU and/or any external parties (e.g. opponents, league officials, governing bodies), and to manage the Team's administrative functions, which may include but are not limited budget development and monitoring; scheduling and overseeing Team meetings; allocating/spending team funds and applying for funding. I understand and acknowledge that I may act only in those areas in which I have been empowered by the Team's elected leaders.
  - c) I agree to be responsible for supervising practices, attending games, and creating a healthy competitive environment according to policies and procedures stipulated by the team and SCU.
  - d) I agree to request practice times/schedules in conjunction with the team's elected leaders.
  - e) I agree to educate all team members concerning measures to minimize the risk of potential injuries and steps to take in the event of an emergency.
  - f) I agree to inspect all facilities and equipment used by the team are compliant with safety standards set by that sport's governing organization. If I determine that the facilities and/or equipment are potentially unsafe or not compliant, I will inform team leaders of the decision.
  - g) I agree to be present for all official practices and competitions as agreed upon in advance by myself and the Team leaders. I will notify the team leaders if I unable to attend a practice or game.
  - h) I agree to promote fair play and good sportsmanship at all Team practices and competitions. I also agree to conduct myself in a professional manner at all times that will reflect positively upon the team and SCU.
  - i) If selected as the Coach Safety Officer, I agree to provide current Adult CPR/AED/First Aid certifications before I begin working with the Club Sport team or will obtain the certifications needed within 30 days of signing this Agreement. Classes may be taken through Campus Recreation or through other certifying organizations. I understand that Club Sport team funds may be used to reimburse for the class if approved by Club Officers.
  - j) When traveling with a Club Sport team, I understand that I am responsible for supervising the club from the start of the trip at SCU to the conclusion of the trip when the team returns to SCU.
  - k) I agree to report any disciplinary problems to SCU within 24 hours of the incident.

- l) I understand that I am immediately required to report any sexual or gender-based misconduct involving any athletes to Campus Safety and the Office of Student Life.
- m) I agree to complete the Campus Security Authorities (CSA – for all Coaches) and Blood Borne Pathogen Training (if selected as the Coach Safety Officer) mandatory training annually.
- n) I agree that if/when coaching athletes under the age of 18, I am mandated to report to any instance of actual or suspected child abuse or neglect under California's Child Abuse and Neglect Reporting Act.
- o) I agree to show proof of completed cleared background check.
- p) I agree to show proof of vaccine status and booster in order to work with a Club Sport Team. I cannot work with the team until two weeks post last vaccine shot booster.
- q) I also agree to complete or assign someone to complete an Injury Report form for any incident or accident that occurs during a Team practice, competition or trip. I should submit this form to SCU within 24 hours of the incident.
- r) I will refrain from making appointments with the Director of Recreation, or any other person to discuss club business without first informing the Club Sports Office Staff.
- s) I will not engage in or sanction any form of physical, mental, or emotional hazing of my players, consistent with the guidelines and standards set by Club Sports Team and Santa Clara University.
- t) I understand that I am a mandated reporter under California’s Child Abuse and Neglect Reporting Act and that I must report to local law enforcement any instance of actual or suspected child abuse or neglect. I have read the Mandated Reporter Information **attached hereto as Attachment A and have signed the Mandated Reporter Acknowledgment attached hereto as Attachment B.**
- u) I understand that team members, including Coaches/Instructors and Volunteers, are required to be drug and alcohol free while representing the Club Sports Program and I will uphold this policy during my contact with the team.
- v) I understand that in compliance with Title IX of the Education Amendments of 1972, the University is obligated to provide a prompt, thorough and equitable investigation of any report of sex-based discrimination, sexual harassment or sexual violence. This obligation remains even in the absence of a formal complaint. I understand that I am immediately required to report any sexual or gender-based misconduct involving any athletes to the University’s EEO and Title IX Coordinator, Office of EEO and Title IX, 900 Lafayette St, Suite 100, Santa Clara, CA, 408-551-3043. Reports may also be filed online, <https://www.scu.edu/osl/report/>
- w) I understand that in compliance with Title IX of the Education Amendments of 1972, and with the California Education Code, Section 66281.7, Santa Clara University prohibits discrimination against any student, or excluding any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the program or activity of the recipient. I understand that the University is obligated to provide reasonable accommodations to students who are pregnant, have recently experienced childbirth, and/or have medically related needs. I understand that I may be required to provide reasonable accommodations.

