CHILD PROTECTION POLICIES
TRAINING FOR DELEGATED RESPONSIBLE UNIVERSITY OFFICIALS

Prepared by: Office of Enterprise Risk Management and Compliance
SUNY CAMPUSES HOST CHILDREN

SUNY campuses host programs for children and provide space to third parties for events involving children.

Child programs may include:

- Summer camps
- Academic programs
- Athletic programs
- Community Outreach activities
- Volunteer Programs
- Student Instruction Programs
Background on SUNY’s Policies and Actions

- The 2012 report of special investigative counsel concerning child sexual abuse at Penn State University (the “Freeh Report”) reviewed egregious instances of long term, undetected child sexual abuse.
- The Freeh Report made recommendations and cited best practices for unaccompanied children at university facilities, housing and university programs.
- Higher education institutions across the country, including SUNY, have enacted policies and best practices to protect children.
SUNY’s Commitment to Child Protection

- SUNY has two System-wide policies to protect children at SUNY facilities and in SUNY programs.

- Both policies were adopted by the SUNY Board of Trustees upon the Chancellor’s recommendation and both policies affirm SUNY’s commitment to making the protection of children a System-wide priority.

**Policy on Mandatory Prevention and Reporting of Child Sexual Abuse**
Adopted by Board on Dec. 17, 2012

Mandates reporting of child sexual abuse for all University activities on and off University property.

**Child Protection Policy**
Adopted by Board on June 17, 2014

Sets policy for local procedures to protect children on campus.
SUNY’s Policies on Protection of Minors: How Are the Two Policies Different

**Mandatory Prevention and Reporting of Child Sexual Abuse Policy**

- **Aimed at**: DETECTION and REPORTING of CHILD SEXUAL ABUSE
- Leaves most implementation decisions to the campus
- Applies in ALL circumstances where children are present, on or off University property if University business or University sponsored events are involved.
- Requires reporting of sexual abuse by all members of University community.

**Child Protection Policy**

- **Aimed at**: PREVENTION, DETECTION, and REPORTING of CHILD SEXUAL and PHYSICAL ABUSE
- **SPECIFIC directives and action items for all campuses, SYSAdmin and University Affiliates**
- Applies when University, University Affiliates or third parties are responsible for custody, control, and supervision of children.
- Requires reporting of sexual and physical abuse.
Defining and Recognizing Child Abuse
Defining and Recognizing Child Abuse

Before we discuss SUNY’s policies in detail, let’s first take a step back to define child sexual abuse and child physical abuse and what it means within the context of SUNY’s policies.
Child Protection Policy

Definition of Physical Abuse

(Definition from the SUNY Child Protection Policy)

**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.
Defining and Recognizing Child Abuse

Indicators of Child Physical Abuse

• Frequent injuries of any kind (bruises, cuts, burns), especially if the child is unable to provide an adequate explanation of the cause.
  - Injuries may appear in distinctive patterns such as grab marks, human bite marks, cigarette burns, or impressions of other instruments.
  - Human bites compress flesh causing bruises; animal bites normally tear the flesh.

• Injuries to both sides of the head or body.
  - Accidental injuries typically only affect one side of the body.

Source: New York State Office of Children & Family Services
Defining and Recognizing Child Abuse

Indicators of Child Physical Abuse

• **Injuries to the nose**
  - Bleeding
  - Swelling
  - Deviation of the bone

• **Injuries to the mouth**
  - Bleeding
  - Swelling
  - Loose or missing teeth
  - Bruises from gags

• **Injuries to the eyes**
  - Hemorrhages

*Source: New York State Office of Children & Family Services*
Defining and Recognizing Child Abuse

Indicators of Child Physical Abuse

- **Injuries to the ears**
  - Bleeding
  - Twisting injuries of the lobe
  - Bruises

- **Injuries to the head**
  - Bald patches caused by hair pulling
  - Paralysis of facial muscles
  - Bruises on the face

- **Injuries to the abdomen**
  - May cause vomiting

*Source: New York State Office of Children & Family Services*
Defining and Recognizing Child Abuse

Indicators of Child Physical Abuse

• Skin Injuries
  - Lacerations, bruises and welts resembling the shape of the instrument used (strap marks, belt buckles, looped cords; electrical cords).
  - The presence of multiple skin injuries in various stages of healing.
  - Presence of multiple old and new bruises.
  - Choke marks on the neck.
  - Rope burns or blisters, especially around the wrists or ankles.
  - Bruises on the back of the legs.

