



## **Policy on the Protection of Minors**

### **General Statement of Guidelines:**

St. Bonaventure University (SBU) is committed to the protection of minors on campus and during all University-sponsored events through a combination of formal policy, training, education and appropriate response to complaints and credible suspicion of abuse. We must include in the education program for all staff, faculty and volunteers, the requirements of maintaining appropriate boundaries when in the presence of minors to avoid any suggestion of abuse. We must support staff, faculty and volunteers serving as youth coaches or mentors and preserve the right of the people to a safe and secure environment in which to work and learn together. Our actions must be grounded in a commitment to justice, accountability and mercy. We are committed to continuously reviewing and refining policies and procedures. We will comply with all laws regarding the reporting of allegations of sexual abuse against minors to the proper civil authorities for investigation. When civil authorities are involved with a criminal investigation, SBU will cooperate fully with the process and use every available means to conduct its own investigation in accordance with approved University policies and procedures.

### **Definitions**

1. *Minor*: Any person under the age of 18
2. *Volunteer*: a person who voluntarily offers himself or herself for a SBU position, service or undertaking. Student volunteers are included in this definition.
3. *Sexual Abuse*: Any sexual activity with a minor — whether on campus, in the home by a caretaker, in a daycare situation, a foster/residential setting, or in any other setting, including on the street by a person known or unknown to the minor. The abuser may be an adult, an adolescent, or another minor.

## **Section I**

### **Educating Staff, Faculty and Volunteers**

**A.** SBU staff and faculty who oversee youth group activities on campus and every volunteer who works with or has regular contact with minors shall attend annual scheduled training sessions that include the following subjects:

1. Nature of the problem of sexual abuse
2. Signs and symptoms of sexual abuse in minors and youth
3. Appropriate boundaries for overseeing youth groups
4. Policies and procedures for prevention of sexual abuse
5. Policies and procedures for reporting allegations of sexual abuse
6. Policies and procedures for responding to allegations of sexual abuse

**B.** Within 30 days of assuming duties, new staff and volunteers who may work with or have contact with minors in conjunction with their SBU responsibilities shall attend the above training on identifying and reporting minor abuse. Staff and volunteers may:

1. attend a regularly scheduled training session at SBU;
2. complete training through online, web-based training courses; or
3. Arrange for individual training if no training is available at SBU.

It is the responsibility of the HR director to provide for and document attendance at this training.

## **Section II**

### **Reporting**

**A.** It is expected that those with a legally mandated reporting responsibility will make a timely\* report to the appropriate authorities of all incidents or suspicions of abuse, including the New York State Office of Children and Family Services. All other persons, including those not mandated by state and federal law, must report knowledge or belief that a minor is the victim of abuse to the NYS Central Registry of Child Abuse and Maltreatment (**Hotline: 1-800-342-3720**). A report must also be immediately made to the St. Bonaventure University Director of Human Resources (Title IX Coordinator) or your immediate supervisor, who will forward the report to the Title IX Coordinator.

A report should be immediately made by anyone who:

1. Has actual knowledge that a minor is the victim of abuse.
2. Has reasonable cause to suspect that a minor has been sexually abused.

- B.** Reports of suspected abuse of a minor may be made anonymously. However, in the absence of accompanying verifiable facts, anonymous complaints may not always be able to be effectively investigated. The accused shall be informed of anonymous complaints.
  
- C.** Retaliation or discrimination against a person who, in good faith, complains or reports sexual abuse is strictly prohibited and will not be tolerated.

### **Section III**

#### **Investigation**

- A.** Upon receipt of a report of sexual abuse of a minor, the St. Bonaventure University Director of Human Resources (Title IX Coordinator) will begin an internal investigation according to established procedures and, if appropriate, refer the matter to civil or criminal authorities. If the accused is a member of the clergy or a Catholic religious (sister/brother), the matter will also be processed in accordance with policies of the United States Catholic Conference of Bishops. When civil authorities are conducting a criminal investigation, SBU may defer to that investigative process. Results of the SBU investigation will be summarized and provided to the SBU Legal Department and the University President for further action if necessary.
  
- B.** When an allegation of the sexual abuse of a minor is made against a staff, faculty or volunteer, SBU will take appropriate steps to protect the minor from further abuse. The accused may be removed from SBU premises.
  
- C.** Staff, faculty and volunteers may be placed on administrative leave during an investigation based on credible complaints. The length of time for imposed administrative leave may be specified and, upon expiration, will be reevaluated. Where there is reason to believe that abuse of a minor has occurred, the individual's relationship with SBU will be terminated.
  
