



# Child Protection and Mandatory Reporting of Abuse

Policy CP006

Volume 2, College

Responsible Administrator: Director of Policy and Compliance

Responsible Office: Office of Policy and Compliance

Issued: March 2014

Last Updated: February 2021

## Policy Statement

All members of the FIT community have the responsibility to conduct themselves appropriately with any Child visiting the FIT campus or participating in college-related programs and activities. This policy further requires any member of the FIT community who interacts with, supervises, chaperones, or otherwise oversees Children in programs or activities at the college or sponsored by the college, to immediately report incidents, suspicions, or the imminent risk, of sexual, physical, mental abuse, neglect, maltreatment, or exploitation of Children under the age of 17. The policy ensures that reporters should not be subject to retaliation for making such reports in good faith.

## Reason for the Policy

Although most students on FIT's campus or enrolled in its programs are 17 years of age or older, there are Children under 17 years of age present at FIT throughout the year. FIT has a responsibility to protect those Children who are entrusted to our care or are visiting our campus. This policy is intended to make clear that protecting Children from any form of abuse, neglect, maltreatment, or exploitation while on our campus or while participating in off-campus college-sponsored programs and activities, is the responsibility of the entire community but especially those who interact with, supervise, chaperone, or otherwise oversee Children, whether such persons are administrators, faculty, staff, students, volunteers, guests, consultants or independent contractors. This policy addresses FIT's obligations when child abuse is suspected and describes when and how to make a mandatory report. The policy does not modify the special obligations and privileges of the college's "mandated reporters," who are required by New York State law to report cases of suspected child abuse (including sexual or physical abuse) and maltreatment as defined in the law. They include physicians, registered nurses, social workers, and mental health professionals, among others.

This policy is informed by the following guidance and regulations:

- SUNY Board of Trustees resolutions approved June 14, 2014, adopting a Child Protection Policy, and December 17, 2012, adopting a policy on Mandatory Child Sexual Abuse Reporting and Prevention
- Articles 130 and 263 and Section 260.10 of the New York State Penal Law

- 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. The U.S. Department of Education can impose penalties for infractions.

## Who is Responsible for this Policy

- Responsible College Officials
- Covered Persons

## Who is Affected by this Policy

- All members of the FIT community, particularly those who interact with, supervise, chaperone, or otherwise oversee Children in programs or activities at the college or sponsored by the college. This includes, but is not limited to, administrators, faculty, staff, students, volunteers, guests, consultants and independent contractors.
- All other members of the FIT community.

## Definitions

- **Child/Children:** An individual 17 years of age or younger who is participating in a Covered Activity. The term “Child” or “Children” shall not include a matriculated student of the college or a person accepted for matriculation.
- **College-Affiliated Organizations:** The FIT Board of Trustees, the Fashion Institute of Technology Foundation, the Alumni Association of F.I.T., Inc., the F.I.T. Student-Faculty Corporation and the F.I.T. Student Housing Corporation.
- **Covered Activity:** Any activity or program sponsored or approved by a Responsible College Official, including an activity conducted by an affiliated organization, vendor, licensee or permittee so approved, occurring on or off campus, for the duration of which the responsibility for custody, control and supervision of Children is vested in the college, affiliated organization, vendor, licensee or permittee as approved.
- **Covered Person:** Any person who interacts with, supervises, chaperones or otherwise oversees, Children participating in a Covered Activity and who is:
  - an employee of the college or College-Affiliated Organization,
  - a volunteer of the college or College-Affiliated Organization, or
  - a vendor, licensee, guest, permittee or other person, who is given permission to come onto campus or to use college facilities for covered activities or programs and their employees, agents or volunteers.
- **Custody, Control, Supervision:** A parent or legal guardian has placed the Child in the care of the college, College-Affiliated Organization or third party for duration of time and for a specific

Covered Activity. The college, College-Affiliated Organization, or third party is exercising its own authority to guide, manage and supervise the Child, in the place of the parent or legal guardian.