Source: New York State Office of Children & Family Services
Defining and Recognizing Child Abuse

Indicators of Child Physical Abuse

• Skin Injuries - Burns
  - Burns in geometric shapes.
  - Contact burns involving both palms.
  - Burns or blisters on the backs of the hands.
  - Immersion burns (sock-like; glove-like).
  - Cigarette burns.
  - Burns on areas typically protected by clothing.
  - Blistering from chemical burns.

Source: New York State Office of Children & Family Services
Defining and Recognizing Child Abuse

Indicators of Child Physical Abuse

• **Skeletal Injuries without Fracture**
  - Tenderness at joints (from pulling, jerking or dislocation).
  - Tenderness in the ribs.

*Source: New York State Office of Children & Family Services*
Defining and Recognizing Child Abuse

Behavioral Indicators of Child Physical Abuse

- **Destructive, aggressive or disruptive behavior.**
  - Aggression towards peers or siblings
  - Apprehensive when other children cry
  - Destruction of property; vandalism

- **Passive, withdrawn, or emotionless behavior.**
  - Child shies away from touch; flinches at sudden movement; is wary of adults

- **Behavioral extremes: aggressiveness – withdrawal.**

- **Fear of going home; of parent(s); of caregiver(s).**

- **Seeks affection from any adult.**

- **Wears long-sleeved or similar clothing to hide injuries.**

*Source: New York State Office of Children & Family Services*
### Child Protection Policy

**Definition of Sexual Abuse**

*(Definition from the SUNY Child Protection Policy)*

**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 which 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.
Defining and Recognizing Child Abuse

Physical Indicators of Child Sexual Abuse

• Injury to genital area.
  ➢ Pain or itching in genital area
  ➢ Difficulty in walking or sitting
  ➢ Bruises or bleeding in external genitalia

• Symptoms of sexually transmitted diseases.
  ➢ Including oral venereal infections

• Torn, stained or bloody underclothing.

• Pregnancy, especially in early adolescent years.

Source: New York State Office of Children & Family Services
Defining and Recognizing Child Abuse

Behavioral Indicators of Child Sexual Abuse

• Unwillingness to change clothing for athletic/physical activities.
• Withdrawal, fantasy or infantile behavior.
• Sexually suggestive, inappropriate, promiscuous or seductive behavior or verbalization.
• Poor peer relationships.
• Expression of age-inappropriate knowledge of sexual relations.
• Sexual victimization of other children.
• Exaggerated fear of closeness or physical contact.
• Self-injurious behavior.

Source: New York State Office of Children & Family Services
SUNY System-wide Policy on Mandatory Reporting and Prevention of Child Sexual Abuse

[the “Mandatory Reporting Policy”]

Effective Dec. 2012

Child Protection Policies Training
Mandatory Reporting Policy

Mandates Reporting to University Police

Employees + Students + Volunteers have an AFFIRMATIVE DUTY to report Child Sexual abuse to University Police when abuse occurs

On university property OR Off university property during official university business or during university-sponsored events
Mandatory Reporting Policy

- Policy creates mandated reporting requirement for SUNY.

ALL SUNY STAFF, STUDENTS & VOLUNTEERS have an affirmative duty to report incidents ONLY related to activities on University property or University-sponsored events off campus.
Reporting Physical or Sexual Abuse

When to Report

REASONABLE CAUSE TO SUSPECT
= REPORT
Reporting Physical or Sexual Abuse

Reasonable Cause to Suspect

“Reasonable cause to suspect” means that based on your rational observations and experience, you have a suspicion that the child is being physically or sexually abused.

Adapted from: NYS Office of Children & Family Services Summary Guide for Mandated Reporters
Reporting Physical or Sexual Abuse

Reasonable Cause to Suspect

• “Reasonable cause to suspect” means you have a logical basis to suspect.
• You do not need proof or certainty.
• “Reasonable cause” can be doubt or distrust of a child’s explanation for injuries.

Reporting Physical or Sexual Abuse

Reasonable Cause to Suspect

Report each instance of physical or sexual abuse that you have reasonable cause to suspect.
Mandatory Reporting Policy

Application

**Example:** SUNY employee at the grocery store learns of child sexual abuse unrelated to SUNY.
→ Not obligated to report under SUNY policy.

**Example:** SUNY employee at the grocery store learns of child sexual abuse at SUNY program.
→ Affirmative duty to report under SUNY policy.

