PROTECTION AND TREATMENT OF MINORS AT COLUMBIA UNIVERSITY

Standards of conduct for all interactions between members of our community and minors including reporting suspected abuse and maltreatment of minors, registration of programs involving minors, and training for individuals of programs involving minors

April 2020

Policy Statement

This policy creates Standards of Conduct for all interactions between members of our community, and all volunteers, contractors, and consultants who interact with, supervise, chaperone, or otherwise oversee minors in programs or activities at the University.

This policy creates an independent duty for those who interact with, supervise, chaperone, or otherwise oversee minors in University sponsored programs, activities, and/or residential facilities to be trained by the University. It also requires an independent duty to report suspected cases of abuse and maltreatment of individuals under the age of 18 immediately. Any member of the University community may report a concern if they have reasonable suspicion that a child has been abused or maltreated, either by a caregiver at home, or by any other person they believe could be responsible for abuse.

This policy also describes the registration, training, and background check requirements for University programs and activities with minors. All programs involving minors must be registered, and all employees in such programs and all volunteers, contractors, and consultants who interact, with supervise, chaperone, or otherwise oversee minors in programs or activities at the University or sponsored by the University must receive Protection of Minors training before a program can commence.

Reason(s) for the Policy

Columbia welcomes minors to our campuses every day. They are part of our academic programs and activities, athletic programs, summer camps, The School at Columbia, medical clinics and practices, and affiliated childcare centers.

Although some University employees, as “New York State (NYS) Mandated Reporters,” are required by law to report suspected child abuse and maltreatment, we have implemented this

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1 NYS mandated reporters are required to report cases of suspected child abuse and maltreatment, defined as abuse by a “parent or caregiver,” under New York State Law and include physicians, registered nurses, social workers, mental health professionals, camp directors and coaches, among others. Additional information is available in the reference section of this policy.
policy to ensure that we protect minors who are on our campuses or who are participating in University programs and activities.

**Primary Guidance to Which This Policy Responds**

1. Title 6 of Article 6 of the New York State Social Services Law, §§411-428 defines child abuse and maltreatment.

2. Article 10 of the New York State Family Court Act, §1012 further defines child abuse, maltreatment and other key terms.

3. 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.


**Responsible University Office and Officer**

1. Office of University Compliance (http://compliance.columbia.edu/minors.htm

2. Department of Public Safety, 212-854-5555 (Morningside), 212-853-3333 (Manhattanville), 212-305-7979 (Medical Center).

3. Marjory Fisher, Associate Vice President & Title IX Coordinator, 212-853-1276, m.fisher@columbia.edu

4. Ursula Bollini, Director HR Compliance & Protection of Minors, 212-851-9636, pomtraining@columbia.edu

5. Office of the Provost

6. Office of Equal Opportunity and Affirmative Action

**Who Is Governed by This Policy?**
All University employees are governed by this policy. In addition, all volunteers, contractors, and consultants who interact, with supervise, chaperone, or otherwise oversee minors in programs or activities at the University or sponsored by the University are also governed by this policy.

**Policy: Reporting Suspected Abuse and Maltreatment of Minors**

**Report of Suspected Abuse by a Parent or Caregiver in the Home**

If you have reasonable cause to believe that a minor (a child under 18 years old) may have been abused or maltreated by a parent or caregiver legally responsible for the child, you must take the following steps:

1. If a child is in immediate danger or you require emergency assistance, call 911 and, as appropriate, the Columbia Department of Public Safety: 212-854-5555 (Morningside), 212-853-3333 (Manhattanville Campus), or 212-305-7979 (Medical Center).

2. Call the New York State Child Abuse & Maltreatment Hotline: 800-342-3720

3. When calling the NY State Child Abuse & Maltreatment Hotline, make sure to obtain an ID number and the name of representative contacted.

4. Call the Department of Public Safety: 212-854-5555 (Morningside), 212-853-3333, (Manhattanville Campus,) or 212-305-7979 (Medical Center).
   a. Please notify the Department of Public Safety with the ID number and the name of the Hotline representative.

5. You must also notify the appropriate program director or your supervisor, Chair, or Dean.

“Reasonable cause to suspect child abuse or maltreatment” means that, based on your rational observations, professional training and experience, you have a suspicion that a parent, a guardian, or a caregiver of a child is abusing or maltreating that child. This can be, for example, a parent, or an aunt who cares for a child, or even a mother’s boyfriend. This triggers a call to the NY State Child Abuse Hotline, listed above. It is enough that you have a suspicion, backed by a reason, that a child with whom you work or care for is being harmed by someone legally responsible for them.

