**Summary**

Individuals must conduct themselves appropriately with children who are on campus and/or who participate in University-related programs, take reasonable measures to ensure their safety, and report instances or suspicion of inappropriate conduct or child abuse.

**Policy**

**POLICY STATEMENT**

The University at Buffalo (UB, University) is committed to protecting the safety and well-being of children who are on University premises, and/or who participate in University-related programs and activities, both on and off campus, including but not limited to:

- daycare
- sport camps
- academic enrichment programs
- research studies.

The participation of children in these activities requires an increased level of care, and an expectation that individuals will conduct themselves appropriately in the presence of children on campus and/or in University-related programs and activities.

Individuals must report instances of **inappropriate conduct** to the responsible UB official under which the activity occurred. Persons who witness, receive a report of, or reasonably believe an instance of **child abuse** has occurred must immediately report such abuse to University Police and the Office of Equity, Diversity and Inclusion (EDI).

Individuals may report inappropriate conduct or child abuse anonymously. While due process considerations may limit the ability to investigate anonymous reports, the University will take appropriate action to ensure the safety of children in response to an anonymous report.

**Retaliation**

Retaliatory action against anyone acting in good faith who has reported inappropriate conduct/child abuse in accordance with this Policy, or who has been involved in reporting, investigating, or responding to inappropriate conduct/child abuse, 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;
- any action affecting the campus environment, including harassment and intimidation.

Individuals are to report allegations of retaliation under this policy to EDI.
Supervision of Children

Authorized adult supervision is required for all children not registered for classes who are participating in:

- a University program whether on or off campus
- an activity conducted by visitors on University premises.

It is recommended that two or more authorized adult supervisors be present at activities involving children. Unsupervised one-on-one contact is strongly discouraged.

Conduct Requirements

University employees, students, and visitors must conduct themselves appropriately in the presence of children. Child abuse and inappropriate conduct, including but not limited to the following, is prohibited:

- Engaging in any form of physical (e.g., striking, hitting, shaking, administering corporal punishment) or emotional abuse of a child.
- Engaging in sexually inappropriate conduct of any kind toward or in the presence of a child, including but not limited to:
  - sexual abuse of a child
  - touching a child in an inappropriate or illegal manner
  - making pornography or other sexually inappropriate materials in any form available to a child or assisting a child in gaining access to such materials.
- Neglecting the duty of care for a child under the adult’s supervision, including but not limited to:
  - failing to protect children’s health and safety (e.g., exposure to unreasonable risk of injury or extreme weather)
  - failing to ensure the use of appropriate protective equipment (e.g., in laboratory or athletic participation)
  - failing to meet children’s basic needs (e.g., food, clothing, shelter, emotional needs)
  - leaving children consistently unsupervised
  - using inappropriate language (e.g., curse words or words discriminatory in nature) in the presence of children.
- Engaging in the use of alcohol or illegal drugs, or being under the influence of alcohol or illegal/non-prescribed drugs.
- Enabling, facilitating, or failing to appropriately address a child’s use of alcohol or illegal/non-prescribed drugs.
- Participating in a sleepover under the auspices of the program or activity, unless (1) one of the child's parents or legal guardians is present or (2) one of the child's parents or legal guardians has provided written consent and there is at least one other adult, and the two adults remain in each other's presence at all times.
- Picking up or dropping off children from their homes (except the driver's child or children) before, during, or after the program or activity.

The conduct requirements listed above shall apply to registered University students under the age of eighteen years to the extent that the provisions are reasonable and appropriate when considering the student’s age and student status.
Access to University Premises

All children participating in a program taking place on University premises are permitted in the general use facilities (e.g., athletic fields, public spaces, libraries, academic buildings, food service areas) but may be restricted from certain areas of the facilities or from utilizing certain equipment.

Children are permitted at events and venues open to the public. However, the University reserves the right to determine whether selected events or venues are appropriate for unescorted or unsupervised children.

BACKGROUND

Compliance with this Policy establishes a framework of reasonable precautions to protect the safety and well-being of children and the reporting obligations should an incident occur.