**Example:** SUNY employee participating in a campus-sponsored volunteer event off-campus learns of child sexual abuse during the event.
→ Affirmative duty to report under SUNY policy.
Mandatory Reporting Policy

Training

RELEVANT employees must be trained recognizing child sexual abuse; on their obligation to report such abuse, and on proper reporting protocols.

Third Parties

Vendors and others using University facilities for activities involving children must have procedures in place to screen their employees and to train their employees to recognize and report child sexual abuse.
POLICY:
The State University of New York 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.

[“Policy” Statement is Section B of the policy.]
Child Protection 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

[“Summary” Statement is Section A of the policy.]
Child Protection Policy

Appropriate Conduct with Children + Reporting instances or suspicion of child physical and sexual abuse = Child Protection Policy
Child Protection Policy
Definition of Child

**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 of the University or a person accepted for matriculation.
Child Protection Policy

Definition of “Child”

Under 17

But NOT a matriculated student or person accepted for matriculation

Participate in Covered Activity

“Child” for purposes of the Policy
Child Protection Policy
Definition of “Child”

Policy distinguishes among children under 17 based upon their matriculation status as defined in the policy.

• Policy applies to children under 17 participating in a “Covered Activity.”
• Policy does not apply to children under 17 who are “Matriculated.”

Definition of Matriculation:
• For Policy purposes, a “child” is “matriculated” if accepted by the University as a student into an actual college course listed in the college catalog.
Child Protection Policy

Definition of Child

What does this mean for students under 17?

Accepted by the University as a student into a college catalog-listed course

→ Matriculate: To enroll as a member of a body and especially of a college or University. Accepted by the University as a student into an actual college course listed in the college catalog.

NOT A “CHILD” for purposes of the Policy = POLICY NOT APPLICABLE
Child Protection Policy

Definition of “University-Affiliated Organization”

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 so designated by the Chancellor or Campus President.
Child Protection Policy

Definition of “University-Affiliated Organization”

4 Entities are University Affiliates under the policy

- Campus Alumni Association
- Campus Foundations
- Campus Auxiliary Services Corp.
- ...any other entity so designated by the Chancellor or Campus President
Child Protection Policy
Definition of “Covered Person”

**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 (iv) above.
**Child Protection Policy**

**Definition of “Covered Activity”**

| 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 (Third Party) 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. |
Child Protection Policy
Definition of “Covered Activity”

An activity is only “covered” if it meets the 2-part Policy definition:

(1) it is sponsored or approved by University, University-affiliated organization, or by vendor, licensee or permittee, to whom a permit for use of University facilities has been issued;

AND

(2) for the duration of the activity, custody, control and supervision of children is vested in the University, the University-affiliated organization or the approved vendor, licensee or permittee.
Child Protection Policy

Covered Activity Test

Activity/Program Involving Children

University or a University-affiliate defined in the policy as:
1. Research Foundation
2. Campus foundation
3. Campus alumni association
4. Campus auxiliary services corporation
5. Any other entity so designated by the Chancellor or Campus President

Third Party:
- Vendor
- Licensee
- Permittee
- Employees and volunteers of vendors, licensees and permittees

Overall responsibility for custody, control and supervision of children

SPONSORED/APPROVED by

Overall responsibility for custody, control and supervision of children

COVERED ACTIVITY

COVERED ACTIVITY
Child Protection Policy
Covered Activity Test

Custody, Control and Supervision

• Parent or legal guardian has placed the child in the care of the University, University affiliate or third party for a duration of time and for a specific covered activity.

• The University/affiliate/third party is exercising its own authority to guide, manage and supervise the child, in the place of the parent or legal guardian.
Child Protection Policy

Covered Activity Decision Tree

Are participants “children” under the Policy definition? under 17 and not matriculated students under policy definition

YES

(a) sponsored or approved by

• University; OR
• University-affiliated organization; OR
• Vendor – Licensee - Permittee for which a license or permit for use of University facilities has been approved; AND

occurring on or off campus.

YES

(b) for the duration of the activity, custody, control and supervision of children is vested in the University, University affiliate or the approved vendor, licensee or permittee.

YES

COVERED ACTIVITY

NO

POLICY NOT APPLICABLE
Child Protection Policy

“Covered Activity” Definition

Custody, Control and Supervision Threshold

Children attending a sporting event with a parent/guardian?

