

CHILD PROTECTION POLICY

Category: Equity and Campus Diversity**Date Established:** 09/02/2016**Responsible Office:** Equity and Campus Diversity Office**Date Last Revised:** 3/14/23**Date Posted to Library:** 09/27/2016

A. POLICY SUMMARY

Individuals must conduct themselves appropriately with children who participate in university-related programs and report instances or suspicion of physical or sexual abuse of children.

B. POLICY

SUNY Buffalo State ("University") is committed to protecting the safety and well-being of children who participate in university-related programs and activities, whether on or off campus, or utilize campus facilities for activities including, but not limited to, sports camps, academic and personal enrichment programs, and research studies.

C. DEFINITIONS

Child - An individual under the age of seventeen years who is participating in a Covered Activity. The term "child" shall not include a matriculated student at the university, or a person accepted for matriculation. For this policy, "matriculation" means being accepted by the University as a student into a university course listed in the University catalog.

Children's Camp - A camp defined under New York Public Health Law §1392.

University-Affiliated Organization: The Research Foundation for the State University of New York, campus foundation, campus alumni association, campus auxiliary services corporation, or any other entity designated by the Campus President or their designee.

Covered Activity - A program or activity sponsored or approved by the University or a University-affiliated organization, or an activity conducted by a vendor, licensee, or permittee for which a license or permit for use of University facilities has been approved, occurring on or off campus, for the duration of which the responsibility for custody, control, and supervision of children is vested in the University, University-affiliated organization or the vendor, licensee or permittee so approved. This policy is not applicable to university on-campus childcare centers.

Covered Person - A person who is responsible for the custody, control, or supervision of children participating in the Covered Activity and who is:

- i. an employee of the University or University-affiliated organization;
- ii. a University student;
- iii. a volunteer of the University or University-affiliated organization; or
- iv. a vendor, licensee, permittee, or other person who is given permission to come onto campus or to use University facilities for Covered Activities; or
- v. an employee, agent, or volunteer of (4) above.

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Physical Abuse - Physical contact with a child by a covered person which is intended to cause, or causes, pain or physical injury, including punching, beating, shaking, throwing, kicking, biting, and burning, or directing a child outside the norm of the supervised activity, to perform physical activity which is intended to cause physical injury.

Responsible University Official: The employee of the University or University-affiliated organization whom the Campus has designated under Section G, Campus Responsibilities.

Sexual Abuse - Engaging in a sexual offense with a child and/or encouraging or promoting sexual performance by a child. Pursuant to the NYS Penal Law Articles 130, 263, and Sections 260.10 and 260.25, sexual offenses include sexual misconduct, rape, criminal sex acts, forcible touching, persistent sexual abuse, sexual abuse, aggravated sexual abuse, course of sexual conduct against a child, facilitating a sex offense with a controlled substance, sexually motivated felony, predatory sexual assault against a child, and sexual performance by a child. This also includes Penal Law offenses relating to children, including endangering the welfare of a child and unlawfully dealing with a child in the first degree. Sexual performance by a child, as defined by the Penal Law, is any behavior that results in touching of the sexual or other intimate parts of a child for the purpose of sexual gratification of the child and/or adult, including touching by the child and/or adult with or without clothing, and all acts as defined by New York State Penal Law Articles 130, 263 and Section 260.10.

D. PROHIBITED CONDUCT

A Covered Person shall not:

1. Be alone with a child unless the Covered Person is a relative or guardian of the child unless one-on-one contact is approved in accordance with a determination pursuant to Section G.2 of this policy. In no event shall a Covered Person, who is not a relative or guardian of a child, be alone with the child in a restroom, locker room, shower, sleeping area, or vehicle.
2. Engage in physical abuse or sexual abuse of a child.
3. Engage in the use of alcohol or illegal drugs or be under the influence of alcohol or illegal drugs during Covered Activities.
4. Enable, facilitate, or fail to address a child's use of alcohol or illegal/non-prescribed drugs.
5. Contact a child through electronic media, including social media, for the purpose of engaging in any prohibited conduct, including sexual conduct.
6. Offer or make a gift to a child for the purpose of engaging in any prohibited conduct, including sexual conduct.
7. Release a child from a Covered Activity without written authorization from the child's parent or guardian.

