Child Protection Policies Training

Module 5: Child Protection Policy - Policy Terms Defined

Prepared by:
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2015
Child Protection Policy
Policy Terms Defined

Child Protection Policies Training
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Policy Terms Defined

• The Child Protection Policy uses **VERY specific defined terms**.

• Some of the policy’s **DEFINED TERMS** may differ from campus definitions of the same terms.

• The policy definitions are the **operative definitions for compliance with the policy**.

• [“Definitions” is Section C in the policy]
**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.
Child Protection Policy

Definition of “Child”

Under 17

But NOT a matriculated student or person accepted for matriculation

Participate in Covered Activity

“Child” for purposes of the Policy
Policy distinguishes among children under 17 based upon their matriculation status as defined in the policy.

- Policy applies to children under 17 participating in a “Covered Activity.”
- Policy does not apply to children under 17 who are “Matriculated.”

**Definition of Matriculation:**

- “To enroll as a member of a body and especially of a college or University.”
- For Policy purposes, a “child” is “matriculated” if accepted by the University as a student into an actual college course listed in the college catalog.

**NOTE:** Any campus definition of “matriculation” that differs is not applicable to the Child Protection Policy.
Child Protection Policy

Definition of Child

What does this mean for students under 17?

Accepted by the University as a student into a college catalog-listed course

→ Matriculate: To enroll as a member of a body and especially of a college or University. Accepted by the University as a student into an actual college course listed in the college catalog.

NOT A "CHILD" for purposes of the Policy = POLICY NOT APPLICABLE
**Child Protection Policy**

**Definition of “University-Affiliated Organization”**

**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 Chancellor or Campus President.
Child Protection Policy

Definition of “University-Affiliated Organization”

4 Entities are University Affiliates under the policy

- Campus Alumni Association
- Campus Auxiliary Services Corp.
- Campus Foundations
- ...any other entity so designated by the Chancellor or Campus President
**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;

(ii) a University student;

(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 Protection Policy
Definition of “Covered Person”

- Person who is responsible for the custody, control or supervision of children participating in the Covered Activity

  who is also either

  (i) an employee of the University or University-affiliated;

  (ii) a University student;

  (iii) a volunteer of the University or University-affiliated organization;

  (iv) a vendor, licensee, permittee or other person, who is given permission to come onto campus or to use University facilities for Covered Activities;

  (v) an employee, agent or volunteer of (iv) above.
**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 (Third Party) 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.
An activity is only “covered” if it meets the 2-part Policy definition:

(1) it is sponsored or approved by University, University-affiliated organization, or by vendor, licensee or permittee, to whom a permit for use of University facilities has been issued;

AND

(2) for the duration of the activity, custody, control and supervision of children is vested in the University, the University-affiliated organization or the approved vendor, licensee or permittee.
Child Protection Policy
Covered Activity Test

Activity/Program Involving Children

University or a University-affiliate defined in the policy as:
1. Research Foundation
2. Campus foundation
3. Campus alumni association
4. Campus auxiliary services corporation
5. Any other entity so designated by the Chancellor or Campus President

Third Party:
• Vendor
• Licensee
• Permittee
• Employees and volunteers of vendors, licensees and permittees

Overall responsibility for custody, control and supervision of children

SPONSORED/APPROVED by

COVERED ACTIVITY
Custody, Control and Supervision

• Parent or legal guardian has *placed the child in the care of* the *University, University affiliate or third party* for a *duration of time* and *for a specific covered activity*.

• The University/ affiliate/ third party *is exercising its own authority* to guide, manage and supervise the child, *in the place of* the parent or legal guardian.
Child Protection Policy

Covered Activity Decision Tree

Are participants “children” under the Policy definition?

- under 17 and not matriculated students under policy definition

(a) sponsored or approved by
  - University; OR
  - University-affiliated organization; OR
  - Vendor – Licensee - Permittee for which a license or permit for use of University facilities has been approved; AND
  occurring on or off campus.

(b) for the duration of the activity, custody, control and supervision of children is vested in the University, University affiliate or the approved vendor, licensee or permittee.

YES → YES → YES → COVERED ACTIVITY

NO → NO → NO → POLICY NOT APPLICABLE
Children attending a sporting event with a parent/guardian?

→ NO, because Custody, Control and Supervision remains with the parent/guardian.
Child Protection Policy

“Covered Activity” Definition

Custody, Control and Supervision Threshold

Children attending a University sponsored event with their parent/guardian?

→ NO, because Custody, Control and Supervision threshold not met; parents retain responsibility
Children attending a sports camp, where they are transported to campus by bus?

→ YES, at sports camp, Custody, Control and Supervision of the child has been transferred to the camp operator.
The Child Protection Policy is not applicable to University on-campus child care centers.

Exception to “Covered Activity” Definition

Daycare providers are heavily regulated by State law. Many campuses have local policies and procedures for daycare centers.

In writing procedures to implement the Child Protection Policy, campuses should consider whether to coordinate/integrate any related local policies and procedural requirements.
Child Protection Policy

Covered Activity Review

Are participants “children” under the Policy definition?

under 17 and not matriculated students under policy definition

<table>
<thead>
<tr>
<th>YES</th>
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<tr>
<td>YES</td>
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<td>YES</td>
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COVERED ACTIVITY