This Policy is consistent with legal obligations pursuant to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Title IX of the Education Amendments of 1972, New York State Social Services Law, New York State Education Law, New York State Penal Law, and other applicable laws and regulations protecting the welfare of children.

APPLICABILITY

This policy applies to:

• All employees of the University or University-affiliated organizations (e.g., State, Research Foundation, University at Buffalo Foundation, Campus Dining and Shops), regardless of the funding source, and individuals and entities with contractual relationships with the University.

• All students, with respect to conduct requirements. The reporting requirements of this policy apply to all students who interact with children as part of their work-related duties or academic program, whether on or off University premises.

• Visitors, vendors, or guests on University premises.

DEFINITIONS

Authorized Adult - University personnel assigned to teach or otherwise perform work in a program as part of their official job duties, or a representative of a group that has obtained permission to use campus facilities from a University department or employee authorized to grant such permission.

Child - An individual under the age of eighteen years.

Child Abuse - Serious physical or emotional mistreatment of a child, and/or engaging in sexual activity with a child. Included are one or more physical acts (i.e., punching, beating, shaking, throwing, kicking, biting, burning) which cause serious physical injury to a child; acts likely to result in the emotional trauma of a child; and 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.
**Duty of Care** - The obligation to take reasonable steps to ensure the safety and well-being of a child under an individual’s supervision.

**Inappropriate Conduct** - Actions or omissions which do not rise to the level of child abuse, but are otherwise prohibited under this Policy (See Conduct Requirements).

**Responsible UB Official** - The University employee who approved the activity to take place. When an outside agency utilizes UB space, the responsible UB official is the person who approved use of the space.

**RESPONSIBILITY**

**All members of the University community, including visitors, vendors and guests**
- Comply with the Conduct Requirements in this Policy.

**University employees, students who interact with children as part of their work-related duties or academic program, and visitors using University property**
- Engage in appropriate conduct when working with children.
- Remove a child from a dangerous situation immediately.
- Report inappropriate conduct to the responsible UB official who approved the activity.
- Report suspected child abuse to University Police and EDI immediately. When working in an off-campus location, suspected child abuse should be reported to local law enforcement officials and EDI.
- Obtain visitors' written acknowledgement of their obligation to follow this Policy when approving access to University facilities for events/activities that include children.

**Individuals engaged in managing or supervising programs where children are present**
- Implement procedures related to the duty of care including:
  - appropriate supervision at all times
  - protection of children’s health and safety
  - appropriate use of protective equipment.
- Complete a written report of all allegations of inappropriate conduct and submit to the responsible UB official.
- Report suspected child abuse to University Police and EDI immediately.
- Campus units that are required to maintain state licenses (e.g., child care center) must keep such licenses current and prominently displayed.

**Responsible UB Officials**
- Communicate the requirements of this Policy when approving use of University space for activities that include children.
- Obtain the completed Acknowledgement of UB’s Child Protection Requirements form from outside entities.
- Complete a written report for each allegation of inappropriate conduct and provide a copy to EDI.
- Address instances of inappropriate conduct effectively.
- Report suspected child abuse to University Police and EDI immediately.
Office of Equity, Diversity and Inclusion (EDI)

- Review reports regarding allegations of inappropriate conduct and confirm that appropriate actions are taken.
- Complete a written report for all allegations of suspected child abuse.
- Notify and coordinate with appropriate University offices to ensure allegations of suspected child abuse are handled appropriately.

Vice Presidents, Deans, and Chairs

- Communicate the requirements of this Policy to all staff.
- Develop departmental procedures regarding the reporting of inappropriate conduct and child abuse consistent with this Policy.

University Police

- Investigate all allegations of suspected child abuse.

PROCEDURE

1. An individual who believes that a child is in immediate danger must take steps to remove the child from that situation and notify University Police and the Office of Equity, Diversity and Inclusion (EDI) when child abuse or a crime is suspected. Child abuse that has occurred off-campus should be reported to local law enforcement officials and EDI.