→ NO, because Custody, Control and Supervision remains with the parent/guardian.
Child Protection Policy

“Covered Activity” Definition

Custody, Control and Supervision Threshold

Children attending a University sponsored event with their parent/guardian?

→ NO, because Custody, Control and Supervision threshold not met; parents retain responsibility
Child Protection Policy

“Covered Activity” Definition

Custody, Control and Supervision Threshold

Children attending a sports camp, where they are transported to campus by bus?

→ YES, at sports camp, Custody, Control and Supervision of the child has been transferred to the camp operator.
REQUIRED CONDUCT of a “Covered Person” Under the Child Protection Policy
"Covered Persons" are REQUIRED by the Policy to take 4 REASONABLE MEASURES to prevent physical and sexual abuse of a child.
Required Conduct of a Covered Person

Reasonable measures of a “Covered Person” to prevent physical and sexual abuse of a child:

1. GET TRAINED
2. WEAR IDENTIFICATION
3. REMOVE THE CHILD FROM ABUSE
4. REPORT SUSPECTED ABUSE
Required Conduct of a Covered Person

1. GET TRAINED

Complete all required TRAINING on the Child Protection Policy.
Required Conduct of a Covered Person

2. WEAR IDENTIFICATION

At all times during a “Covered Activity,” wear and display prominently a lanyard or other form of identification that identifies you as a “Covered Person” in the specific program or activity.

**ID should be event-specific, to include:**

- the event name, date(s)
- covered person’s name
- for active sports an arm or wrist band *may be* appropriate
Required Conduct of a Covered Person

Appropriate Identification

John Smith
VOLUNTEER ASSISTANT COACH – COVERED PERSON
UNIVERSITY AT ALBANY SUMMER PROGRAM
BOY’S LACROSSE CAMP
July 1, 2019 – July 26, 2019

The example ID meets the requirements:

✓ Date
✓ Name
✓ Role
✓ Program
✓ Visible
Required Conduct of a Covered Person

3. **REMOVE THE CHILD FROM THE ABUSE**

Immediately **REMOVE** a child from potential or actual physical abuse, sexual abuse or any conduct prohibited by the policy.

4. **REPORT ANY SUSPECTED ABUSE**

Immediately **REPORT** any suspected physical abuse or sexual abuse of a child to the campus University Police Department (UPD) in accordance with local procedures.
PROHIBITED CONDUCT by a “Covered Person” Under the Child Protection Policy
“Covered Persons” are prohibited from engaging in specific actions to prevent physical or sexual abuse of children.
Prohibited Conduct by a Covered Person

1. No 1-on-1 Interaction (except in limited circumstances)

“Covered persons” cannot be alone with a child unless:
• the Covered Person is a relative or guardian of the child;
  
  OR

• 1-on-1 contact is pre-approved by the campus when pedagogical or health-related circumstances apply.
Prohibited Conduct by a Covered Person

2. Being Alone With a Child

• In no event can a “Covered Person,” who is not a relative or guardian of a child, be alone with the child in a rest room, locker room, shower, sleeping area or vehicle.
Prohibited Conduct by a Covered Person

3. Engage in Physical or Sexual Abuse of a Child

- A Covered Person cannot engage in physical abuse or sexual abuse of a child.

4. Use Alcohol or Illegal Drugs Or Be Under Their Influence During a Covered Activity

- A Covered Person cannot engage in the use of alcohol or illegal drugs, or be under the influence of alcohol or illegal drugs, during Covered Activities.
Prohibited Conduct by a Covered Person

5. Enable, Facilitate or Fail to Address a Child’s Use of Alcohol or Illegal/ Non-Prescribed Drugs

• A Covered Person cannot enable, facilitate, or fail to address a child’s use of alcohol or illegal/ non-prescribed drugs

6. Contact a Child For the Purpose of Engaging in Prohibited Conduct

• A Covered Person cannot contact a child through electronic media, including social media, for the purpose of engaging in any prohibited conduct, including sexual conduct
Prohibited Conduct of a Covered Person

7. Offer or Make a Gift to a Child for the Purpose of Engaging in Prohibited Conduct

- A Covered Person cannot offer or make a gift to a child for the purpose of engaging in any prohibited conduct, including sexual conduct

8. Release a Child From a Covered Activity Without Authorization

- A Covered Person cannot release a child from a Covered Activity without a written authorization from the child’s parent or guardian
Duties of the Delegated “Responsible University Official”
The “Delegated Responsible University Official” is assigned seven (7) specific duties under the Child Protection Policy to protect children from physical and sexual abuse.
Duties of a Delegated Responsible University Official