As a volunteer, I understand that I can decide to cease volunteering for the Club Sport Team at any time, for any reason, with or without notice. Similarly, I acknowledge and understand that Club Sports Team, the Director of Recreation, Assistant Director of Recreation, may end my volunteer relationship with the Club Sports Team at any time and for any reason.

_____	_____
Club Sport Volunteer	Date
_____	_____
Club Sport President	Date
_____	_____
Director/Assistant Director of Recreation	Date

<i>Office Use Only</i>	
Logged on Coach/Instructor/Volunteer Contact:	
_____	_____
on	by

[Please attach copies of resume, athletic training certifications, Adult CPR/AED and First Aid certifications, or other certifications you may hold for this position]

**ATTACHMENT A  
CALIFORNIA CHILD ABUSE AND NEGLECT REPORTING ACT  
MANDATED REPORTER INFORMATION  
CLUB SPORTS COACHES**

What is the California Child Abuse and Neglect Reporting Act (“Act”)?

- California Penal Code section 11166, *et seq.*
- Protects children from abuse and neglect
- Requires all “mandated reporters” to report any instances of known or suspected child abuse or neglect to the appropriate local law enforcement agency

How does the Act apply to me?

- Because of your particular engagement with the University, you are a **mandated reporter** under the Act
- Under the Act, there are 43 different categories of individuals who are deemed mandated reporters (see section 11165.7 of the Act)
- Your position falls under subsection 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.”)

What does it mean to be a mandated reporter?

- You are required by law to immediately report any instance of known or suspected abuse or neglect of a child by calling the appropriate local law enforcement agency and submitting a written report to that local law enforcement agency within 36 hours
  - Call any of the following agencies:
    - Santa Clara Police Department (408) 615-4700
    - Santa Clara County Sheriff’s Office (408) 808-4400
    - Child Abuse Services, Santa Clara County Department of Social Services, Child Protective Services (408) 299-2071
    - Child Abuse Council of Santa Clara County (408) 299-2071
- Telling a University employee or administrator about known or suspected abuse or neglect is not sufficient. You must report to a local law enforcement agency.
- If you fail to immediately report an instance of known or suspected abuse or neglect of a child, you may be personally subject to a \$1,000 fine and/or 6 months in jail.

What if I report what I believe to be abuse or neglect and I’m wrong?

- As a mandated reporter, you are immune from criminal or civil liability for reporting known or suspected abuse or neglect, even if you are wrong
- The only way a mandated reporter would be criminally and/or civilly liable for making a report is if it can be proven that the report was false and the mandated reporter knew the report was false, or the mandated reporter made the report with reckless disregard for the truth or falsity of the report

Some Key Definitions

- Minor – any person under the age of 18, including an emancipated person under 18
- Child Abuse – physical injury which is inflicted by other than accidental means on a child by another person, sexual abuse, willful cruelty or unjustified punishment, unlawful corporal punishment or injury, or neglect
- Neglect – 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
  - Severe Neglect – severe malnutrition or medically diagnosed nonorganic failure to thrive; when a person responsible for the care of the child permits the child’s health to be endangered; intentional failure to provide adequate food, clothing, shelter, or medical care

- General Neglect – the negligent failure of a person having the care of custody of a child to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred

What should I do if I know of, or suspect, that a child I work with has been abused or neglected?

1. Call any of the local law enforcement agencies listed above immediately. Do not ask a University employee or administrator to call for you. Call the agency yourself and call right away.
2. Contact Janice DeMonisi, Director of Recreation, as soon as possible.

Can my identity remain confidential during this process?

- Under section 11167(d) of the Act, your identity will remain confidential and will only be disclosed to the agencies receiving and investigating mandated reports, to the prosecutor(s), to attorneys who are working on the case (if any), or it will be disclosed if the court specifically orders it.

What are some external resources I can review if I want more information?

- Child Abuse Council of Santa Clara County  
(<http://www.sccgov.org/sites/cac/Pages/cac.aspx>)
- Child Abuse Mandated Reporter Training California  
(<http://www.mandatedreporterca.com/>)
- The California Child Abuse and Neglect Reporting Act
- (go to: <http://leginfo.legislature.ca.gov/faces/codes.xhtml>, click on “Penal Code” > Part 4. Prevention of Crimes and Apprehension of Criminals [1106-14315] > Article 2.5. Child Abuse and Neglect Reporting Act)

What are some important sections from the Act that I should read?

