

December 18, 2013

DR. SURESH SUBRAMANI
Executive Vice Chancellor, Academic Affairs
0001

STEVEN W. RELYEA
Vice Chancellor, External Business Affairs
0007

GARY C. MATTHEWS
Vice Chancellor, Resource Management & Planning
0057

***Subject: Youth Programs
Audit & Management Advisory Services Project 2013-04***

The final audit report for Youth Programs, Audit Report 2013-04, is attached. We would like to thank everyone involved for their cooperation and assistance during the audit.

We were able to reach agreement regarding management corrective actions to be taken in response to issues noted during our review, and these corrective actions are included in the report. Consequently, we are not requesting a formal response to the report. The corrective actions noted in this report will be added to our follow-up system, and we will conduct follow-up procedures to review the implementation of those actions at the appropriate time.

UC policy requires that all draft audit reports be destroyed after the final report is issued because draft reports can contain sensitive information, and may differ from the final report. Please either return these documents to mail code 0919 or destroy them at this time. Thank you.

David Meier
Assistant Vice Chancellor
Audit & Management Advisory Services

cc: A. Houston
D. Larson
T. Leet
G. Mac Pherson
D. Olson
J. Schmidt
S. Vacca
M. Yates

UC San Diego

AUDIT & MANAGEMENT ADVISORY SERVICES

Youth Programs December 2013

Performed By:

Laurie Ward, Auditor

Approved By:

David Meier, Assistant Vice Chancellor

Project Number: 2013-04

Youth Programs
Audit & Management Advisory Services Project 2013-04

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I. Background

Audit & Management Advisory Services (AMAS) has completed a review of campus policies and procedures for the protection of minors (children under 18) involved in campus programs as part of the approved audit plan for Fiscal Year 2012-13. This report summarizes the results of our review.

It is University of California, San Diego (UCSD) policy to provide and maintain a safe environment for its students, academic appointees, staff, visitors and surrounding communities. Each year there are many students who are minors participating in college level courses. These include junior high and high school students as well as incoming undergraduates. There is also a large number of non-student minors participating in a broad number of other campus programs. In addition to providing a safe environment we are required to comply with the law including the new regulations of the California Child Abuse and Neglect Reporting Act (CANRA). These laws and regulations were put in place to protect minors. The CANRA was originally enacted in 1974, however, many amendments have been added along the way. Additional legislation that specifically affects the University is effective as of January 1, 2013.

The intent and purpose of CANRA is to protect children from abuse and neglect and ensure that observed instances of abuse are properly reported. The law provides that in any investigation of suspected child abuse or neglect, all persons participating in the investigation of the case shall consider the needs of the child victim and shall do whatever is necessary to prevent psychological harm to the child victim.

CANRA designates individuals in certain occupations as mandated reporters. As of January 1, 2013 an employee or administrator of a public or private postsecondary 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 is now designated as a mandated reporter. The definition in the 2013 revision is now expanded to include postsecondary institutions, previously a gap in the mandated reporter law. Per University of California Office of the President (UCOP) policy, a mandated reporter is a "University Employee, Official or Volunteer who is required under the Act due to their licensure or profession, or otherwise virtue of their University position or activities to report child abuse and neglect to specified authorities."

Also included in the CANRA Law, Penal Code 152.3 states that any person who reasonably believes that he or she had observed murder, rape or certain lewd or lascivious acts where the victim is a child under the age of 14 years must notify a law enforcement official. Failure is punishable by fines or imprisonment or both. On August 24, 2012, the UCOP Chief Risk Officer sent out a letter to all Vice Chancellors of Administration reminding the University of our responsibility to do everything we can to protect the

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children and youth that we serve on our campuses and in programs hosted or sponsored by the University.

Through the University of California (UC) Office of Risk Services, the University has partnered with the national leader in prevention of abuse by employees or volunteers, a Risk Management Company, Praesidium. Praesidium has a number of Safety Specialists with extensive experience and technology to determine risk management needs. Praesidium assigned a representative for UC that will work with each UC campus and provide training packages focusing on specific risk-management issues. Campus Risk Management departments are coordinating this effort.