- **Non-Retaliation:** Retaliation is strictly forbidden. All members of the FIT community are prohibited from engaging in retaliation against an individual who, in good faith, reports or complains of a violation of college policy or participates in any way in the investigation or disciplinary process. For more information on Non-Retaliation, including disciplinary action, please refer to the Employee Code of Ethical Conduct policy.
- **Physical Abuse:** Physical contact with a Child by a Covered Person which is intended to cause, or causes, pain or physical injury, including punching, beating, shaking, throwing, kicking, biting and burning, or directing a Child, outside the norm of the supervised activity, to perform physical activity which is intended to cause physical injury.
- **Prohibited Conduct:** A Covered Person shall not:
  - Be alone with a Child, unless the Covered Person is a parent, relative, or guardian of the Child, unless one-on-one contact is approved by a Responsible College Official. In no event shall a Covered Person who is not a relative or guardian of the Child be alone with a Child in a restroom, locker room, shower, sleeping area, vehicle, or any other traditionally intimate private location;
  - Engage in any form of sexual or physical abuse of a Child;
  - Engage in the use, possession, distribution or misuse of alcohol or illegal drugs, or be under the influence of alcohol or illegal drugs during covered activities;
  - Enable, facilitate or fail to address a Child's use of alcohol or illegal/non-prescribed drugs;
  - Contact a Child through private communication or college-owned equipment or devices, including but not limited to calls, text messaging, electronic media, including social media, for the purpose of enticing or engaging in any prohibited conduct, including sexual conduct, or not pertaining to college matters;
  - Offer or make a gift to a Child for the purpose of enticing or engaging in any prohibited conduct, including sexual conduct;
  - Release a Child from a Covered Activity without a written authorization from the Child's parent or guardian;
  - Date, become, or attempt to become, romantically involved with a Child;
  - Use the internet or other media to view or download sexually oriented or explicit materials on college property or in the presence of a Child in a Covered Activity; and
  - Any other conduct that could be deemed harmful to a Child, including those of a sexual nature.
- **Responsible College Official:** An employee of the college, designated by the college, who has primary responsibility for a Covered Activity. The following roles have been designated Responsible College Officials at FIT, and include, but are not limited to:
  - All Vice Presidents
  - All Deans
  - All Department Chairpersons
  - Dean of Students
  - Director of Admissions
  - Director of Athletics

- Director of Public Safety
  - Director of Compliance
  - Director of the Counseling Center
  - Director of EOP
  - Director of Event Productions and Facilities Rental
  - Director of Financial Aid
  - Director of FIT-ABLE
  - Director of Health Services
  - Director of Precollege Programs
  - Director of the Museum at FIT
  - Director of Student Life
  - Executive Director of Continuing and Professional Studies
  - Fashion Show Liaison
- **Sexual Abuse:** Any sexual activity with a Child and/or encouraging or promoting sexual performance by a Child. For purposes of this policy the applicable definitions are those used in the New York State Penal Law in Articles 130 and 263 and Section 260.10 and 260.25. These include sexual misconduct, rape, criminal sex acts, forcible touching, persistent sexual abuse, sexual abuse, aggravated sexual abuse, course of sexual conduct against a Child, facilitating a sex offense with a controlled substance, sexually motivated felony, and predatory sexual assault against a Child, and sexual performance by a Child. This also includes Penal Law offenses relating to Children including endangering the welfare and unlawfully dealing with a Child in the first degree. New York State Penal Law defines sexual performance by a Child to include any behavior which results in touching of the sexual or other intimate parts of a Child for the purpose of sexual gratification of the Child and/or adult, including touching by the Child and/or adult with or without clothing, and all acts as defined by New York State Penal Law Articles 10, 263 and Section 260.10.
  - **Third-Party Use of College Facilities:** Third-party organizations that wish to operate programs or activities involving Children on campus must be aware of, and comply with, the college's Child Protection and Mandatory Reporting of Abuse policy.

## Principles

FIT requires all members of the college community to conduct themselves appropriately with any Child visiting the FIT campus or participating in college-sponsored programs or activities. As part of the process for hiring new employees, FIT requires new hires to complete a criminal and sexual offender background check. Members of the FIT community who interact with, supervise, chaperone, or otherwise oversee Children under the age of 17 in programs or activities at the college or sponsored by the college on or off-campus, have an obligation to report immediately if they have reasonable cause to suspect or have witnessed sexual, physical, or mental abuse, or neglect of Children. Failure to report Child sexual or physical abuse under this policy may result in disciplinary action by the college. Persons who in good faith report make such reports shall not be subject to retaliation for reporting.

