



REVISED

MEMORANDUM

December 17, 2012

TO: Members of the Board of Trustees

FROM: Nancy L. Zimpher, Chancellor

SUBJECT: Mandatory Reporting and Prevention of Child Sexual Abuse

Action Requested

The proposed resolution adopts a new policy for the mandatory reporting by employees, students and volunteers of the State University of New York of incidents of child sexual abuse and to aid in the prevention of such incidents on University property or at University sponsored events.

Resolution

I recommend that the Board of Trustees adopt the following resolution:

Whereas recent events have placed renewed attention on the need for all universities to take steps to prevent child sexual abuse at events occurring on campus property and during university-sponsored events; and

Whereas legislation which would have addressed such concerns at the State level was proposed but not enacted during the 2011-2012 legislative session; and

Whereas it is desirable for the State University to adopt a policy to protect potential victims of child sexual abuse during activities that occur on State University property, during events sponsored by the University or in the conduct of University business; and

Whereas, this Board wishes to reaffirm the general moral responsibility of all members of the public to report wrongdoing to appropriate authorities without fear of retaliation; now, therefore, be it

Resolved that the Policy on Mandatory Reporting and Prevention of Child Sexual Abuse, copy of which is attached hereto, be, and the same hereby is, approved; and, be it further

Resolved that each State-operated campus of the State University of New York is directed to adopt any and all necessary and appropriate local procedures to implement the attached Policy, which procedures will contain non-retaliation provisions, protecting those who make reports from fear of retribution, and steps to ensure employees and students receive necessary training; and, be it further

Resolved that the community colleges operating under the program of the State University of New York are encouraged to adopt policies and procedures consistent with the attached Policy.

Background

As a result of the Penn State scandal and reportedly similar types of events at Syracuse University in late 2011, SUNY developed a draft policy on mandatory reporting of child sexual abuse incidents, and worked with the Governor's Office on and supported a legislative proposal which would have made reporting to law enforcement of incidents of child sexual abuse occurring on college campuses in New York State mandatory by employees, students and volunteers of institutions of higher education. Current law does not contain such a mandatory reporting obligation, except with respect to certain limited professional categories. The draft bill would also have made willful failure to report subject to criminal penalties. This proposal was not enacted in the 2011-2012 legislative session, but may be introduced again next session.

In the meantime and consistent with recommendations of the Freeh Report or Special Investigative Counsel investigation into circumstances surrounding the criminal charges of sexual abuse of minors in or on Penn State facilities, there is a desire to adopt a policy for the State University of New York that will mandate reporting of incidents of child sexual abuse and require certain other steps in order to prevent such incidents on SUNY campuses or at SUNY events. Campuses of the State University will be directed to adopt local procedures to implement the Policy. The key elements of the Policy are (1) to mandate reporting, without fear of retaliation, by employees, students and volunteers of the University to University Police Departments when there is reasonable suspicion to believe child sexual abuse has occurred on University property or during University-sponsored events or business, (2) to provide employee and student training, and (3) to ensure that vendors and others using University facilities where children will be present have procedures in place aimed at preventing child sexual abuse.

Attachment

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Attachment

Policy on Mandatory Reporting and Prevention of Child Sexual Abuse

Any employee or student of or volunteer for the State University of New York who witnesses or has reasonable cause to suspect any sexual abuse of a child occurring on State University property or while off campus during official State University business or University-sponsored events shall have an affirmative obligation to report such conduct to the relevant University Police Department immediately. Such report should include the names of the victim and assailant (if known), other identifying information about the victim and assailant, the location of the activity, and the nature of the activity. Upon receiving such a report, the applicable University Police Department shall promptly notify the Commissioner of University Police at SUNY System Administration who shall report such incidents to the Chancellor for periodic reporting to the Board of Trustees.

In addition, to aid in the prevention of crimes against children on property of the State University of New York and/or during official State University business at events sponsored by the State University of New York, relevant employees should be trained on the identification of such crimes and proper notification requirements. Vendors, licensees or others who are given permission to come onto campus or to use University facilities for events or activities that will include participation of children shall ensure that they have in place procedures for training, implementation of applicable pre-employment screening requirements and reporting of child sexual abuse.

For purposes of this policy, the applicable definitions of child sexual abuse are those used in the NYS Penal Law in Articles 130 and 263 and Section 260.10 (attached), and "child" is defined as an individual under the age of 17.