On October 5, 2012, the UCOP, General Counsel and Chief Compliance and Audit Officer sent out a letter to Chief Campus Counsel and Campus Ethics and Compliance Officers to disseminate to each campus reminding everyone that the new CANRA legislation is effective as of January 1, 2013. The President has directed them to affirm that all campuses will be in compliance with existing statutory requirements. Eventually all campuses will be required to comply with the system wide policy as well.

UCOP distributed the first draft policy on January 28, 2013 for review and comment. In addition, a webinar was conducted to discuss the current issues and to answer questions. There were many questions and requests for additional clarification. UCOP revised the policy and sent out a second draft for review on April 25, 2013. The final policy was issued effective July 1, 2013.

UCOP has contacted the Unions for comment on this new requirement and how it affects represented employees. In the meantime, in order to comply with CANRA, all employees that qualify as a mandated reporter should sign and adhere to the mandated reporter form until otherwise instructed.

The Campus Office of Human Resources (HR), Employment and Community Outreach Services disseminated information received from UCOP regarding the new CANRA policy and related information including the new CANRA Mandated Reporter rules and regulations to Human Resource contacts across the campus. In addition, they presented the information in a series of monthly meetings with HR contacts as well as the quarterly meeting with the campus Human Resource Council. HR Council is comprised of representatives from each Vice Chancellor area. The Director also visited a number of departments as needed or requested. As a result, HR is confident that campus department HR contacts have been adequately informed regarding CANRA requirements.

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II. Audit Objective, Scope, and Procedures

The objective of our review was to conduct a detailed review of campus standards, policies and procedures implemented for the protection of minors, and compliance with CANRA. Because the UC policy was still in draft form during the majority of our review, and has only recently been finalized, we did not conduct a review for compliance with policy. The scope of our review included oversight measures for coaches, assistant coaches, counselors and volunteers.

In order to achieve our objectives we completed the following:

- Interviewed Risk Management to ascertain the volume and current status of youth programs, where they were located, and what campus policies, procedures and training were currently in place for these programs.
- Reviewed both UC draft policy issuances of the Reporting Child Abuse and Neglect Policy.
- Reviewed in detail the Freeh Sporking & Sullivan, LLP Report of the Special Investigative Counsel Regarding the Actions of the Pennsylvania State University dated July 12, 2012.
- Reviewed UCSD BLINK guidance on CANRA and applicable UC and UCSD policies and procedures and campus notices.
- Reviewed California State University and Stanford process and policy to implement the new regulations with CANRA that apply directly to postsecondary institutions;
- Reviewed internet sites of California government including social services to review CANRA law and the new requirements.
- Reviewed Penal Code Section 11164-11174.3, the Child Abuse and Neglect Reporting Act.
- Reviewed UCSD Health System Medical Center Policy (*MCP*) 305.4 *Suspected Abuse or Neglected Children, Elders, or Dependent Adults*.
- Attended introductory and training presentations on October 16, 2012 and March 27, 2013 by Praesidium, the abuse risk management company that UC has partnered with to assist with our abuse risk management needs and training.
- Attended the Webinar presented on February 21, 2013; UC 2013 CANRA Amendment and the new UC policy on Reporting Child Abuse and Neglect.
- Reviewed and evaluated thirty responses to the survey initially distributed by UCSD Risk Management regarding CANRA compliance from various department or program directors or managers that interact with youth on a regular basis.
- Interviewed the Director of Employment and Community Outreach Services charged with disseminating information regarding CANRA from UCOP.
- Interviewed HR, Program and or Department Managers from the following areas:
 - Department of Recreation;
 - Department of Intercollegiate Athletics;
 - UCSD Extensions / Jazz Camp;
 - Director of Education, Birch Aquarium;

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- Housing & Dining Service;
 - Education Studies;
 - Parent/Family Programs;
 - SIO – Institute of Oceanography;
 - Summer Session;
 - NanoEngineering;
 - The Preuss School;
 - Student Promoted Access Center for Education & Service (SPACES); and
 - Federal TRIO Programs.
- Reviewed documents, programs, and processes for CANRA training with personnel at the Birch Aquarium and TRIO Outreach Programs.
 - Evaluated compliance with mandated reporter classification and retention of certified forms in Athletics, Recreation, Summer Session and Extensions.

