



## CHILD PROTECTION POLICY

### I. SUMMARY

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

### II. POLICY

Suffolk County Community College is committed to protecting the safety and well-being of children who participate in College-related programs and activities, or utilize College facilities for activities, including, but not limited to, sports camps and academic enrichment programs.

### III. DEFINITIONS

**Covered Activity:** A program or activity sponsored or approved by the College, or an activity conducted by a vendor, licensee or permittee for which a license agreement of College facilities has been approved, occurring on campus, for the duration of which the responsibility for custody, control and supervision of children is vested in the College, a College-affiliated organization or the vendor or licensee so approved. This policy is not applicable to College on-campus child care 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 College or College-affiliated organization;
- ii. a College student;
- iii. a volunteer of the College or College-affiliated organization; or
- iv. a vendor, licensee or other person, who is given permission to come onto campus or to use College facilities for Covered Activities; or
- v. an employee, agent or volunteer of (iv) above.

**Child:** An individual under the age of seventeen (17) years, who is participating in a Covered Activity. The term "child" shall not include a matriculated student of the College or a person accepted for matriculation.

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

**Physical Abuse:** Physical contact with a child which is intended to cause, or causes, pain or physical injury, including punching, beating, shaking, throwing, kicking, biting and burning, or directing a child to perform physical activity which is intended to cause physical injury

**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, including, as presented in 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.

**Responsible College Official:** The employee of the College or College-affiliated organization, who has been designated by the College under Section VI, College Responsibilities.

**College-affiliated organization:** The Suffolk Community College Foundation, Inc., Suffolk Community College Association, Inc., or Suffolk Community College Alumni Association.

#### **IV. 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. In no event shall a Covered Person, who is not a relative or guardian of a child, be alone with the child in a bathroom, locker room, shower 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 enticing sexual conduct.

6. Offer or make a gift to a child for the purpose of enticing sexual conduct.

7. Release a child from a Covered Activity without a written authorization from the child's parent or guardian.

#### **V. 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 a dangerous situation.

2. Report immediately any suspected physical abuse or sexual abuse of a child to the College's Office of Public Safety, and provide to said Office a written report of suspected physical 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.

3. Comply with the College's *Mandatory Child Sexual Abuse Reporting & Prevention Policy*.

4. Complete all required training developed pursuant to this Policy.

5. Wear and display prominently at all times during the Covered Activity a form of identification that identifies the individual as a Covered Person.

## **VI. RESPONSIBLE COLLEGE OFFICIAL**

A Responsible College 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 prior to the commencement of a Covered Activity, the Covered Persons (iv) – (v) have received a copy of this policy and the College's *Mandatory Child Sexual Abuse Reporting & Prevention Policy*.
4. Immediately report allegations of physical abuse or sexual abuse of a child to the campus Office of Public Safety, and complete and provide to the campus Office of Public Safety 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 College offices to ensure that allegations of suspected physical abuse 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 College or a College-affiliated organization.

## **Vii. COLLEGE RESPONSIBILITIES**

The College shall develop procedures to:

1. Designate a Responsible College Official for each Covered Activity.
2. Communicate the requirements of this Policy to Covered Persons (i) – (v).
3. Provide for and require training on this Policy for all Covered Persons who are employees, volunteers, students or agents of the College or a College-affiliated organization, and maintain records verifying the completion of such training prior to the commencement of a Covered Activity.
4. Obtain New York Sex Offender Registry and National Sex Offender Public Registry searches for Covered Persons who are employees, volunteers, students or agents of the College or a College-affiliated organization 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:
    - (i) 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 DCLS website:  
[http://www.criminaljustice.ny.gov/nsor/800info\\_cdsubmit.htm](http://www.criminaljustice.ny.gov/nsor/800info_cdsubmit.htm) ; and

(ii) 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:

(i) 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

(ii) retention of the records of the results of such search.

5. Provide for the prompt investigation, and preparation of written findings, by the Office of Public Safety 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 Office of Public Safety with other law enforcement officials.

6. Provide a mechanism to report and respond to allegations of retaliation (as described below).

7. 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 College or a College-affiliated organization for six (6) years after the covered person has separated from employment.

## **VIII. RETALIATION**

1. Retaliatory action against anyone acting in good faith, who has reported 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.

## **VIX. THIRD PARTY USE OF COLLEGE FACILITIES**

The use of College facilities by third parties for commercial and non-commercial Covered Activities shall be accomplished pursuant to a license agreement. The following minimum terms shall be included in all such license agreements:

1. A specific definition of the areas accessible to the Covered Activity. For example, license agreements 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, rest rooms, locker rooms, accessory structures, etc.

2. A provision for insurance in accordance with College policy.

3. A representation and warranty from licensee that for all of its employees and volunteers who shall enter upon College facilities for purposes related to Covered Activity, licensee has conducted within the ninety (90) day period preceding the use of College 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 licensee 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 licensee that any transportation it provides for participating minors to and from the College grounds shall conform to the American Camp Association's transportation standards (available at: <http://www.acacamps.org/accreditation/stdsglance>).

6. A provision requiring written acknowledgement from licensee that it has received a copy of the College'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 College's Office of Public Safety.

**Board of Trustees  
August 20, 2015**