**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.
- (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 which of Section 4980.03 of the Business and Professions Code.
- (25) An unlicensed 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 which 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) A 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 which 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 which 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 1166.5.

- (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) Unless otherwise specifically provided, the absence of training shall not excuse a mandated reporter from the duties imposed by this article.
  - (f) 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.
- (Amended by Stats. 2014, Ch. 797, Sec. 4. Effective January 1, 2015.)

## **11166**

- (a) Except as provided in subdivision (d), and in Section 11166.05, a mandated reporter shall make a report to an agency specified in Section 11165.9 whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. The mandated reporter shall make an initial report by telephone to the agency immediately or as soon as is practicably possible, and shall prepare and send, fax, or electronically transmit a written followup report within 36 hours of receiving the information concerning the incident. The mandated reporter may include with the report any nonprivileged documentary evidence the mandated reporter possesses relating to the incident.
  - (1) For purposes of this article, “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” is sufficient. For purposes of this article, the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse.
  - (2) The agency shall be notified and a report shall be prepared and sent, faxed, or electronically transmitted even if the child has expired, regardless of whether or not the possible abuse was a factor contributing to the death, and even if suspected child abuse was discovered during an autopsy.
  - (3) A report made by a mandated reporter pursuant to this section shall be known as a mandated report.
- (b) If, after reasonable efforts, a mandated reporter is unable to submit an initial report by telephone, he or she shall immediately or as soon as is practicably possible, by fax or electronic transmission, make a one-time automated written report on the form prescribed by the Department of Justice, and shall also be available to respond to a telephone followup call by the agency with which he or she filed the report. A mandated reporter who files a one-time automated written report because he or she was unable to submit an initial report by telephone is not required to submit a written followup report.
  - (1) The one-time automated written report form prescribed by the Department of Justice shall be clearly identifiable so that it is not mistaken for a standard written followup report. In addition, the automated one-time report shall contain a section that allows the mandated reporter to state the reason the initial telephone call was not able to be completed. The reason for the submission of the one-time automated written report in lieu of the procedure prescribed in subdivision (a) shall be captured in the Child Welfare Services/Case Management System (CWS/CMS). The department shall work with stakeholders to modify reporting forms and the CWS/CMS as is necessary to accommodate the changes enacted by these provisions.
  - (2) This subdivision shall not become operative until the CWS/CMS is updated to capture the information prescribed in this subdivision.

- (3) This subdivision shall become inoperative three years after this subdivision becomes operative or on January 1, 2009, whichever occurs first.
  - (4) On the inoperative date of these provisions, a report shall be submitted to the counties and the Legislature by the State Department of Social Services that reflects the data collected from automated one-time reports indicating the reasons stated as to why the automated one-time report was filed in lieu of the initial telephone report.
  - (5) Nothing in this section shall supersede the requirement that a mandated reporter first attempt to make a report via telephone, or that agencies specified in Section 11165.9 accept reports from mandated reporters and other persons as required.
- (c) A mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required by this section is guilty of a misdemeanor punishable by up to six months confinement in a county jail or by a fine of one thousand dollars (\$1,000) or by both that imprisonment and fine. If a mandated reporter intentionally conceals his or her failure to report an incident known by the mandated reporter to be abuse or severe neglect under this section, the failure to report is a continuing offense until an agency specified in Section 11165.9 discovers the offense.
- (d) (1) A clergy member who acquires knowledge or a reasonable suspicion of child abuse or neglect during a penitential communication is not subject to subdivision (a). For the purposes of this subdivision, "penitential communication" means a communication, intended to be in confidence, including, but not limited to, a sacramental confession, made to a clergy member who, in the course of the discipline or practice of his or her church, denomination, or organization, is authorized or accustomed to hear those communications, and under the discipline, tenets, customs, or practices of his or her church, denomination, or organization, has a duty to keep those communications secret.
- (2) Nothing in this subdivision shall be construed to modify or limit a clergy member's duty to report known or suspected child abuse or neglect when the clergy member is acting in some other capacity that would otherwise make the clergy member a mandated reporter.
- (3) (A) On or before January 1, 2004, a clergy member or any custodian of records for the clergy member may report to an agency specified in Section 11165.9 that the clergy member or any custodian of records for the clergy member, prior to January 1, 1997, in his or her professional capacity or within the scope of his or her employment, other than during a penitential communication, acquired knowledge or had a reasonable suspicion that a child had been the victim of sexual abuse and that the clergy member or any custodian of records for the clergy member did not previously report the abuse to an agency specified in Section 11165.9. The provisions of Section 11172 shall apply to all reports made pursuant to this paragraph.
- (B) This paragraph shall apply even if the victim of the known or suspected abuse has reached the age of majority by the time the required report is made.
- (C) The local law enforcement agency shall have jurisdiction to investigate any report of child abuse made pursuant to this paragraph even if the report is made after the victim has reached the age of majority.
- (e) (1) A commercial film, photographic print, or image processor who has knowledge of or observes, within the scope of his or her professional capacity or employment, any film, photograph, videotape, negative, slide, or 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 depicting a child under 16 years of age engaged in an act of sexual conduct, shall, immediately or as soon as practicably possible, telephonically report the instance of suspected abuse to the law enforcement agency located in the county in which the images are seen. Within 36 hours of receiving the information concerning the incident, the reporter shall prepare and send, fax, or electronically transmit a written followup report of the incident with a copy of the image or material attached.
- (2) A commercial computer technician who has knowledge of or observes, within the scope of his or her professional capacity or employment, any representation of information,