III. Conclusion

We concluded that UCSD departments in general have teams in place for providing some assurance that current practices protect minors against abuse and neglect, and comply with CANRA. We noted broad knowledge regarding CANRA and what it entails, departmental implementation of policy and procedures and, in some cases, division training programs. UC staff and faculty appear motivated toward protecting our youth, and offices are doing their part to figure out the best way for UCSD to ensure compliance.

In particular, the Birch Aquarium, the Preuss School, and the Early Childhood Educational Center are good examples of departments demonstrating best practices by reacting quickly to the new legislation by tightening controls and increasing training immediately for staff that regularly interact with minors. See ***Attachment A*** for a list of UCSD Youth Program areas and activities identified during our review.

However, in light of the very general UC policy and the absence of more specific local written guidance, a number of questions and concerns of the campus community remain unanswered. During our audit, we observed areas of opportunity for improvement in establishing local guidance and communication to comply with the new CANRA regulations for assuring protection of minors on campus.

We also noted that the activities of HR and Risk Management did not appear to be effectively integrated despite their shared objective of reducing risks to minors on campus. HR was focused on disseminating information regarding the requirements for mandated reporters under the law, primarily to HR contacts, and was not present at the Praesidium presentations. They also provided advice on how the requirements should be incorporated into hiring practices. Risk Management was focused on coordinating the Praesidium presentations for campus personnel involved in providing youth programs, and coordinating the local risk assessment effort. They were not fully aware of HR's

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education and outreach activities to HR contacts, and did not include HR in the Praesidium presentations. It appears that the creation of a campus work group is warranted to develop local guidance and to integrate oversight for campus activities, including information sharing and ongoing risk assessment and risk mitigation activities.

IV. Observations and Management Corrective Actions

A. Establishment of Campus Guidance

UC policy has been finalized but remains very general, and the campus has not yet issued any formal local policy or guidance.

The process and timeline for developing the system-wide policy resulted in campus management and administration having uncertainty regarding measures for complying with the new CANRA provisions. At a department level basis, personnel are attempting to comply with the law, using Penal Code Section 11164-11174.3, the Child Abuse and Neglect Reporting Act, and making determinations in their department based on the law. If an employee or administrator of the University has duties that bring them into contact with minors on a regular basis, or supervises those who bring the employee or administrator into contact with children on a regular basis or supervision with a minor, they are considered a mandatory reporter.

During our review, we reviewed 30 completed surveys submitted in November and December 2012 in response to the survey distributed to department business officers by Risk Management after the first Praesidium presentation. In the 30 survey response we noted the following:

- ❖ *12 of the 30 respondents indicated they were not mandated reporters, or part of their department was, or they needed clarification on what a mandated reporter was.*
- ❖ *20 of the 30 respondents would like an on-line self assessment tool.*
- ❖ *22 of the 30 respondents would like on-line training.*
- ❖ *15 of the 30 respondents would like to assist with developing local policy.*
- ❖ *12 of the 30 respondents are interested in an external risk assessment.*

Beginning in February 2013, AMAS contacted 13 departments that had expressed some uncertainty in their responses as to whether department personnel were mandated reporters. All of the departments have direct contact with minors, and are now fully aware that they are mandated reporters. Further, their personnel have signed the CANRA form and filed the forms in their unit. However, there were some youth program employees that were uncertain, and in some cases departments remained unsure how to handle them.

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For the 13 contacts we verified and documented the following as of March 2013:

Questions	ANSWERS from 13 Units				
	Yes	Yes, working on it.	Yes, some are clearly mandated reporters, otherwise, No waiting for policy.	No, waiting for policy.	N/A to Unit.
Has your Unit implemented process for identifying mandated reporters (current and future) and obtaining certified, signed CANRA mandated reporter forms from those individuals?	5	1	4	2	1
Has your Unit documented the mandated reporter requirement on job cards and or, job descriptions?				13	
Has your Unit documented the mandated reporter requirement on new job postings?	3			10	
Does your Unit require volunteers to sign and certify the CANRA mandated reporter form?		1	2	8	2
Does your Unit require student employees to sign and certify the CANRA mandated reporter form?	5			5	3
Would you like CANRA training?	13				

In addition, we conducted interviews of campus personnel. We were advised of the following questions and concerns that were not yet fully addressed at the time of our fieldwork. Concerns fell generally into one of two groups, issues addressed in policy but not necessarily clear to all UCSD employees, and issues not explicitly addressed in UCOP policy, as follows.