- D.** SBU shall retain all records and other materials related to an incident of actual or suspected abuse, including, but not limited to, complaints, statements, investigation reports, records of services provided to those harmed by sexual misconduct, physical evidence and other related material. Files maintained on the case are confidential and may contain both privileged and non-privileged information. "Privileged" documents are those containing information protected from disclosure by state or federal statute such as medical records, educational records, citizenship status, etc. Access to privileged documents is limited to those with a verified need to know, and those authorized through appropriate Court Order.

## **Section IV**

### **Services to Victims**

- A.** SBU offers psychological and spiritual support to victims, their families, and the faith community. Such assistance shall not, in any way, be considered as an indication that SBU is legally responsible for any instances of the sexual abuse of minors.
- B.** The Cabinet will designate a competent coordinator to organize and direct outreach to victims and the delivery of victim assistance and support services to persons who claim to have been sexually abused when they were affiliated with staff, faculty or volunteers at SBU.
- C.** SBU will not bind any complainants to a condition of confidentiality or nondisclosure of the complaint.
- D.** SBU will take prudent action to protect a potential victim before an investigation is complete, where appropriate.
- E.** While reconciliation remains desirable as a part of the healing process for victims, SBU will not attempt to force reconciliation between the offender and the victim. Any involvement in non-authorized reconciliation efforts by staff or agents will be considered a violation of these policies.

## **Section V**

### **Legal Representation and Restitution**

- A.** Legal expenses of accused personnel: The accused is advised to retain counsel independent from SBU. The cost of legal defense shall be the responsibility of the accused.
- B.** SBU has a right to take legal action against any person found to have engaged in sexual abuse of a minor to recover judgments and/or legal expenses it incurs as a result of such conduct.
- C.** When allegations are substantiated, SBU may seek restitution from the offender for the services provided to persons harmed by the sexual abuse. The offender may be held responsible for the costs of therapy and for all other expenses incurred by SBU, including but not limited to attorney fees, court costs, and judgments.

## **Section VI**

### **Screening and Selection — Staff, Faculty and Volunteers**

- A.** No individual who has sexually abused a minor will be employed or engaged as a staff member or volunteer for SBU. SBU will immediately terminate any staff member or volunteer if it discovers evidence of previous minor sexual abuse by the person.
- B.** All SBU staff, faculty and volunteers who work with youth groups (minors) must demonstrate their fitness to work with minors.
- C.** All faculty, staff and volunteers who work with or have regular contact with minors shall be screened for their fitness to work with minors. SBU reserves the right to conduct background checks of potential staff prior to extending an offer of employment. (Categories of employment for which background checks are mandatory are found in the Appendix.) Applicants who refuse to grant permission for the background checks and other screening will not be considered for any staff position in SBU that interacts with youths. Clergy who have already had background check documentation provided by their diocese or religious order will provide a copy of that documentation prior to receiving a contract from the University.
- D.** The basic screening program for all staff and volunteers shall include:
  - 1. a completed employment/volunteer application (no missing relevant information);
  - 2. a completed screening information form;
  - 3. a personal interview with the applicant; and
  - 4. reference checks.
- E.** Third Party sponsors of SBU Youth Camp groups on SBU property are required to state in writing that there is nothing in the history or behavior of staff members that would make any of them unsuitable to work with minors.
- F.** Written agreements with third party sponsors must state that the sponsor will indemnify and hold the University harmless from any liability caused by its conduct or any of its staff. The University will also be named as additional insured under the liability insurance policy of the sponsor. (See Section 8)
- G.** Sponsors may not grant permission for third parties to engage in youth supervision without prior written approval of the Sponsoring Director or his designee.

## **Section VII**

### **Media**

- A. There shall be a designated spokesperson for SBU. The spokesperson shall be responsible for responding to all inquiries and news conferences regarding allegations of sexual abuse.
  
- B. The spokesperson shall be informed immediately upon the receipt of any allegations of abuse.

## **Section VII**

### **Insurance**

SBU insurance covers individuals acting within the scope of their employment on SBU premises (SBU General Liability Policy.) Third-party staff who are responsible for overseeing events involving “minors” are required to maintain their own insurance policies and provide proof of this insurance to the Director of Events Management prior to operating on SBU premises.

## **Section IX**

### **Responsibilities for Program Management**

- A. Events Management:
  - 1. Identify all Youth Group visits to campus, coordinate visit with sponsoring department.
  - 2. Identify how youth groups will be supervised, initiate appropriate waiver and release forms, transfer of risk documents or third party contracts specifying that adult supervisors have received background checks and received training in the “Protection of Minors.”
  - 3. Receive documentation above and maintain for a minimum of a seven-year period.
  
- B. Wellness Center:
  - 1. Provide training to SBU staff overseeing “Youths on Campus.” This may include training to full-time and part-time SBU staff, volunteers, students, and/or third party groups on an as needed basis.
  - 2. Maintain documentation for training above and maintain for a minimum of a seven-year period.

