

Siena College

Protection of Minors at Siena College Duty to Report Suspected Child Abuse

Policy Title:	Protection of Minors at Siena College Duty to Report Suspected Child Abuse
Type or category of Policy:	College
Approval Authority:	President's Cabinet
Responsible Executive:	Lori Ford Ehrensbeck, College Risk Officer
Responsible Office:	College Risk Office
Owner Contact:	Lori Ford Ehrensbeck, lehrensbeck@siena.edu , 518-782-6774
Reviewed By:	Cabinet
Reviewed Date:	2/16/2021
Last Revised and Effective Date of Revision:	2/16/2021

This Policy was developed to safeguard and protect Minors from harm while involved in any College Program or Activity.

Brief Overview of this Policy

Policy template Approved by President's Cabinet 25 October 2016

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This Policy creates an independent duty to report immediately suspected cases of child abuse. Faculty, administrators, staff and volunteers must report a concern if they have reasonable suspicion that a child has been abused. This policy also describes the registration, training and background screening requirements for College sponsored programs and activities involving minors.

Reason for this Policy

Siena College is committed to the safety and protection of Minors. The purpose of this Policy is to take affirmative steps to safeguard and protect Minors from harm while they visit the Siena campus, attend College-offered Programs and Events.

Scope of the Policy: Who is Affected by this Policy

All Siena College employees and volunteers are affected by this policy and are required to complete a mandatory online training (Shine a Light). In addition, all employees and volunteers who interact with, supervise, chaperone, or otherwise oversee minors in programs or activities at the College or sponsored by the College must meet the requirements under the registration, training and background section of this policy (see below).

Definitions

- A. "Child Abuse" means inflicting or allowing to be inflicted upon a Minor physical injury by other than accidental means that causes or creates a substantial risk of death, serious or protracted disfigurement, protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ, including abuse that can be characterized as sexual in nature. Typically, peer-to-peer physical (non-sexual) injury does not trigger the reporting obligations established in the Policy, but requires a case-by-case analysis.
- B. "Mandated Reporter" means an individual required to report suspected child abuse or neglect to New York State. The Policy does not alter a Mandated Reporter's obligations established in New York state law, but rather establishes a policy-based reporting duty for employees and volunteers of the College community.
- C. "Minor or Child" means an individual under the age of eighteen (18) years, who is participating in a Covered Activity. The term "minor or child" 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.
- D. "Program" includes, but is not limited to, any program, activity, event, or other opportunity designed primarily to serve Minors that is:
Sponsored by the College, regardless of whether it is held on or off campus.
Examples of Programs include camps, laboratory experience or internship, research activities, clubs, workshops, projects, lessons.

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- E. "Program Organizer" means the Adult with overall supervisory responsibilities for a Program involving Minors. The Program Organizer is the Adult who oversees the day-to-day Program operations, which includes interacting with and supervising the Minors involved in the Program. Examples of Program Organizers include, among others, a camp director, a staff member coordinating a tutoring program, or the faculty advisor of a student group sponsoring a youth-serving activity.
- F. "Reasonable cause to suspect child abuse" means that, based on your rational observations, professional training and experience, you have a suspicion that a child is being abused. Under College policy, reasonable suspicion of child abuse also includes situations where you reasonably suspect that an adult who interacts with, supervises, chaperones, or otherwise oversees minors in a College program or activity is abusing a child. It is enough that you have a suspicion, backed by a reason, that a child with whom you work with is being harmed. Your reasonable suspicion can be based upon:
- witnessing a single incident
 - what a child says
 - an explanation of an injury that makes no sense.
 - a combination of warning signs
- G. "Siena College sponsored Programs" means Programs that Siena College operates or sponsors or in which Siena College employees engage through their college roles.

The Official Policy

Duty to Report

Any faculty, administrator, staff and/or volunteer who has knowledge or reasonable suspicion to believe that a Minor has been abused as part of any Program **must** immediately report the known or suspected Abuse. All known or suspected Abuse **shall** be promptly reported to Public Safety at 518-783-2376 or 518-783-2999. Public Safety shall promptly notify law enforcement and/or any governing agency required to receive such reports (such as Child Protective Services).

Nothing in this policy shall prevent any individual from also:

Notifying the Program Organizer if appropriate; and/or

Filing an Anonymous Report to Siena College at 855-645-1383(toll free) or

www.siena.ethicspoint.com and/or

Contacting local law enforcement or New York State Child Protective Services (CPS) Hotline at 800-342-3720 (be sure to obtain an ID number and representative name when calling the hotline to provide to Public Safety)

Mandated Reporter

This Policy does not alter any Mandated Reporter's legal duty to directly report suspected Child Abuse pursuant to New York State Law. For information regarding who is a mandated reporter, please visit [New York State Office of Children and Family Services website](https://ocfs.ny.gov/main/publications/Pub1159.pdf) at <https://ocfs.ny.gov/main/publications/Pub1159.pdf>

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Failure to Report

If any College employee or volunteer, negligently, recklessly or willfully fails to report a case of suspected child abuse, then that individual is subject to disciplinary action up to and including termination.