data, or an image, including, but not limited to, any computer hardware, computer software, computer file, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image that is retrievable in perceivable form and that is intentionally saved, transmitted, or organized on an electronic medium, depicting a child under 16 years of age engaged in an act of sexual conduct, shall immediately, or as soon as practicably possible, telephonically report the instance of suspected abuse to the law enforcement agency located in the county in which the images or material are seen. As soon as practicably possible after receiving the information concerning the incident, the reporter shall prepare and send, fax, or electronically transmit a written followup report of the incident with a brief description of the images or materials.

- (3) For purposes of this article, “commercial computer technician” includes an employee designated by an employer to receive reports pursuant to an established reporting process authorized by subparagraph (B) of paragraph (43) of subdivision (a) of Section 11165.7.
- (4) As used in this subdivision, “electronic medium” includes, but is not limited to, a recording, CD-ROM, magnetic disk memory, magnetic tape memory, CD, DVD, thumbdrive, or any other computer hardware or media.
- (5) As used in this subdivision, “sexual conduct” means any of the following:
  - (A) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals.
  - (B) Penetration of the vagina or rectum by any object.
  - (C) Masturbation for the purpose of sexual stimulation of the viewer.
  - (D) Sadomasochistic abuse for the purpose of sexual stimulation of the viewer.
  - (E) Exhibition of the genitals, pubic, or rectal areas of a person for the purpose of sexual stimulation of the viewer.
- (f) Any mandated reporter who knows or reasonably suspects that the home or institution in which a child resides is unsuitable for the child because of abuse or neglect of the child shall bring the condition to the attention of the agency to which, and at the same time as, he or she makes a report of the abuse or neglect pursuant to subdivision (a).
- (g) Any other person who has knowledge of or observes a child whom he or she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to an agency specified in Section 11165.9. For purposes of this section, “any other person” includes a mandated reporter who acts in his or her private capacity and not in his or her professional capacity or within the scope of his or her employment.
- (h) When two or more persons, who are required to report, jointly have knowledge of a known or suspected instance of child abuse or neglect, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.
- (i)
  - (1) The reporting duties under this section are individual, and no supervisor or administrator may impede or inhibit the reporting duties, and no person making a report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established provided that they are not inconsistent with this article.
  - (2) The internal procedures shall not require any employee required to make reports pursuant to this article to disclose his or her identity to the employer.
  - (3) Reporting the information regarding a case of possible child abuse or neglect to an employer, supervisor, school principal, school counselor, coworker, or other person shall not be a substitute for making a mandated report to an agency specified in Section 11165.9.
- (j) A county probation or welfare department shall immediately, or as soon as practicably possible, report by telephone, fax, or electronic transmission to the law enforcement agency

having jurisdiction over the case, to the agency given the responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, and to the district attorney's office every known or suspected instance of child abuse or neglect, as defined in Section 11165.6, except acts or omissions coming within subdivision (b) of Section 11165.2, or reports made pursuant to Section 11165.13 based on risk to a child which relates solely to the inability of the parent to provide the child with regular care due to the parent's substance abuse, which shall be reported only to the county welfare or probation department. A county probation or welfare department also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

- (k) A law enforcement agency shall immediately, or as soon as practicably possible, report by telephone, fax, or electronic transmission to the agency given responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code and to the district attorney's office every known or suspected instance of child abuse or neglect reported to it, except acts or omissions coming within subdivision (b) of Section 11165.2, which shall be reported only to the county welfare or probation department. A law enforcement agency shall report to the county welfare or probation department every known or suspected instance of child abuse or neglect reported to it which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or as the result of the failure of a person responsible for the child's welfare to adequately protect the minor from abuse when the person responsible for the child's welfare knew or reasonably should have known that the minor was in danger of abuse. A law enforcement agency also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

(Amended by Stats. 2013, Ch. 76, Sec. 165. Effective January 1, 2014.)