This policy creates an independent duty for members of the Columbia University community who interact with, supervise, chaperone, or otherwise oversee minors in programs or activities at the University or sponsored by the University to report immediately in situations where they have reasonable cause to suspect abuse or maltreatment of individuals under the age of 18.
“An independent duty” means that YOU must follow the directives on reporting your suspicions of abuse. You cannot delegate this to a colleague or a supervisor. Since you received the information or noticed something leading to your suspicion that a child was abused or maltreated, you must make the report promptly. You can certainly speak with your supervisor or to the Title IX Coordinator at Columbia prior to making the call if you have questions, or you are not sure, but you must make the call.

Reasonable Suspicion can be based upon:

1. Witnessing a single incident
2. What a child says
3. What an adult with a reasonable suspicion tells you about a child
4. An implausible explanation for an injury.
5. A combination of warning signs

Report of Suspected Abuse by a Member of the Columbia Community, or Someone Other Than a Parent or Caregiver

If you have reasonable cause to suspect, on the other hand, that a minor may have been abused or maltreated by a member of the Columbia community, (this includes a situation where you believe a minor is involved in an intimate or sexual relationship with an adult who works in your program) AND the abuser is someone other than a parent or caregiver, you must take the following steps:

1. If a child is in immediate danger, or you require emergency assistance, call 911 and as appropriate, the Department of Public Safety: 212-854-5555 (Morningside), 212-853-3333, Manhattanville Campus, or 212-305-7979 (Medical Center).

2. If the child is not in immediate danger, call Marjory Fisher, Title IX Coordinator at (212)853-1276, or (917)509-0405 (cell), or email the Title IX Coordinator at m.fisher@columbia.edu and she will consult with you about next reporting steps.

3. Notify the appropriate program director or your supervisor, Chair, or Dean. You must file a report with the University’s Office of Equal Opportunity and Affirmative Action by going on line to http://eoaa.columbia.edu/ and clicking on “File a Report.”
Reporters may speak with a supervisor, the Title IX Coordinator, and/or a Public Safety representative prior to making the report and may be accompanied by any of these individuals while making the report.

Special Circumstances

Other State Agencies

In some situations, the New York State Child Abuse & Maltreatment Hotline might decline to take a report for reasons including because the alleged abuse or maltreatment occurred did not occur at the hands of a caregiver, because it occurred in a different state, or because the NYPD Special Victims Bureau or another law enforcement agency may be a more appropriate agency for receiving the report. In these situations, the Title IX Coordinator and Public Safety are available to assist in identifying the appropriate external agencies to contact next.

Exclusions

The duty to report may not apply to certain confidential communications to attorneys or members of the clergy in cases where a recognized legal duty of confidentiality applies.

Physicians, psychiatrists, licensed therapists, and other clinicians who are NYS mandated reporters and are reporting suspected child abuse or maltreatment in connection with their clinical care to patients are not required to notify Public Safety of the report if doing so would breach a patient's legal rights to confidentiality.

Requirements for Protection of Minors Programs at Columbia University: Registration, Training and Background Checks.

Registration: Protection of Minors Programs

All Programs governed by this Policy involving minors must register their program with the Protection of Minors Office in accordance with the Registration Deadlines below. Registration can be completed here: www.tinyurl.com/cuprotection and requires applicable organizations to provide:

1. A description of the Program, including the location or locations at which it will be held;

2. Dates on which the Program will occur;

3. Name, title and contact information for the Director of Program;

4. Approximate number and age range of the minors who will partake in the Program;
5. Information regarding members of the University community who have been offered to take part in a Program

Registration for programs

All Programs governed by this Policy involving minors that involve overnight stays for minors in Columbia residence halls must be submitted no later than one month prior to the date when the Program will begin so as to allow sufficient time for members of the University Community to complete required training and undergo background checks. (See “Training” and “Background Checks” sections, below), both of which MUST be completed prior to the commencement of the program.

Registration for all non-residential programs involving minors, including using or touring Columbia laboratories must be submitted no later than two weeks prior to the date when the Program will begin (so as to allow sufficient time for members of the University Community to complete required training and undergo background checks, if necessary. (See “Training” and “Background Checks” sections, below).