## Responsibilities

- **A Responsible College Official shall:**
  - Confirm that the requirements of this policy have been communicated to Covered Persons prior to the commencement of a Covered Activity;

- Confirm that New York Sex Offender Registry and National Sex Offender Public Registry searches have been obtained and reviewed for Covered Persons who are FIT employees and have custody, control, or supervision of a Child or Children prior to the commencement of a Covered Activity;
  - Confirm that the completed acknowledgement of the college's Revocable Permit (see Related Documents below) has been obtained from Covered Persons prior to the commencement of a Covered Activity;
  - Immediately report allegations of sexual or physical abuse of a Child to the Department of Public Safety, and provide the report in writing as required by the Department of Public Safety for each allegation of sexual or physical abuse of the Child;
  - Notify, cooperate, and coordinate with appropriate campus offices to ensure that allegations of suspected or witnessed sexual or physical abuse are investigated and addressed appropriately;
  - Confirm that required training on this policy has occurred prior to the commencement of a Covered Activity or program for all Covered Persons who are employees, volunteers, students or agents of the college or a College-Affiliated Organization;
  - Complete required training developed pursuant to this policy; and
  - Confirm that all Covered Persons have read this policy prior to commencement of a Covered Activity or program.
- **A Covered Person shall:**
    - Take all reasonable measures to prevent sexual and physical abuse of a Child, including immediately removing a Child from a dangerous situation or potentially dangerous situation;
    - Report immediately any suspected or witnessed sexual or physical abuse, or the imminent risk of the same, of a Child to the Department of Public Safety, and provide the report in writing as required by the Department of Public Safety. Reports can also be made to any vice president, the General Counsel, or any dean, department director, department chairperson or coordinator. Any senior administrator, dean, department director, department chairperson or coordinator, or any other person with supervisory responsibility who receives reports of sexual or physical abuse of a Child, must similarly report it to the Department of Public Safety immediately, and provide the report in writing as required by the Department of Public Safety;
    - Complete all required training developed pursuant to this policy; and
    - Wear and display, prominently at all times during the Covered Activity, a lanyard or badge of Department of Public Safety, or other form of identification that identifies the individual as having the responsibilities of a Covered Person.

## Procedures

- **Other college officials and College Affiliated Organizations as appropriate shall:**
  - Designate Responsible College Official(s) for each Covered Activity;
  - Determine on a limited basis that the prohibition against a Covered Person from being alone with a Child, shall not apply to certain covered activities when the pedagogical or health-related nature of the Covered Activity requires such one-on-one contact with a Child. Examples may include tutoring, music lessons, speech therapy, and medical, dental or optical services;
  - Communicate the requirement of this policy to Covered Persons;

- Provide annual training for all college employees;
  - Volunteers, students, or agents of the college or a college-affiliated organization will be required to sign a Revocable Permit to acknowledge understanding of this policy in lieu of training;
  - Obtain New York Sex Offender Registry and National Sex Offender Public Registry searches for Covered Persons who are employees, volunteers, students or agents of the college or a college-affiliated organization and complete a review of such searches not more than ninety (90) days prior to the commencement of a Covered Activity.
    - A search of the New York Sex Offender Registry means:
      - A search of the file of persons required to register pursuant to Article 6-C of the Correction Law maintained by the New York Division of Criminal Justice Services pursuant to NY Correction Law § 168-b for every level of sex offender (Level 1 through Level 3), which requires an email, CD or hard copy submission of names and identifiers to DCJS as described on the [DCJS website](#); and
      - Retention of the records of the results of such search. Note that an internet search alone will not meet the requirement of this policy.
    - A search of the National Sex Offender Public Registry means:
      - A search by first and last name of the National Sex Offender Public Website maintained by the [United States Department of Justice](#); and
      - Retention of the records of the results of such search.
  - Cooperate and provide for the prompt investigation and preparation of written findings by Department of Public Safety of reports of suspected sexual or physical abuse, and if there is reasonable cause to believe a crime has been committed, coordination by Department of Public Safety with other law enforcement officials;
  - Provide a mechanism to report and respond to allegation of retaliation; and
  - Retain documentation of the search results from the New York and National Sex Offender registries for Covered Persons who are employees, volunteers, students or agents of the college or a college-affiliated organization for six (6) years after the Covered Person has separated from employment.
- **Third Party Use of College Facilities**