E. REQUIRED CONDUCT

A Covered Person shall:

1. Take all reasonable measures to prevent physical and sexual abuse of a child, including immediately removing a child from potential physical abuse, sexual abuse, or prohibited conduct as defined herein.
2. Report immediately any suspected physical abuse or sexual abuse of a child to the campus University Police Department and the Equity and Campus Diversity Office and provide to the campus University Police Department a written report of suspected physical or sexual abuse of a child. When working in

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an off-campus location, suspected child abuse should be reported to local law enforcement officials and the Equity and Campus Diversity Office. Other reporting requirements not addressed in this Policy may apply, such as the obligations of mandated reporters under New York Social Services Law, who are required to report suspected child abuse or maltreatment when they are presented with a reasonable cause to suspect such abuse or maltreatment has occurred.

3. Comply with the [Policy on Mandatory Reporting and Prevention of Child Sexual Abuse, SUNY policy No. 6504](#).
4. Complete all required training for Covered Persons (i) – (iii) developed pursuant to this Policy.
5. Wear and display prominently during the Covered Activity a lanyard or other form of identification that identifies the individual as having the responsibilities of a Covered Person.

F. RESPONSIBLE UNIVERSITY OFFICIAL

A Responsible University Official shall:

1. Confirm that the requirements of this Policy have been communicated to Covered Persons (i) – (iii) prior to the commencement of a Covered Activity.
2. Confirm that New York Sex Offender Registry and National Sex Offender Public Registry searches (as described in Campus Responsibilities below) have been obtained and reviewed for Covered Persons (i) – (iii) prior to the commencement of a Covered Activity.
3. Confirm that the completed Acknowledgement of the University's Child Protection form has been obtained from Covered Persons (iv) – (v) prior to the commencement of a Covered Activity. All Acknowledgement forms will be part of a Revocable Permit prepared and executed by the Events Management Office.
4. Immediately report allegations of physical abuse or sexual abuse of a child to the campus University Police Department, and complete and provide to the campus University Police Department a written report for each allegation of physical abuse or sexual abuse of a child. Other reporting requirements not addressed in this Policy may apply, such as the obligations of mandated reporters under New York Social Services Law, who are required to report suspected child abuse or maltreatment when they are presented with a reasonable cause to suspect such abuse or maltreatment has occurred.
5. Notify and coordinate with appropriate campus offices to ensure that allegations of suspected physical or sexual abuse are investigated and addressed appropriately.
6. Confirm that required training on this Policy has occurred prior to the commencement of a Covered Activity for all Covered Persons who are employees, volunteers, students, or agents of the University or a University-affiliated organization.
7. Confirm that the University has provided Covered Persons (i) – (iii) with identification that identifies the individual as having the responsibilities of a Covered Person.

G. CAMPUS RESPONSIBILITIES

The University Administration and University-affiliated organizations shall develop procedures to:

1. Designate a Responsible University Official for each Covered Activity.
2. Determine on a limited basis that the first sentence of Section D.1. of this Policy, which prohibits a Covered Person from being alone with a child, shall not apply to certain Covered Activities when the pedagogical or health-related nature of the Covered Activity requires such one-on-one contact with a child. Examples may include tutoring, music lessons, speech therapy, medical, dental, or optical services.

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3. Communicate the requirements of this Policy to Covered Persons (i) – (v).
4. Provide for and require training on this Policy for all Covered Persons (i) – (iii) prior to the commencement of a Covered Activity.
5. Obtain New York Sex Offender Registry and National Sex Offender Public Registry searches for Covered Persons (i) – (iii) and complete a review of such searches not more than ninety (90) days prior to the commencement of a Covered Activity.
 - a. A search of the NY Sex Offender Registry means:
 1. a search of the file of persons required to register pursuant to Article 6-C of the Correction Law maintained by the NY Division of Criminal Justice Services pursuant to NY Correction Law § 168-b for every level of sex offender (Level 1 through Level 3), which requires an email, CD or hard copy submission of names and identifiers to DCJS as described on the [DCJS website](http://www.criminaljustice.ny.gov/nsor/800info_cdsubmit.htm) [url: http://www.criminaljustice.ny.gov/nsor/800info_cdsubmit.htm]; and
 2. retention of the records of the results of such search. Note that an internet search alone will not meet the requirements of this Policy.
 - b. A search of the National Sex Offender Public Registry means:
 - A search by first and last name of the National Sex Offender Public Website maintained by the United States Department of Justice at this link: <http://www.nsopw.gov/>; and
 - retention of the records of the results of such search.
6. Provide for the prompt investigation and preparation of written findings by the campus University Police Department of reports of suspected physical abuse or sexual abuse, and if there is reasonable cause to believe a crime has been committed, coordination by the campus University Police Department with other law enforcement officials.
7. Provide a mechanism to report and respond to allegations of retaliation (as described below).
8. Retain documentation of the search results from the New York and National Sex Offender registries for Covered Persons who are employees, volunteers, students, or agents of the University or a University-affiliated organization for six (6) years after the covered person has separated from the University.
9. Provide identification for Covered Persons (i) – (iii) that identifies the individual as having the responsibilities of a Covered Person.