DELEGATED RESPONSIBLE UNIVERSITY OFFICIALS must do the following for all “Covered Activities”:

**BEFORE the “Covered Activity”**

1. **COMMUNICATION:** Confirm that policy requirements have been communicated as required;
2. **TRAINING:** Confirm that all “Covered Persons” have completed training;
3. **SEARCHES:** Confirm completion of Sex Offender Registry Searches;

**DURING the “Covered Activity”**

5. **REPORT:** Report incidents of child abuse;
6. **NOTIFY AND COORDINATE:** Notify and coordinate with campus offices as required;
7. **IDENTIFICATION:** Ensure that “Covered Persons” are wearing proper identification.
1. CONFIRM COMMUNICATION OF POLICY REQUIREMENTS

Confirm that the requirements of this Policy have been communicated to the “Covered Persons” participating in “Covered Activities” *before* the commencement of the activity. Generally, communication to the following “Covered Persons” will occur through their completion of training:

- Employees of the University and University affiliate;  
  *and*
- University students;  
  *and*
- Volunteers of the University and University affiliate
2. CONFIRM TRAINING COMPLETION

CONFIRM that the required training on this Policy has been conducted with “Covered Persons” before the commencement of a “Covered Activity.” “Covered Persons” whose training must be confirmed:

• Employees of the University and University affiliate;
  and
• University students;
  and
• Volunteers of the University and University affiliate.
Duties of a Delegated Responsible University Official

3. CONFIRM SEX OFFENDER REGISTRY SEARCHES

Confirm that State and National Sex Offender Registry searches have been completed for specific “Covered Persons” not sooner than 90 days before the commencement of a “Covered Activity”.

Registry Searches must be completed for:

- Employees of the University and University affiliate;
- University students;
- Volunteers of the University or University affiliate.
Duties of a Delegated Responsible University Official

5. REPORT ALLEGATIONS OF CHILD ABUSE

- IMMEDIATELY REPORT allegations of physical abuse or sexual abuse of a child to the campus University Police Department (UPD).
- COMPLETE AND PROVIDE a written report to UPD for each allegation.
- COMPLY with any other applicable reporting requirements, including:
  
  - SUNY’s Policy on Mandatory Reporting and Prevention of Child Sexual Abuse, Document No. 6504 (Mandatory Reporting Policy)

Like “Covered Persons,” we have an obligation to report physical and sexual abuse.
Duties of a Delegated Responsible University Official

6. NOTIFY AND COORDINATE WITH OTHER CAMPUS OFFICES

Notify and coordinate with appropriate campus offices to ensure that allegations of suspected physical abuse or sexual abuse are investigated and addressed appropriately.
7. ENSURE IDENTIFICATION

Ensure that “Covered Persons” participating in “Covered Activities” have the appropriate identification and are wearing and displaying their identification prominently at all times during the Covered Activity.

• **Acceptable ID:** a lanyard or other form of identification that identifies the individual as a Covered Person in the program or activity.

ID should be event-specific, to include:

• the event name, date(s)
• covered person’s name and role

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John Smith

VOLUNTEER ASSISTANT COACH – COVERED PERSON
UNIVERSITY AT ALBANY SUMMER PROGRAM
BOY’S LACROSSE CAMP
July 1, 2019 – July 26, 2019
Retaliation is Prohibited

The SUNY Child Protection Policy *prohibits retaliatory action* against anyone acting in good faith, who has reported alleged physical abuse or sexual abuse in accordance with the policy, or who is involved in investigating or responding to allegations of physical or sexual abuse.
Retaliation is Prohibited

Report whenever you have reasonable cause to suspect physical or sexual abuse of a child.

The Child Protection Policy prohibits:

• Retaliatory employment actions affecting salary, promotion, job duties, work schedules and locations;

• Retaliatory actions negatively impacting a student’s academic record or progress;

• Any retaliatory action affecting the campus environment, including harassment and intimidation.
Child Protection Policy Resources

**SUNY Policies**
Policy on Mandatory Prevention and Reporting of Child Sexual Abuse

**Child Protection Policy**

**SUNY Websites**
SUNY Policies and Procedures Website  www.suny.edu/sunypp

Compliance Website, pages devoted to Child Protection at SUNY
www.suny.edu/compliance
Suny.edu/compliance ➔ Topics ➔ Child Protection
URL: http://system.suny.edu/compliance/topics/childprotection/