Child Protection Policies Training

Prepared by:
SUNY Office of General Counsel
SUNY Compliance Office

2015
Third Party Use of University Facilities for “Covered Activities”

Module 9: Third Party Use of University Facilities

Child Protection Policies Training
### Third Party Use of University Facilities

#### DEFINITION OF THIRD PARTY

| (iv) | 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 |
“Covered Activity” Recap

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

Overall responsibility for custody, control and supervision of children

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

COVERED ACTIVITY
Third Party Use of University Facilities

REVOCABLE PERMIT REQUIRED

- Third parties must sign a revocable permit for the use of University facilities for a “Covered Activity.”
- Revocable Permit template is appended to the Child Protection Policy.
Third Party Use of University Facilities

REQUIRED TERMS OF REVOCABLE PERMIT

1. IDENTIFY SPECIFIC AREAS OF FACILITIES USE: Specify the areas accessible to the “Covered Activity.”

EXAMPLE:

Sporting event held on athletic fields

Revocable Permit Describes:
• Athletic fields
• Ancillary areas or structures the Permittee may use, including:
  • adjacent grounds
  • parking lots
  • rest rooms
  • locker rooms
  • accessory structures
2. INSURANCE: MINIMUM REQUIREMENTS

A provision requiring insurance coverage in the types and amounts listed in the policy, naming the University as an additional insured, and requiring that evidence of such insurance be provided to the University within five (5) business days of execution of the revocable permit or at minimum two weeks (14 days) prior to the scheduled use of University facilities.

<table>
<thead>
<tr>
<th>MINIMUM REQUIREMENTS</th>
<th>LIMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Liability insurance</td>
<td>Two Million ($2,000,000) each occurrence; Two Million ($2,000,000) in the aggregate.</td>
</tr>
<tr>
<td>New York State Workers’ Compensation and Disability Insurance</td>
<td>Throughout the term of the Revocable Permit for the benefit of Permittee’s employees required to be covered under the NYS Workers Compensation Law and the NYS Disability Benefits Law</td>
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</table>
# Third Party Use of University Facilities

## REQUIRED TERMS OF REVOCABLE PERMIT

## 2. INSURANCE: SEXUAL MOLESTATION COVERAGE

<table>
<thead>
<tr>
<th>SEXUAL MOLESTATION INSURANCE</th>
<th>LIMIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>When the Covered Activity is of significant duration or involves the substantial use of</td>
<td>Not less than One Million ($1,000,000)</td>
</tr>
<tr>
<td>campus facilities, the campus may, in its discretion, require Sexual Molestation Insurance</td>
<td></td>
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<tr>
<td>(SMI). SMI is generally excluded from Commercial General Liability policies and must be</td>
<td></td>
</tr>
<tr>
<td>purchased separately.</td>
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</tbody>
</table>
3. CHILDREN’S CAMPS

- For children’s camps defined under New York Public Health Law §1392, the Revocable Permit must contain a provision requiring permittee to provide a copy of its Camp Operator Permit issued by the New York State Commissioner of Health.

- Camp Operator Permit must be submitted either upon execution of the permit or not later than two weeks (14 days) before the scheduled use of University facilities.
4. REPRESENTATIONS AND WARRANTIES
The Revocable Permit Template requires the Permittee to make the following representations and warranties:

• **Sex Offender Registry Searches**
  That the permittee has conducted Sex Offender Registry Searches on all of its employees and volunteers, and the employees and volunteers of its sub-permittees, who shall enter upon University facilities for purposes related to Covered Activity, within the ninety (90) day period preceding the use of University facilities.

• **Adherence to Standards**
  That the permittee will adhere standards enunciated in the Revocable Permit for minimum staff-to-child supervision ratios, minimum staff age and minimum staff accreditation requirements.
4. REPRESENTATIONS AND WARRANTIES
The Revocable Permit Template requires the Permittee to make the following representations and warranties:

- **Transportation**
  That for any transportation the permittee provides for children to and from the SUNY facilities, in addition to the driver of the vehicle, there will be at least one other staff member in the vehicle at all times.

**Acknowledgment**
Permittee must sign a written acknowledgement of its receipt of SUNY’s Child Protection and Mandatory Reporting policies and its agreement to abide by the terms of these policies.
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END
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