Frequently Asked Questions – Child Protection Policy

To whom does this policy apply, and what are the obligations of employees and students?

Under the Child Protection Policy, all members of the University community – including students, staff, faculty, and visitors to campus – are required to comply with the “Conduct Requirements” section of the policy. In brief, individuals must conduct themselves appropriately while in the presence of children. People who have responsibility for programs that include children must meet basic standards of safety, supervision and care.

The Child Protection Policy also includes a duty to report child abuse and inappropriate conduct. This duty extends to all UB employees. It also applies to UB students who interact with children as part of their work-related duties or academic program. For example, a nursing student who was participating in an academic program in a hospital setting would be mandated to report a classmate who was engaging in inappropriate conduct with a child in that same setting.

This policy also imposes a specific obligation upon any employee who authorizes the use of University facilities to non-UB groups that will include children. Examples of these groups include sports camps, academic enrichment programs, and dance/theater groups. When granting authorization to visitors, the employee must ensure that the person receiving authorization is aware of the Child Protection Policy and obtain a completed Acknowledgement of UB’s Child Protection Requirements form. The form should be stored in a secure location for the duration of the time the visitor will be using UB facilities.

Does this policy include off-campus conduct?

Yes, if the conduct involves a University-sponsored program, or if a University student or employee is acting as a representative of the University while the conduct takes place. For example, a medical student working in a hospital as part of the academic program would be responsible for appropriate conduct toward children under this policy.

Can I make an anonymous report?

Yes, you can report the conduct anonymously. Anonymous reporting may limit UB’s ability to investigate a situation in a thorough manner, since it will not be possible to ask clarifying questions or obtain more information. UB will, however, investigate each claim to the best of its ability with the information that is provided. If you do choose to identify yourself, please know that your confidentiality will be protected to the maximum extent possible, and that you will be protected from retaliation for making a report in good faith.

The Policy defines “child” as anyone under the age of 18. How does this apply to undergraduates who are 17 or younger?

The conduct requirements in the policy apply to undergraduates who are under the age of 18 to the extent that they are “reasonable and appropriate” when considering the student’s age and student status. For example, a student’s residence in a dormitory would not be interpreted as violating the
conduct guideline prohibiting unsupervised sleepovers. Similarly, a student who used curse words in the presence of an undergraduate under the age of 18 would not be considered to be in violation of the conduct requirements of the policy. By means of contrast, activities involving undergraduate students under eighteen years of age that are abusive, and/or prohibited under New York State law – ex., providing alcohol, engaging in physical abuse – are in violation of the policy.

**Many UB students and employees work with children in the local community – for example, as interns or medical treatment providers. These individuals are sometimes mandated child abuse reporters under New York State Law, or they might work in programs that already have obligations to report child abuse. Does the Child Protection Policy impose additional requirements for reporting abuse that they might observe in a clinical or treatment setting?**

The purpose of the Child Protection Policy is to ensure that the abuse, neglect or mistreatment of children is addressed in an effective and appropriate manner. If a mandated reporter procedure ensures effective reporting of an incident, then it is not necessary to report the incident to University Police and EDI under the procedure. At the same time, the University needs to be aware of risks on its campus or related to University personnel or programs. A report under the Child Protection Policy will therefore not be necessary under these circumstances: (1) the conduct occurs off-campus, AND (2) the alleged abuser is not a UB employee or student, or working as part of a UB program.

**Example 1:** Mario, a student in the Graduate School of Education, is performing a teaching internship as part of his academic program. During a conversation with a student, Mario notices suspicious bruising on the child’s neck. Mario must report what he observed in accordance with policies of his program and the school in which he is working. He is not required to report this under the Child Protection Policy.

**Example 2:** Amber, a student in the Masters of Social Work program, is talking with an eleven year old girl as part of a field placement assignment. The girl discloses sexual abuse by family members. Amber must report this in accordance with the policies of her program and the site where she is working. She is not required to report this under the Child Protection Policy.

**Example 3:** Derek is in a pediatric residency rotation. He notices a fellow resident shake an uncooperative child out of anger. He must report this in accordance with the requirements of his residency program. Because he witnessed abusive behavior by a UB resident, he must also report this under the Child Protection Policy.

**Does this require that UB employees supervise children in general use facilities, such as a library or concert? Are minors going to be prohibited from these facilities unless they are supervised?**

The Child Protection Policy contemplates that individuals under 18 years of age will engage in the general use of University facilities, such as libraries, concert venues and study areas. This general access to campus as a member of the public, unaffiliated with a structured program or activity, does not require that UB employees will provide individual supervision to minors. At the same time, UB employees are expected to report circumstances of abuse, neglect or inappropriate conduct that they
observe toward children in these situations. The policy also states that the University, in its discretion, may limit the access of minors to events where their participation is not age-appropriate.

**Example 5:** A UB Librarian, notices that a teenager uses the library to study every afternoon. Because the teenager is of an appropriate age to be in the library without supervision, there is no inappropriate conduct and no need for action.