Use of college facilities by vendors, licensees or permittees for commercial and non-commercial covered activities shall be accomplished pursuant to a revocable permit. The following minimum terms shall be included in all such revocable permits:

    - A specific definition of the areas accessible to the Covered Activity where Children will be permitted, e.g., restrooms.
    - A provision requiring insurance coverage in the types and amounts listed below, naming the college as an additional insured, and requiring that evidence of such insurance be provided to the college within five (5) business days of execution of the revocable permit or at minimum two weeks (14 days) prior to the scheduled use of college facilities.
      - General Liability insurance two million dollars (\$2,000,000) each occurrence and two million dollars (\$2,000,000) in the aggregate;
      - New York State Worker’s Compensation insurance during the term of the revocable permit for the benefit of permittee’s employees required to be covered under the NYS Workers’ Compensation Law.

- For those instances in which the college believes that the Covered Activity is so long or substantial and that the obtaining of such insurance will not unduly preclude beneficial use of the college's facilities, the college may require additional insurance in the form of: Sexual Abuse and Molestation insurance, either under the above described general liability policy or in a separate policy, with coverage not less than one million dollars (\$1,000,000). Any insurance coverage for sexual abuse and molestation insurance written on claims made basis shall remain in effect for a minimum of six (6) months following the use of college facilities.
- A representation and warranty from permittee that for all of its employees and volunteers, and employees and volunteers of its sub-permittees, who shall enter upon college facilities for purposes related to Covered Activity, permittee has conducted within the ninety (90) day period preceding the use of college facilities (i) a search of the NY Sex Offender Registry; and (ii) a search of the National Sex Offender Public website.
- A provision requiring written acknowledgement from permittee that it has received a copy of the college's Child Protection and Mandatory Reporting of Abuse policy and agrees to abide by all its terms, including its requirement that any suspected sexual or physical abuse be immediately reported to the Department of Public Safety.

## Violations

Any Responsible College Official or Covered Person who engages in prohibited conduct under this policy or who willfully fails to report an incident of suspected or witnessed sexual or physical abuse of a Child will be subject to suspension of their role as Covered Person, and may face disciplinary action, up to and including termination of employment. Subsequent noncompliance may also result in formal discipline as follows:

- **Employees:**  
Employees covered by the Collective Bargaining Agreement will be disciplined in accordance with the CBA as well as relevant law and college policy. For non-bargaining employees, the Vice President for Human Resource Management and Labor Relations, or their designee(s), will review the violation and make a recommendation for appropriate disciplinary action.
- **Students:**  
The Dean of Students will review the violation and recommend appropriate counseling and/or disciplinary action in accordance with the Code of Student Conduct.
- **Third Party or Contractor**  
Violations of FIT policies by third parties will be addressed by FIT senior leadership at its sole discretion and in accordance with the relevant policy and circumstances.

## Related Policies

- [Nondiscrimination and Anti-Harassment](#)
- [Sexual Misconduct Response](#)

## Related Documents

- [Background Check Consent](#)
- [The "Dear Colleague Letter on Sexual Violence," dated April 2011](#)

- [The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. §1092\(f\)](#)
- [NYS Penal Law Article 130](#)
- [NYS Penal Law Article 263](#)
- [NYS Penal Law Section 260.10 and 260.25](#)
- [Parent’s Guide to New York State Child Neglect and Abuse Laws](#)
- [Preventing Child Sexual Abuse Within Youth-Serving Organizations](#)
- [Recognizing and Reporting Child Abuse and Neglect](#)
- [Summary Guide for Mandated Reporters in New York State \(Pub. 1159\)](#)
- [SUNY’s Mandatory Child Sexual Abuse Reporting and Prevention Policy](#)
- [Title IX of the Education Amendments of 1972](#)

## Contacts

- **Director of Precollege Programs**  
[Precollegeprograms@fitnyc.edu](mailto:Precollegeprograms@fitnyc.edu)
- **Director of Policy and Compliance**  
Office of Policy and Compliance  
[compliance@fitnyc.edu](mailto:compliance@fitnyc.edu)
- **FIT Department of Public Safety**  
236 West 27<sup>th</sup> Street  
(212) 217-7777
- **New York State Child Abuse and Maltreatment Hotline**  
(800) 342-3720
- **Mandated Reporter Hotline**  
(800) 635-1522