



<b>Title:</b> <b>Child Protection Policy</b>	<b>Policy Category:</b> <b>Risk Management &amp; Security</b>
<b>Issuing Authority:</b> <b>Enterprise Risk Management</b>	<b>Responsibility:</b> <b>Enterprise Risk Management</b>
<b>Publication Date:</b> <b>11/18/2022</b>	<b>Next Review Date:</b> <b>11/18/2025</b>

Printed copies are for reference only. Please refer to the electronic copy for the latest version.

### **Policy Statement/Background:**

None

### **Scope**

This policy is not applicable to Stony Brook Child Care Services, Inc.

### **Policy:**

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. Stony Brook 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.

### **A. Campus Responsibilities**

In accordance with SUNY's Child Protection Policy, Stony Brook University will:

- 1.** Determine on a limited basis that the first sentence of Section B (1)(a) of this policy, which prohibits a Covered Person (defined below) from being alone with a child, shall not apply to certain Covered Activities when the pedagogical or health-related nature of the Covered Activity (defined below) requires such one-on-one

contact with a child. Examples may include tutoring, music lessons, speech therapy, and medical, dental or optical services.

- 2.** Communicate the requirements of this policy to identified Covered Persons (i) - (v).
- 3.** By May 15, 2015 and biennially thereafter, provide for and require training on this policy for all Covered Persons who are employees, volunteers, students or agents of the State University or a University-affiliated organization 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 State University or a University-affiliated organization and complete a review of such searches not more than ninety (90) days prior to the commencement of a Covered Activity. The University also requires revocable permit holders to acknowledge that all of its employees and volunteers have been screened through a search of the NYS Sex Offender Registry and a search of the National Sex Offender Public website within the ninety (90) day period preceding its use of University facilities and has retained the records of such search.
- 5.** Provide for the prompt investigation and preparation of written findings by the 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 University Police Department with other law enforcement officials.
- 6.** Provide a mechanism to report and respond to allegations of retaliation (as described below in Section E).
- 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 University or a University-affiliated organization for six (6) years after the Covered Person has separated from employment.
- 8.** Issue an identification badge for each Covered Person. Note that there is a financial cost for producing an identification badge. Such cost is ultimately the responsibility of the Covered Activity's program or activity sponsor, and includes activity conducted by a vendor, licensee or permittee for which a license or permit for use of University facilities has been approved.

## **B. Covered Person Conduct**

### **1. Prohibited Conduct**

A 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 Section A 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.
- 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.

### **2. Required Conduct**

A 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.
- b)** Report immediately any suspected physical abuse or sexual abuse of a child to the University Police Department (at 631-632-3333 or 333 from a campus phone), and provide to University Police 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.
- c)** Comply with SUNY's [Policy on Mandatory Reporting and Prevention of Child Sexual Abuse](#).

- d)** Complete all required training developed pursuant to SUNY's Child Protection Policy.
- e)** Wear and prominently display their University issued identification badge at all times during the Covered Activity and return this badge to the Event Coordinator upon the conclusion of the Covered Activity.

### **C. Responsible University Official**

In accordance with SUNY's Child Protection Policy, Stony Brook has designated RUOs in the following areas: Provost, Student Affairs, Conferences and Special Events, Athletics, University Hospital, Health Sciences Center (HSC), Staller Center for the Arts, and Southampton. RUOs 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 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 (available in the revocable permit found below) has been obtained from Covered Persons (iv) - (v) prior to the commencement of a Covered Activity.
- 4.** Immediately report allegations of physical abuse or sexual abuse of a child to the University Police Department and complete and provide to University Police 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 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 State University or a University-affiliated organization.
- 7.** Enter information into the Special Event Badges Request System in a timely fashion. New events should be created no later than 4 weeks before a Covered Activity commences. Information about Covered

Persons (including name and photograph), should be uploaded no later than 2 weeks before a Covered Activity commences.

#### **D. 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 found below.

#### **E. 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; or
- any action affecting the campus environment, including harassment and intimidation.

#### **Definitions:**

**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.**

**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;  
or
- ii. a University student; or
- 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:** 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.

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

**Event Coordinator:** an individual who is responsible for coordinating the Covered Activity with the Responsible University Official.

**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.

**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.

**Responsible University Official (RUO):** the employee of the University or University-affiliated organization, who has been designated by the University to carry out responsibilities specified in this policy. RUOs are also responsible for carrying out Stony Brook's Child Protection Procedure - which includes providing information/serving as the contact person for an Event Coordinator.

**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 SUNY Chancellor or Campus President (or designee).

**Contact:**

Additional information about this policy is available here:

**Enterprise Risk Management**

180 Administration Building  
Stony Brook, NY 11794  
(631) 632-9500

**Office of Administration & Finance**

221 Administration Building  
Stony Brook, NY 11794  
(631) 632-6100

**Human Resource Services**

**West Campus, Health Sciences, and School of Medicine**

390 Administration Building  
Stony Brook, NY 11794  
(631) 632-6161

**Relevant Standards, Codes, Rules, Regulations, Statutes and Policies:**

- [SUNY Policy 6505: Child Protection Policy](#)
- [SUNY Child Protection Policy Guidance](#)
- [SUNY Policy 6504: Policy on Mandatory Reporting and Prevention of Child Sexual Abuse](#)
- [Revocable Permits for Facilities Usage](#)
- [Covered Person/Covered Activity Acknowledgment Form](#)