**Example 6:** A UB Librarian, notices that a seven year old child is dropped off at the library regularly and left alone for long periods of time. Because the child is not of an appropriate age to be left unsupervised and her safety is being compromised, this situation must be reported.

**Example 7:** A UB employee working at a concert event observes two twelve year olds attempting to gain entrance to a concert where there is a mosh pit and a noticeable pot odor. Because the children are not of an age where participation is safe and appropriate, the employee can deny entrance to the concert.

**What if I am unsure of whether I have witnessed child abuse?**

If you witness conduct toward a child or children that seems troubling or suspicious, report it to University Police and the Office of Equity, Diversity and Inclusion. Describe what you have witnessed to the best of your ability. Try to recall as many details as you can, including where the activity took place, the time of day, whether there were other witnesses, descriptions of the individuals involved (approximate ages, builds, clothing, any descriptive personal characteristics) and the conduct you witnessed. Do not attempt to speculate or “fill in the blanks” if you don’t recall the answer to a question about what you witnessed. If you are unsure of whether the conduct was abuse, be straightforward that you are unsure of what you witnessed, and describe whatever was of concern to you.

**What role does the Office of Equity, Diversity and Inclusion (EDI) have in responding to reports of child abuse?**

EDI serves as a centralized point of referral and coordination when there are reports of child abuse. Reports of abuse could potentially involve a variety of offices, depending upon the parties involved. For example, in addition to University Police or other law enforcement, complaints of abuse against UB employees might involve the Office of Employee Relations; complaints against students could involve the Office of Judicial Affairs, in addition to students’ academic programs; complaints against medical residents would require notification to the Office of Graduate Medical Education (GME). EDI ensures that the appropriate offices are notified and respond to the situation in accordance with applicable policies and procedures.

In most cases, EDI does not investigate claims of child abuse. In the event that a child abuse claim involves conduct that is prohibited under the Discrimination and Harassment Policy, EDI will investigate the claim in accordance with this policy.

**What is a “Responsible UB Official,” and when do I contact this person? How do I identify the Responsible UB Official?**
Individuals should contact a Responsible UB Official when observing conduct that is inappropriate, but not serious enough to be considered child abuse. For example, if a teacher in an academic enrichment program was observed acting unprofessionally and inappropriately toward children in the program by cursing and saying demeaning comments to the class, this conduct should be referred to a Responsible UB Official. The Responsible UB Official will be the individual who approved the activity (for University-sponsored events) or who authorized the use of space to an outside group (for visitor-sponsored events). If you cannot identify the Responsible UB Official, contact EDI at 645-2266 for assistance.

*Are reports of child abuse or inappropriate conduct kept confidential?*

Reports of child abuse or inappropriate conduct are shared on a need-to-know basis. EDI and University Police will inform only those individuals who need to know of the situation because of their administrative position or duties in responding to the occurrence. Responsible officials should similarly disclose instances of inappropriate conduct only to those persons who need to know in order to appropriately respond. For example, claims of inappropriate conduct by a University employee should be disclosed to the University’s Office of Employee Relations and to the employee’s supervisor, but not to the employee’s coworkers.

*How should allegations of child abuse occurring off-campus be reported? What about international UB programs where research may be conducted in a different country?*

Off-campus abuse should be reported to EDI and to local law enforcement authorities. If, for example, abusive behavior took place during research abroad, it would be expected that the abuse be reported under the jurisdiction of that country’s or area’s law enforcement. An email or call to EDI describing the circumstances should follow, for purposes of keeping the campus notified of the occurrence and so that the University can ensure appropriate follow-through.

*Who has to sign an Acknowledgement form? If I host a visitor on campus, do I have to have this person sign the form?*

The *Acknowledgement of UB’s Child Protection Requirements* form is required when granting access to visitors to conduct programs or activities for children on the UB campus. It is not intended in situations where an individual will have casual access to the campus, not related to a structured program or activity.

**Example 8:** Lillian is conducting research that will include children. The research activities will take place on the UB campus. She will be collaborating with Jane, an educator from the Buffalo Public Schools. Since Jane will be having ongoing contact with children on the UB campus, Lillian should advise Jane of the University’s Child Protection Policy and ask her to sign the Acknowledgement form.

**Example 9:** UB will be hosting a performance of *Teddy the Terrific T-Rex*, a performance geared primarily toward children under the age of ten. UB staff anticipate that many of the general admission tickets will be sold to families accompanying young children. UB also will be hosting school groups who will come to the campus to see the show. The individuals who purchase general admission
tickets do not need to sign an Acknowledgement form. Representatives from schools who will be
hosting organized field trips should sign an Acknowledgement form.

Example 10: A UB staff member who is running a summer program will be visiting the Health Sciences
Library with children in the program. Because the individual leading the program is a UB staff
member, he does not need to sign an Acknowledgement form.