H. RETALIATION

Retaliatory action against anyone acting in good faith, who has reported alleged physical abuse or sexual abuse in accordance with this Policy, or who has been involved in investigating or responding to allegations of physical or sexual abuse, or who has reported a failure to comply with this Policy, is a violation of this Policy. Retaliatory acts may include, but are not limited to:

- employment actions affecting salary, promotion, job duties, work schedules, and/or work locations;
- actions negatively impacting a student's academic record or progress; and
- any action affecting the campus environment, including harassment and intimidation.

I. THIRD-PARTY USE OF UNIVERSITY FACILITIES

The use of University facilities by vendors, licensees, or permittees for commercial and non-commercial Covered Activities shall be accomplished pursuant to a revocable permit. All revocable permits will be prepared and executed by the Events Management Office. The following minimum terms shall be included in all such revocable permits:

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A specific definition of the areas accessible to the Covered Activity. For example, revocable permits for sporting events held on athletic fields should include the athletic field, as well as any ancillary areas or structures where minors will be permitted, such as adjacent grounds, parking lots, restrooms, locker rooms, accessory structures, etc.

1. A provision requiring insurance coverage in accordance with the State University of New York's current requirements.
2. If the Covered Activity is a Children's Camp as defined in Section B of this policy, a provision requiring the permittee to provide the University with a copy of its camp operator permit issued by the New York State Commissioner of Health, either upon execution of the permit or not later than two weeks (14 days) before the scheduled use of University facilities.
3. A representation and warranty from the permittee that for all of its employees and volunteers, and employees and volunteers of its sub-permittees, who shall enter upon university facilities for purposes related to Covered Activity, the permittee has conducted within the ninety (90) day period preceding the use of University facilities (i) a search of the NY Sex Offender Registry; and (ii) a search of the National Sex Offender Public website.
4. A representation and warranty from the permittee that for all Covered Activities: (i) it shall adhere to the American Camp Association standards for minimum staff-to-child supervision ratios, minimum staff age, and minimum staff accreditation requirements (available at: <http://www.acacamps.org/accreditation/stdsglance>); and (ii) that the overall supervisor for each Covered Activity is an adult with certification or documented training and experience in the Covered Activity.
5. A representation and warranty from the permittee that any transportation it provides for participating minors to and from the University grounds shall conform to the American Camp Association's transportation standards (available at: <http://www.acacamps.org/accreditation/stdsglance>).
6. A provision requiring written acknowledgment from the permittee that it has received a copy of the University's Child Protection Policy and agrees to abide by all of its terms, including its requirement that any suspected physical or sexual abuse be immediately reported to the campus University Police Department.

CONTACT INFORMATION

University Police Department
Chase Hall, Room 110
Buffalo, New York 14222
Phone: 716 878-6333
Email: police@buffalostate.edu

Office for Equity and Campus Diversity
Cleveland Hall, Room 517
Buffalo, New York 14222
Phone: 716 878-620
Email: eeoequity@buffalostate.edu

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For revocable permits:

Events Management Office
Cleveland Hall, Room 319
Buffalo, New York 14222
Phone: 716 878-6114
Email: eventmgt@buffalostate.edu

RELATED INFORMATION

[State University of New York Policy No. 6504, Policy on Mandatory Reporting and Prevention Child Sexual Abuse, 2012.](#)

[SUNY Compliance webpage on Child Protection](#), for additional information, including [training modules](#).

[Child Protection Policy – Guidance](#), prepared by the Office of General Counsel and the Compliance Office.

REVISIONS:

Date of change: 03/14/2023

Brief description of edit: Updated campus designation of the university and reformatted to a standard template.

APPROVAL

President's Cabinet, 09/20/2016