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## 2.11 CHILD PROTECTION AND MANDATORY CHILD ABUSE REPORTING AND PREVENTION POLICY

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**Category:** Administration

**Date Approved:** October 5, 2015

**Responsible Office:** Campus Events, Public Safety, MCC Association, Inc.

**Date Revised:** January 22, 2019

**Responsible Executive:** VP, Student Services; VP, Economic and Workforce Development and Career Technical Education; CFO/VP, Administrative Services

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### Summary

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Monroe Community College (MCC) recognizes a fundamental obligation and is committed to protecting minor children in its care the youngest and potentially most vulnerable members of society. Accordingly, MCC has adopted certain safeguards intended to protect the safety and well-being of minor children when they are participating in MCC-related programs, whether on or off campus, or utilizing campus facilities for activities including, but not limited to, sports camps, academic and personal enrichment programs, and research studies.

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### Policy

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1. Individuals must conduct themselves appropriately with children who participate in MCC-related programs and report instances or suspicion of physical or sexual abuse of children.
2. Consistent with the provisions and applicable definitions of New York State Penal Law, Articles 130, 260, and 263, any MCC employee, student, volunteer, or person or entity utilizing MCC facilities or property who witnesses or has reasonable cause to suspect any sexual abuse of a child occurring on College property, or while off campus during official College business or College-sponsored events, shall immediately report such conduct to the Department of Public Safety. Such report should include the name of the alleged victim and alleged assailant (if known), other identifying information about the alleged victim and alleged assailant, the location of the activity, and the nature of the activity.
3. In furtherance to this policy, MCC shall, on an annual basis notify all College employees, students, and volunteers of the existence of this policy and biennially train such employees, students, and volunteers on the provisions of this policy and the attendant reporting obligations.
4. Retaliatory acts, as defined in this policy, are prohibited.
5. Any employee found in violation of the provisions of this policy shall be subject to discipline up to termination of her/his employment, consistent with the terms and conditions of the applicable collective bargaining agreement, if any, as well as subject to any applicable criminal prosecution.
6. Nothing contained in this policy precludes mandated reporters from completing their obligation to report suspected child sexual abuse.

7. Prohibited Conduct. Covered Person shall not:
  - a. 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 the College's procedures associated with 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;
  - b. Engage in physical abuse or sexual abuse of a child;
  - c. Engage in the use of alcohol or illegal drugs, or be under the influence of alcohol or illegal drugs, during Covered Activities;
  - d. Enable, facilitate, or fail to address a child's use of alcohol or illegal/non-prescribed drugs;
  - e. Contact a child through electronic media, including social media, for the purpose of engaging in any prohibited conduct, including sexual conduct;
  - f. Offer or make a gift to a child for the purpose of engaging in any prohibited conduct, including sexual conduct;
  - g. Release a child from a Covered Activity without a written authorization from the child's parent or guardian.
8. Required Conduct. Covered Person shall:
  - a. 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;
  - b. Immediately report any suspected physical abuse or sexual abuse of a child to the Department of Public Safety. The report to Public Safety should include the names of the victim and assailant (if known), other identifying information about the victim and assailant, the location of the activity, and the nature of the activity.  
Note: 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.
  - c. Complete all required training developed pursuant to this Policy;
  - d. Wear and display prominently at all times during the Covered Activity a lanyard or other form of identification that identifies the individual as having the responsibilities of a Covered Person.
9. Responsible College Officials shall:
  - a. Confirm that the requirements of this Policy have been communicated to persons defined below as "Covered Persons" (Sections a – c) prior to the commencement of a Covered Activity;

- b. Confirm that New York Sex Offender Registry and National Sex Offender Public Registry searches have been obtained and reviewed for Covered Persons (Sections a–c) prior to the commencement of a Covered Activity;
  - c. Confirm that Public Safety has been notified prior to the commencement of a Covered Activity. Based on its assessment, Public Safety may deem it prudent to notify additional entities, e.g., Department of Probation and/or Parole, etc.
  - d. Confirm that the *Permittee Acknowledgement of Receipt of the MCC Child Protection and Mandatory Child Abuse & Prevention Policy* has been obtained from “Covered Persons” (Sections d and e) prior to the commencement of a Covered Activity;
  - e. Immediately report allegations of physical abuse or sexual abuse of a child to the Department of Public Safety. 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;
  - f. 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 Monroe Community College or a College-affiliated organization.
10. Event specific Emergency Management Plans and Protocols must comply with and in no cases supersede this Policy.

## **APPLICABILITY**

Covered Persons, Responsible College Officials, College-Affiliated Organizations

## **DEFINITIONS**

1. 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 College or a person accepted for matriculation.
2. Children’s Camp: A camp defined under New York Public Health Law §1392.
3. College-Affiliated Organization: Monroe Community College Foundation, Inc. Monroe Community College Association, Inc., or any other entity designated by the Board of Trustees or College President.
4. Covered Activity: A program or activity sponsored or approved by the College or a College-affiliated organization, or an activity conducted by a vendor, licensee, or permittee for which a license or permit for use of College 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 College, College-affiliated organization, or the vendor, licensee or permittee so approved. This policy is not applicable to College on-campus child care centers.

5. Covered Person: A person who is responsible for the custody, control, or supervision of children participating in the Covered Activity and who is:
  - a. an employee of the College or College-affiliated organization;
  - b. a College student;
  - c. a volunteer of the College or College-affiliated organization; or
  - d. a vendor, licensee, permittee, or other person who is given permission to come onto campus or to use College facilities for Covered Activities; or
  - e. an employee, agent, or volunteer of “d” above.
6. 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, or any activity, physical or otherwise, which causes material harm or is detrimental to the general health and welfare of a child, including but not limited to harassment or bullying.
7. Responsible College Official: Employee(s) of the College or College-affiliated organizations designated below in the Applicability Section of this Policy.
8. Retaliation: 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. Retaliatory acts may include, but are not limited to:
  - a. Employment actions affecting salary, promotion, job duties, work schedules, and/or work locations;
  - b. Actions negatively impacting a student's academic record or progress; and
  - c. Any action affecting the campus environment, including harassment and intimidation.
9. 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.

## **RESPONSIBILITY**

Executive Director, Monroe Community College Association, Inc.

Director, Campus Events

Director, Public Safety

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Contact Information

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Office of Campus Events  
Department of Public Safety  
Division, Economic and Workforce Development and Innovative Workforce Services  
Division, Student Services

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History

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[To be completed by Administration]

<b>Item:</b>	<b>Date:</b>	<b>Explanation</b>
Board of Trustees	October 5, 2015	Approved
3 Year Review	January 22, 2019	Minimal changes approved by College Officers