Questions addressed in UC policy, but need to be further communicated in local guidance:

- Volunteers – Should they be mandated reporters?
- Student employees – Are they mandated reporters?

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- Represented employees – Does this need to be cleared through the Union prior to having this added to their job description and signed?
- Faculty – Are they mandated reporters just by having a minor in their class?

Questions not fully addressed in new UC policy:

- Regular basis - What does regular basis mean in reference to an employee being around a minor?
- Tracking mandated reporters - How should this happen, who is responsible for verifying this?
- Background checks - Are they required for mandated reporters?
- Job descriptions (job cards) - Are departments required to update all current and future job descriptions and, if so, when?

Because the University policy does not fully address all these local concerns and questions, it appears that there remains risk of non-compliance in some departments. Lack of compliance with CANRA increases the risks of unreported child abuse and neglect.

UCSD Health System policy (MCP 305.4) entitled Suspected Abuse or Neglected Children, Elders, or Dependent Adults effective March 17, 2011 addresses the regulations of CANRA. This medical center policy provides appropriate guidelines for recognition of cases of suspected abuse and outlines statutory reporting requirements for medical staff. All of UCSDHS professional, clinical and administrative staff members are responsible for understanding and complying with the policy. The campus does not have a similar policy.

Management Corrective Actions:

1. Campus HR, Academic Personnel, Student Employment, and Health Sciences HR have all been involved in disseminating information regarding CANRA and how it affects UCSD. HR has communicated via email to the HR council. Academic Personnel sent out a notice to Dean contacts and other Academic Personnel contacts at Student Affairs, SIO and Department Management Service Officers (MSOs). They have been the leaders in communication regarding the revised law, University policy, and Mandated Reporter rules and regulations to HR contacts.
2. The UCSD Executive Vice Chancellor Academic Affairs, Vice Chancellor for External and Business Affairs, and Vice Chancellor Resource Management and Planning will charge a representative work

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group to draft and publish local guidelines consistent with UC policy and the Act for compliance with CANRA.

The work group will be co-chaired by Campus Human Resources and Risk Management, and have a single representative from each Vice Chancellor area with authority to speak on behalf of youth programs operating in their area. See draft charge letter **Attachment B**. The following policy areas will be further clarified and communicated, and defined in local guidance, respectively.

Clarify and communicate to all HR contacts and youth program personnel:

- ✓ Mandated reporter status for different types of appointments: volunteers, official administrators, students, interns, represented employees, and faculty members.
- ✓ Explicit requirements for job descriptions and job postings, including requirements for updating existing job descriptions.
- ✓ Disseminating information about legislation and requirements.
- ✓ A Frequently Asked Questions (FAQ) section.

Define in local guidance:

- ✓ Mandated reporter certification requirements.
- ✓ Department responsibilities for tracking mandated reporters' certifications.
- ✓ Local interpretations (definitions) of key components of the act (e.g., regular basis, and duties).
- ✓ Language discouraging acts of physical contact and affection.
- ✓ Specific requirements for the conduct of background checks for mandated reporters.
- ✓ Training requirements.

The work group will also develop a process for defining and identifying high risk activities (e.g., activities which include overnight stays, activities which include the use of a swimming pool, and/or shower, etc.), and define requirements for these departments to develop and publish written standards for the practice of programs in their areas.

B. Communication and Training

Lack of formal communication regarding policy and direction has left management to draw conclusions which has resulted in inconsistent practices for complying with CANRA across the campus.

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During our review, we noted that UCSD personnel had a general idea of the guidelines and what they needed to do to comply with the law. The campus is a decentralized organization with a broad variety of interactions with minors. There were several questions and areas where department management was unsure of how to proceed. Some departments were waiting on further guidance before taking certain actions. Further, it appears that personnel responsible for the management of programs that have interactions with minors were not as aware of certain issues as HR contacts were.

Management Corrective Actions:

Campus HR will coordinate with other HR functions¹ and Risk Management in further developing and managing a BLINK site within HR that has links to policies, frequently asked questions, training, background checks, and other helpful links. Emphasis will be made on ensuring that information and requirements are clarified for the perspective of both HR contacts and all other personnel in campus programs that have interactions with minors.

Training Requirements

CANRA training is not a formal requirement for departments or mandated reporters, even for known high-risk activities.