**C. Safety & Security:**

1. On an as needed basis, provide additional Security for events as requested by the Events Coordinator for the purpose of “Protecting Youths on Campus.”
2. Provide adequate training to Officers performing such duty.
3. Maintain documentation for above and maintain for a minimum of a seven-year period.

**D. Athletics:**

Provide Coaches or Camp Directors with adequate resources and time to perform and document appropriate training prior to the commencement of all youth programs identified.

**E. Quick Center for the Arts Staff:**

Provide QCA Staff with adequate resources and time to perform and document appropriate training at the commencement of all youth programs as appropriate.

**F. SBU Academic Departments**

Provide Event Management Coordinator with advance notification of all youth programs scheduled to be on campus, including purpose of visit, identification of group, length of visit and location of visit.

**G. Challenger Learning Center:**

Provide Challenger Learning Center Staff with adequate resources and time to perform and document appropriate training at the commencement of all youth programs as appropriate.

**H. Human Resources:**

1. Maintain training records of all SBU staff attending “Protection of Youths on Campus” training. This includes training to full-time and part-time SBU staff, volunteers and student workers.
2. Maintain documentation for training above as part of permanent employee training record.
3. Identify the need for the above training in the employee job requirements or job description as appropriate.
4. Oversee background checks of employees participating in the program.

**I. Bona Buddies:**

1. Identify all Youth Group visits to campus, coordinate visit, notify Event Management Coordinator or “Protection of Youth” trainer as needed.
2. If necessary, initiate appropriate waiver and release forms, transfer of risk documents or third party contracts specifying that adult supervisors have received background checks and received training in the “Protection of Minors.”
3. Receive documentation above and maintain for a minimum of a 10-year period.

**J. Admissions:**

Provide Staff with adequate resources and time to perform and document appropriate training at the commencement of all youth programs identified. This includes overnight stays by prospective students, and any events where youths are left outside the care of a parent or guardian.

**K. Other:**

Any department that employs or supervises minors at SBU without parental or guardian oversight must ensure that these individual are trained and ensure that their name is given to the Human Resources Department to ensure that they are verified as requiring and attending the training.

**Section X**

**Independent Review Board\*\***

The SBU Cabinet shall establish an independent review board to examine and make recommendations regarding:

1. reports of minor abuse;
2. actions taken in response to reports; and
3. the effectiveness of existing policies.

The SBU Board shall also make recommendations to the SBU Cabinet regarding revisions to policies and procedures.

**Section XI**

**Conclusion**

- A.** The effectiveness of this policy will be monitored and periodically revised as necessary by the appropriate board committee and the SBU Cabinet and President. A formal, general review will take place every three years. Additional expert consultants will be invited should circumstances warrant.

- B.** Recommendations for revisions shall be presented to the SBU President.
- C.** Individual circumstances may prescribe a course of action at variance with this Policy. Actions that are inconsistent with this Policy will be documented and will include a statement setting forth the circumstances requiring the variance and the actions taken in place of those prescribed in this Policy.
- D.** The University recognizes the importance of maintaining a climate of safety and legal compliance in regard to minors who use the campus for educational and recreational purposes and this policy will be maintained in that spirit.

## **Section XII**

### **Miscellaneous: Campus Security Authorities (CSAs)**

Certain campus employees are required by law under the Jeanne Clery Act to report suspected abuse and other crimes covered under this act immediately either to the Safety and Security office or law enforcement.

CSAs should report all crimes reported to them in a timely manner to University Safety and Security. CSAs should only report those crimes that have not been previously reported to University Security or another University CSA. The intent of including non-law enforcement personnel in the CSA role is to acknowledge that some community members, and students in particular, may be hesitant about reporting crimes to the police, but may be more inclined to report incidents to other campus-affiliated individuals. CSAs at SBU are listed below:

The University President  
University Provost  
All University Vice Presidents  
All University Deans  
All Student Affairs Directors and Administrators  
Resident Directors and Resident Assistants  
Athletic Directors, Coaches, and Graduate Assistants  
Student Government Advisors  
Campus Judicial Administrators  
Safety and Security Staff  
Campus officials with significant responsibility for students and campus activities  
(CARL Staff, Richter Center Staff, Events Staff, Admissions staff, etc.)

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Notes:

\*Distinctions between “timely” and “immediately” are based on the fact that those who enforce the Social Services law regarding mandatory reporting have the responsibility to determine whether a report is “timely.” This assumes “immediately” after acquiring knowledge or reasonable cause to suspect abuse, but there may be exceptions. The University can direct that the mandatory reporter comply with the Social Services law by making a “timely” report under that law and comply with the University policy by reporting to the Title IX Coordinator “immediately.”

\*\* The Cabinet is investigating the possibility of making this the responsibility of the current Committee on Discrimination and Harassment (CODAH).

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