#### **11167**

- (a) Reports of suspected child abuse or neglect pursuant to Section 11166 or Section 11166.05 shall include the name, business address, and telephone number of the mandated reporter; the capacity that makes the person a mandated reporter; and the information that gave rise to the reasonable suspicion of child abuse or neglect and the source or sources of that information. If a report is made, the following information, if known, shall also be included in the report: the child's name, the child's address, present location, and, if applicable, school, grade, and class; the names, addresses, and telephone numbers of the child's parents or guardians; and the name, address, telephone number, and other relevant personal information about the person or persons who might have abused or neglected the child. The mandated reporter shall make a report even if some of this information is not known or is uncertain to him or her.
- (b) Information relevant to the incident of child abuse or neglect and information relevant to a report made pursuant to Section 11166.05 may be given to an investigator from an agency that is investigating the known or suspected case of child abuse or neglect.
- (c) Information relevant to the incident of child abuse or neglect, including the investigation report and other pertinent materials, and information relevant to a report made pursuant to Section 11166.05 may be given to the licensing agency when it is investigating a known or suspected case of child abuse or neglect.
- (d) (1) The identity of all persons who report under this article shall be confidential and disclosed only among agencies receiving or investigating mandated reports, to the prosecutor in a criminal prosecution or in an action initiated under Section 602 of the Welfare and Institutions Code arising from alleged child abuse, or to counsel appointed pursuant to subdivision (c) of Section 317 of the Welfare and Institutions Code, or to the county counsel or prosecutor in a proceeding under Part 4 (commencing with Section 7800) of Division 12 of the Family Code or Section 300 of the Welfare and Institutions Code, or to a licensing agency when abuse or neglect in out-of-home care is reasonably suspected, or when those persons waive confidentiality, or by court order.
- (2) No agency or person listed in this subdivision shall disclose the identity of any person who reports under this article to that person's employer, except with the employee's consent or by court order.

- (e) Notwithstanding the confidentiality requirements of this section, a representative of a child protective services agency performing an investigation that results from a report of suspected child abuse or neglect made pursuant to Section 11166 or Section 11166.05, at the time of the initial contact with the individual who is subject to the investigation, shall advise the individual of the complaints or allegations against him or her, in a manner that is consistent with laws protecting the identity of the reporter under this article.
- (f) Persons who may report pursuant to subdivision (g) of Section 11166 are not required to include their names.

(Amended by Stats. 2010, Ch. 95, Sec. 1. Effective January 1, 2011.)

**ATTACHMENT B  
CHILD ABUSE AND NEGLECT REPORTING ACT  
MANDATED REPORTER ACKNOWLEDGMENT**

I, \_\_\_\_\_, **acknowledge that that as a Coach or Instructor of a Club Sport Team, I am a mandated reporter and I have an obligation to immediately report to local law enforcement any known or suspected child abuse or neglect.** I acknowledge that although I am an independent contractor and not an employee of Santa Clara University, my duties as an athletic coach at Santa Clara University require me to immediately report to local law enforcement any known or suspected child abuse or neglect under California Penal Code section 11165.7(44).

I understand that failure to report may subject me to criminal liability and may be deemed a material breach of the Independent Contractor Agreement by Santa Clara University. I have received a copy of California Child Abuse and Neglect Reporting Act Mandated Reporter Information from Santa Clara University and am familiar with its contents. I have received a copy of Sections 11165.7, 11166, and 11167 of the Act from Santa Clara University. I understand that if I report known or suspected child abuse or neglect, my identity shall be kept confidential and disclosed only to those individuals or agencies who receive or investigate mandated reports or those with a need to know in accordance with Section 11167(d) of the Act.

I will take all necessary actions to ensure that minors are kept safe on Santa Clara University's campus.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Sport

\_\_\_\_\_  
Date