Some departments were not fully aware of CANRA and mandated reporter requirements. Lack of mandatory training may result in lack of compliance with requirements.

Neither CANRA nor the UCOP policy require formal training. However, the law requires that each campus unit employing mandated reporters determine what training is necessary and advise those individuals on the subject of child abuse and neglect identification and reporting and of their obligations under the act. The law further states that a mandated reporter must comply with duties imposed upon them regardless of whether they have received training from the University or third party and they would be held accountable for failure to report. If training is deemed unnecessary, this should be documented as well as the basis for that determination.

Praesidium offers on-line training that has recently been approved by UCOP, and made available to the campus. An invitation to participate in the training was distributed by UCSD Risk Management to the campus community on June 17,

¹ Other Human Resource functional areas at UCSD include Academic Personnel, Student Employment, and Health Sciences Offices of Human Resources.

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2013. However, as of August 15, 2013, only three departments had registered for the on-line training. The three departments were Risk Management, Housing and Dining Services, and UC San Diego Extension (K through 12 College Exploration). See ***Attachment C*** that lists the 9 modules available for on-line training

Management Corrective Actions:

Risk Management will coordinate with HR and Praesidium to:

1. Develop a formal training program that departments, divisions and or programs can use and customize based on their needs.
2. Develop a mechanism for monitoring the completion of training, including any management decision to opt out of training and the basis for that decision.
3. Mandate specific training for departments with high risk activities.
4. Integrate Praesidium training with Blink content.

Youth Program Areas and Activities¹	Vice Chancellor Area
Academic Integrity (visits to local High Schools)	Academic Affairs
Academic and Department Internships (various locations)	Academic Affairs
Department of Education Studies (Teaching Program)	Academic Affairs
Department of Literature (youth interaction)	Academic Affairs
La Jolla Playhouse (Young Actor workshops)	Academic Affairs
Office for Students with Disabilities (Social Services)	Academic Affairs
Preuss School (Middle & High School)	Academic Affairs
Division of Social Sciences (San Diego Area Writing Camp)	Academic Affairs
San Diego Super Computer - (Student Tech and workshops)	Academic Affairs
Summer Session Office	Academic Affairs
Jacobs School of Engineering - UCSD California State Summer School for Mathematics and Science (COSMOS),	Academic Affairs
UCSD Extensions (including Jazz Camp and Academic Connections)	Academic Affairs
Women's Center (Preuss Internships and High School Conferences)	Equity, Diversion and Inclusion
Lesbian Gay Bisexual Transgender Resource Center (Preuss Internships)	Equity, Diversion and Inclusion
Housing and Dining (Associated Residential Community Housing)	External & Business Affairs
School of Medicine (including Human Research Protections Program Office and Medical Education)	Health Sciences & School of Medicine
Scripps Institute of Oceanography (Including Birch Aquarium and Division Internships)	Marine Sciences
Early Childhood Education Center	Resource Management & Planning
AFS English & Culture Program	Student Affairs
Associated Students Office	Student Affairs
California Student Opportunity and Access Program (CAL-SOAP)	Student Affairs
Intercollegiate Athletics Program	Student Affairs
Parent & Family Programs Office	Student Affairs
Recreation (including Classes, Camps, and Outback Adventures)	Student Affairs
Student Health Services (Student Clinics)	Student Affairs
Student Life - Student Promoted Access Center for Education and Services	Student Affairs
"TRIO" Outreach Programs - Upward Bound (2), Upward Bound Math Science (2) and Educational Talent Search	Student Affairs

1. This list contains areas and activities identified during the review; there may be additional areas and activities not identified.

Proposed Charge Letter
CANRA Guidelines Work Group

ATTACHMENT B

Date: TBD

Subject: UCSD CANRA Guidelines Work Group

Membership:		
Director of Risk Management, Jon Schmidt – Co-Chair		
Director of Employment and Community Outreach, Michael Yates – Co-Chair		
Campus Representatives	HR Contacts	Program Participants
VC Academic Affairs	Bobb Barile	Extended Studies JSOE COSMOS Preuss School Summer Session Manager
VC Student Affairs	Stephanie Wong	Cal SOAP Campus Recreation Intercollegiate Athletics Knock Around Camps SPACES Student Health TRIO Outreach Programs
VC Resource Management & Planning	Mira Katz	ECEC
VC Research Affairs	Anna Gheissari	N/A
VC For Equity, Diversity & Inclusion	Frank Silva	Women’s Center
VC External and Business Affairs	Margaret Nagase	Housing Dining Hospitality
VC Health Sciences	Evelyn Hidalgo	HRPP OCME
VC Marine Sciences	Amber Fehling	Birch Aquarium