Duty to Cooperate with Investigations of Child Abuse

Employees and volunteers of the Siena College community shall cooperate with investigations of alleged Child Abuse, including College investigations. All employees and volunteers of the Siena Community shall also cooperate with investigations of alleged violations of this Policy and any applicable campus procedures.

Enforcement of Policy; Sanctions for Violations

In addition to any sanctions required by local, state or federal laws or regulations, failure to comply with the provisions of this Policy may result in disciplinary action up to and including termination of employment. Other sanctions may include cancellation of a Program, and/or issuance of a campus ban, disqualification from participation in future volunteer activities. The College may also take necessary interim actions before determining whether a violation has occurred.

Non-Retaliation Protection for Good Faith Reports

Retaliation shall not be tolerated. Retaliatory acts against anyone acting in good faith who has reported suspected inappropriate conduct in accordance with this Policy, or who has been involved in reporting, investigating or responding to inappropriate conduct, is a violation of this Policy.

Any employee or volunteer of the Siena Community who believes they are the subject to retaliation or reprisal for making a good faith report under this Policy may report such allegations or retaliation to Human Resources. Individuals may also file a report through the College's anonymous independent hotline by calling 855-645-1383(toll free) or going online to file a report at www.siena.ethicspoint.com. See also, [Siena Whistleblower Policy](#).

Temporary Measures after Allegations of Inappropriate Conduct

If an allegation of inappropriate conduct has been made against an employee or volunteer who is participating in a Program, the allegations will be reviewed pursuant to applicable College procedures and guidelines. The College may also take necessary interim actions before determining whether a violation has occurred, including but not limited to removing the employee or volunteer from any further participation in their identified Program or Activity until such allegation has been resolved to the College's satisfaction.

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Exclusions

The duty to report may not apply to certain confidential communications to attorneys or members of the clergy in cases where a recognized legal duty of confidentiality applies.

Registration, Training and Background Screenings for Siena College Sponsored Programs

Registration: Protection of Minors Programs

Siena College Programs involving Minors must be approved by the Risk Officer. All Programs involving minors must register a month in advance through either the event form in Saints Connect or providing the following information directly to the Risk Officer at lehrensbeck@siena.edu :

1. A description of the Program, including the location or locations at which it will be held
2. Dates on which the Program will occur
3. Name, title and contact information for the Director of the Program
4. Approximate number and age range of the minors who will participate in the Program.
5. Information regarding members of the College community who have offered to take part in the Program

Registration applies to any program, activity or service involving Minors that occurs on the College's property and to any Siena College sponsored program, activity or service involving Minors, wherever it occurs. This registration requirement does not apply to general public events in the College's facilities where parents or guardians are required to attend and appropriately supervise their child. Any Minor visiting the College and not directly participating in a program, activity or service must be supervised by a parent or guardian at all times. Unsupervised minors who are not participating in a program, activity or service may be asked to leave the College's property by Public Safety.

Registration for Siena Programs that involve minors must be submitted one month prior to the date when the Program will begin to allow sufficient time for members of the Siena community to complete required training and undergo background screenings. (See "training" and "background screenings" sections, below).

Training

Members of the Siena College community, who interact with, supervise, chaperone or otherwise oversee minors in programs or activities at the College or sponsored by the College are required to take training annually. This training can be an online course offered by United Educators, Virtus training or in-person training done by the Risk Officer. These training sessions are available after a program has been registered with the Risk Officer.

Background Screening

Members of the Siena College community who interact with supervise, chaperone or otherwise oversee minors in programs or activities at the College or sponsored by the College, must undergo an annual background screening. Please see the [Siena College Background Screening Policy](#) for more information.

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Resources - Primary Guidance to Which This Policy Responds

Title 6 of Article 6 of the New York State Social Services Law, §§411-428 define child abuse and maltreatment.

Article 10 of the New York State Family Court Act, §1012 further defines child abuse, maltreatment and other key terms.

Title IX of the Education Amendments of 1972 (“Title IX ”) is a Federal Civil Rights law that prohibits discrimination on the basis of sex and gender in any education program or activity receiving federal funds. The “Dear Colleague Letter on Sexual Violence,” dated April 2011, emphasizes that sexual violence is the most egregious form of sexual harassment under Title IX.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. §1092(f) (the “Clery Act”) requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their campuses with penalties for infractions.

[Siena College Sexual Misconduct Policy](#)

Adopted: February 16, 2021

Reviewed:

Revised:

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