

# Hilbert College

## Policy for Protection of Minors

### I. Introduction

Hilbert College (the “College”) is committed to ensuring the health, safety, and general welfare of all members of our campus community, including Minors who participate in Covered Activities (as hereinafter defined) and who are entrusted to the care of a Covered Person (as hereinafter defined). This Policy for the Protection of Minors (this “Policy”) sets forth the requirements and procedures established by the College for the protection Minors who participate in such Covered Activities, whether on or off campus. All members of the Hilbert College community are required to conduct themselves appropriately at all times for the protection Minors who participate in such Covered Activities, and to promptly report instances or suspicion of Physical Abuse or Sexual Abuse (as such terms are hereinafter defined) of Minors in accordance with this Policy.

### II. Definitions

**Covered Activity:** A program or activity sponsored or approved by the College or conducted by a third party to whom permission to use College facilities has been granted, occurring on or off campus, for the duration of which the responsibility for custody, control and supervision of Minors is vested in the College or the third party.

**Covered Person:** A person who is responsible for the custody, control or supervision of Minors participating in the Covered Activity and who is:

- i. an employee of Hilbert College;
- ii. a Hilbert College student;
- iii. a volunteer at Hilbert College; or
- iv. a third party who is given permission to come onto campus or to use College facilities for Covered Activities; or
- iv. an employee, agent or volunteer of (iv) above.

**Minor:** An individual under the age of eighteen years, who is participating in a Covered Activity. The term “Minor” shall not include a matriculated student of the College or a person accepted for matriculation. For purposes of this Policy, “matriculation” means accepted by the College as a student into a College course that is listed in the College catalog.

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

***Physical Abuse:*** Physical contact with a Minor 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 Minor, outside the norm of the supervised activity, to perform physical activity which is intended to cause physical injury.

***Sexual Abuse:*** Any sexual activity with a Minor. This includes, but is not limited to, offenses prohibited by NYS Penal Law Articles 130, 263, and Sections 260.10 and 260.25

***Responsible College Official:*** The employee of the College who has been designated by the College as a responsible official under Section VI below regarding College Responsibilities.

### **III. Prohibited Conduct**

A Covered Person shall not:

1. Be alone with a Minor, unless the Covered Person is a relative or guardian of the Minor or unless one-on-one contact is approved in accordance with a determination pursuant to **Section VI(2)** of this Policy. In no event shall a Covered Person, who is not a relative or guardian of a Minor, be alone with the Minor in a rest room, locker room, shower, sleeping area or vehicle, except under emergency circumstances.
2. Engage in Physical Abuse or Sexual Abuse of a Minor.
3. Expose Minors to sexually explicit materials.
4. Engage in the use of alcohol or illegal drugs or be under the influence of alcohol or illegal drugs during Covered Activities.
5. Enable, facilitate or fail to address a Minor's use of alcohol or illegal/non-prescribed drugs.
6. Contact a Minor through electronic media, including social media, for the purpose of engaging in any prohibited conduct, including sexual conduct.
7. Offer or make a gift to a Minor for the purpose of engaging in any prohibited conduct, including sexual conduct.
8. Release a Minor from a Covered Activity without a written authorization from the Minor's parent or guardian.

### **IV. Required Conduct**

A Covered Person shall:

1. Take all reasonable measures to prevent physical and Sexual Abuse of a Minor, including immediately removing a Minor from potential Physical Abuse, Sexual Abuse or prohibited conduct as defined herein.
2. Immediately report any suspected Physical Abuse or Sexual Abuse of a Minor to Campus Security and provide to Campus Security a written report of suspected physical or Sexual Abuse of a Minor. 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 Minor abuse or maltreatment when they are presented with a reasonable cause to suspect such abuse or maltreatment has occurred.
3. For Covered Persons who are employees, students, or volunteers of the College, complete all required training regarding the protection of Minors which is developed and implemented from time to time pursuant to this Policy.
4. 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.

**V. Responsible College Official**

A Responsible College Official shall:

1. Confirm that the requirements of this Policy have been communicated to Covered Persons who are College employees, students, or volunteers 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 College Responsibilities, below) have been obtained and reviewed for Covered Persons who are College employees, students, or volunteers prior to the commencement of a Covered Activity.
3. Confirm that a copy of this Policy has been provided to all Covered Persons who are third-party organizations and individuals who are given permission by the College to come onto campus or to use College facilities for Covered Activities, and all their respective employees, agents and volunteers and obtain a signed acknowledgement of receipt of this Policy from such organizations and individuals prior to the commencement of a Covered Activity.
4. Immediately report allegations of Physical Abuse or Sexual Abuse of a Minor to Campus Security and complete and provide to the Campus Security a written report for each allegation of Physical Abuse or Sexual Abuse of a Minor. 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.
7. Confirm that the College has provided Covered Persons who are employees, students, or volunteers of the College with identification lanyards, badges, or other means of identification that identifies the individual as having the responsibilities of a Covered Person.

## **VI. College Responsibilities**

Hilbert College shall develop procedures to:

1. Designate a Responsible College Official for each Covered Activity.
2. Determine on a limited basis that the first sentence of **Section III(1)** of this Policy, which prohibits a Covered Person from being alone with a Minor, shall not apply to certain Covered Activities when the pedagogical or health-related nature of the Covered Activity requires such one-on-one contact with a Minor. (Examples may include tutoring, music lessons, speech therapy, and medical services.)
3. Communicate the requirements of this Policy to Covered Persons.
4. Provide for and require training on this Policy for all Covered Persons who are employees, students, or volunteers of the College.
5. Obtain New York Sex Offender Registry and National Sex Offender Public Registry searches for Covered Persons who are employees, students, or volunteers of the College 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:
    1. 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 CJS website ([http://www.criminaljustice.ny.gov/nsor/800info\\_cdsubmit.htm](http://www.criminaljustice.ny.gov/nsor/800info_cdsubmit.htm)); and
    2. 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:
1. a search by first and last name of the National Sex Offender Public Website maintained by the United States Department of Justice (<http://www.nsopw.gov/>); and
  2. retention of the records of the results of such search.
6. Provide for the prompt investigation and preparation of written findings by Campus Security of reports of suspected Physical Abuse or Sexual Abuse, and if there is reasonable cause to believe a crime has been committed, coordination by Campus Security with other law enforcement officials.
  7. Provide a mechanism to report and respond to allegations of retaliation (as described below).
  8. 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 for seven (7) years after the Covered Person has separated from the College.
  9. Provide lanyards, badges, or other means of identification for Covered Persons who are employees, students, or volunteers of the College that identifies the individual as having the responsibilities of a Covered Person.

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

## **VIII. Third Party Use of College Facilities**

Any Covered Activities operated by third parties on Hilbert College property must be operated consistent with the requirements of this Policy. All contracts for the use of College facilities by outside parties for Covered Activities must reference this requirement and provide a link to this Policy. Further, any third-party operating a Covered Activity on College property must provide a written acknowledgement stating that: (a) such third-party has received a copy of this Policy, and (b) such third-party agrees to abide by all of this Policy's terms, including, but not limited to, the requirement that any suspected Physical Abuse or Sexual Abuse be immediately reported to Campus Security. The College reserves the right to require proof of compliance with the requirements of this Policy.