2. All employees and students who interact with children as part of their work-related duties or academic program, and visitors to the University who have contact with children must be familiar with and abide by this Policy.

3. Individuals must report inappropriate conduct to the responsible UB official who approved the activity. The responsible UB official will address the inappropriate conduct effectively, to ensure that the conduct is not repeated. In addition to addressing the conduct, the responsible UB official must complete a written report that includes the name of the child involved; name of the child's parent(s); identity of the person making the allegation and their relationship to the child; name of the person against whom the allegation was made; and the specific details describing the inappropriate conduct for each allegation of inappropriate conduct. The responsible UB official will provide a copy of the report to EDI. If the responsible UB official reasonably believes that such conduct constitutes child abuse, the abuse must be reported to University Police/local law enforcement and the EDI immediately.

4. Individuals who witness or receive a report of child abuse, or who reasonably believe such abuse has occurred must report the abuse to University Police/local law enforcement immediately, and to EDI.

University Police will conduct a prompt investigation, and/or coordinate with other law enforcement channels in response to the report. EDI must complete a written report including the name of the child alleged to be abused; name of the child's parent; identity of the person making the allegation and their relationship to the child; name of the person against whom the allegation was made; and details describing the allegation. This report will be kept confidential to the extent allowed by law; however, there may be situations where the University is legally obligated to ensure the matter is investigated regardless of the individual's willingness to proceed. In this event, the individual will be notified, and steps identified to protect the complainant against retaliation.
EDI will take such actions as necessary to ensure that the University offices responsible in each instance are notified and respond appropriately. For example, in addition to coordination with University Police, claims alleging child abuse by University employees would be referred to the Office of Employee Relations; claims alleging child abuse by University students would be referred to the Office of Judicial Affairs, in addition to the student's decanal area or program.

5. University employees who grant visitors permission to access University facilities (responsible UB official) for events or activities that include children must obtain the visitors' completed *Acknowledgement of UB’s Child Protection Requirements* form.

6. UB Employees in charge of programs and activities that include children will develop procedures regarding the reporting of instances of inappropriate conduct and child abuse, consistent with this Policy.

**Contact Information**

<table>
<thead>
<tr>
<th>University Police</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bissell Hall</td>
</tr>
<tr>
<td>Buffalo, NY 14260</td>
</tr>
<tr>
<td>Phone: (716) 645-2227</td>
</tr>
<tr>
<td>Fax: (716) 645-3758</td>
</tr>
<tr>
<td>Website: <a href="http://upolice.buffalo.edu/">http://upolice.buffalo.edu/</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Office of Equity, Diversity and Inclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>406 Capen Hall</td>
</tr>
<tr>
<td>Buffalo, NY 14260</td>
</tr>
<tr>
<td>Phone: (716) 645-2266</td>
</tr>
<tr>
<td>Fax: (716) 645-3952</td>
</tr>
<tr>
<td>Website: <a href="http://equity.buffalo.edu/">http://equity.buffalo.edu/</a></td>
</tr>
</tbody>
</table>

**Related Information**

**University Documents**

  **Forms**
  - Acknowledgement of UB’s Child Protection Requirements: [http://www.business.buffalo.edu/policy/compliance/Child/Acknowledgement%20of%20requirements.pdf](http://www.business.buffalo.edu/policy/compliance/Child/Acknowledgement%20of%20requirements.pdf)

  **Related Links:**
  - From the New York State Department of Labor Division of Safety and Health’s, Workplace Violence Prevention Requirements for New York State Public Employers: [http://www.labor.state.ny.us/workerprotection/safetyhealth/doc/Workplace%20Violence%20FlyerNov3.doc](http://www.labor.state.ny.us/workerprotection/safetyhealth/doc/Workplace%20Violence%20FlyerNov3.doc)
  - UB Alert System: [http://emergency.buffalo.edu](http://emergency.buffalo.edu)

**Presidential Approval**

_Signed by President Satish K. Tripathi_  
3/9/12

Satish K. Tripathi, President  
Date