SUBJECT: CANRA Guidelines Workgroup

The California Child Abuse and Neglect Reporting Act (CANRA) was revised and expanded in 2013 to include postsecondary institutions, previously a gap in the mandated reporter law. In light of the recently added provisions of CANRA, the University of California Office of the President (UCOP) published a new University policy, effective January 1, 2013. The policy provides that a mandated reporter is a “University Employee, Official or Volunteer who is required under the Act due to their licensure or profession, or otherwise by virtue of their University position or activities to report child abuse and neglect to specified authorities.”

Based on an internal review conducted by UCSD Audit & Management Advisory Services, it appeared that the campus community continued to have a number of unaddressed questions and concerns regarding how to comply with the CANRA requirements and University policy. It was recommended that a work group be formed to develop local guidance, and to integrate oversight for campus activities including information sharing and risk assessment and risk mitigation activities.

Mission Statement:

The mission of the CANRA Guidelines Work Group is to promote a secure environment for our youth in which observed instances are properly reported by developing and implementing local guidelines addressing specific CANRA and University policy issues.

Recommended Charge:

- Develop, publish and implement local CANRA guidelines for promoting compliance with CANRA and University policy including requirements and or clarification for the following areas, as well as additional areas identified by the work group as needing campus guidance:
 - Faculty members
 - Staff members – represented and unrepresented
 - Student employees
 - Volunteers
 - Tracking mandated reporters
 - Job descriptions (job cards)
 - Background checks
- Define roles and responsibilities for Human Resources contacts and youth program participants for ensuring the safety of minors on campus.
- Develop a process for identifying high risk activities and define requirements for these departments to develop and publish written policies and standards for the activities.

Proposed Charge Letter
CANRA Guidelines Work Group

ATTACHMENT B

- Establish a plan, including roles and responsibilities, for developing and managing a BLINK website within Human Resources with links to policies, frequently asked questions, training, background checks, and other helpful materials.
- Develop a formal training program for departments, divisions and programs that can be customized to their needs.
- Develop training requirements for departments with high risk activities.
- Develop mechanisms for monitoring the completion of training for all departments.

UNIVERSITY of CALIFORNIA

Campus Name:	UC San Diego	
Program Name:		
Program Address:		
Program City, State, Zip:		
Program Director - First Name:		
Program Director - Last Name:		
Program Director - Main Contact Number:		
Program Director - E-mail Address:		

Course Subscriptions:

Course Name	Employee	Volunteer
California "CANRA" Mandated Reporter	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Meet Sam	<input type="checkbox"/>	<input type="checkbox"/>
It Happened to Me	<input type="checkbox"/>	<input type="checkbox"/>
A Day at Day Camp	<input type="checkbox"/>	<input type="checkbox"/>
Keeping Your Camp Safe (Residential Camp)	<input type="checkbox"/>	<input type="checkbox"/>
Keeping Your School Safe (Student Teachers)	<input type="checkbox"/>	<input type="checkbox"/>
Preventing Sexual Activity between Young Children	<input type="checkbox"/>	<input type="checkbox"/>
Abuse Risk Management for Volunteers	<input type="checkbox"/>	<input type="checkbox"/>
Policies	<input type="checkbox"/>	<input type="checkbox"/>

Once the form is completed, please email back to your campus Risk Manager.

RECOMMENDED ARMATUS ROLL OUT PLAN FOR UNIVERSITY OF CALIFORNIA

	Program Employee	Program Volunteer	Day Camp	Residential Camp	Teacher Education	Childcare
California "CANRA" Mandated Reporter	X	X	X	X	X	X
Meet Sam	X		X	X	X	X
It Happened to Me	X		X	X	X	X
A Day at Day Camp			X			
Keeping Your Camp Safe				X		
Keeping Your School Safe					X	
Preventing Sexual Activity Between Young Children						X
Abuse Risk Management for Volunteers		X				
Policies			X	X	X (Boundary Policies)	X