Training

All members of the community governed by this policy who interact with, supervise, chaperone, or otherwise oversee minors in programs or activities at the University or sponsored by the University are required to take a course designed to familiarize members of the Columbia community with University policy and relevant law on reporting suspected child abuse and maltreatment of minors. The course includes definitions of child abuse and maltreatment, possible signs and indicators, appropriate responses, how to report a concern, and appropriate interactions with minors. The Protection of Minors Training is available online and can also be completed through an in-person training session organized by the sponsoring program. These training sessions are available after a program has been registered with the Office of the Protection of Minors (pomtraining@columbia.edu).

Who is Required to Take This Training?

All Programs governed by this Policy involving minors, including those who work for third parties supervising programs for minors at or sponsored by Columbia University, who interact with, supervise, chaperone, or otherwise oversee minors in programs or activities at the University or sponsored by the University (the latter includes activities held off-campus) must take the training. All programs must verify that staff required to be trained (see above list) with pomtraining@columbia.edu before the date that program is scheduled to commence.

Background Checks

Members of the Columbia University community who interact with, supervise, chaperone, or otherwise oversee minors in programs or activities at the University or sponsored by the
University, and who may, as determined by the University, have the potential to have unsupervised contact with minors in such programs or activities, must undergo a criminal background check at least every two years. This includes members of the community who interact with minors on-line. Please see the Columbia University Background Check Policy for more information.

Other situations that require a background check of anyone who supervises, chaperones or otherwise oversees minors include but are not limited to:

1. Situations where a minor spends the night in a University facility or elsewhere
2. Situations where a minor is likely to have to change clothes
3. Situations involving a locker room
4. Situations where the location of the program or activity is international or when a minor travels internationally
5. Situations where a minor works or studies with an adult for an extended period of time, i.e., longer than two days
6. Situations where a member of the Columbia community has one-on-one contact with minors in a private space, like an office
7. The University reserves the right to require background checks for any situation it deems necessary

**Code of Conduct and Guidelines for Working with Minors**

It goes without saying that members of the University Community, including those who work for third parties supervising programs for minors at or sponsored by Columbia University, who interact with, supervise, chaperone, or otherwise oversee minors in programs or activities at the University or sponsored by the University (the latter includes activities held off-campus) taking part in any Columbia program where minors are attending and under supervision MUST NOT engage in sexual activity with a minor; engage in any abusive conduct of any kind toward, or in the presence of a minor, including, but not limited to verbal abuse, striking, hitting, punching, poking, spanking, or restraining\(^2\); or otherwise abuse or neglect a minor.

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\(^2\) If restraint is necessary to protect a minor or other minor from harm, all incidents must be documented and disclosed to the Program Director and the minor's parent/legal guardian.
In addition, the following guidelines apply to all interactions between members of the University Community and minors participating in the Columbia programs.

1. Avoid being alone with a minor, either in person, or on-line. If one-on-one interaction is required, meet in public space, in a place containing windows with clear visibility into the room, or in a space where the door can be left open. If you and a minor must be in a closed room, have another adult in the room unless approved by the Program Director.

   If you need to meet with an individual minor on-line, advise your supervisors and the minor’s caregiver of when and where the on-line meeting will take place, consider whether it is possible for a second adult from the program to join you and/or the minor’s caregiver to join you and, in all events, engage only in educationally-related and program-sanctioned content during the meeting. Avoid “peer-like” behavior in all on-line settings with minors.

2. DO NOT make sexual comments or tell jokes or ask overly personal questions of a sexual nature, including questions regarding sexual identity or behavior, to, or in the presence of a minor;

3. DO NOT engage in conversations regarding romantic, sexual or related matters unless you are in the role of a provider of health care or counseling, or faculty academically addressing materials of a sexual nature as part of a course, training, or classroom experience (i.e., consistent with academic freedom);

4. DO NOT touch minors in a manner that a reasonable person could interpret as inappropriate. (including slaps to the buttocks, and overly invasive hugs). Touching should generally only be in the open and in response to the minor’s needs, for a purpose that is consistent with the Program’s mission and culture, and/or for a clear educational, developmental, or health related (i.e., treatment of an injury) purpose. Ask for permission before initiating any touching, and any resistance from the minor should be respected.

5. DO NOT engage in communications with a minor through any method – email, text message, telephone, social media, etc., outside of academic or programmatic need; and:

   a. Emails should be on Columbia email, not on a staff person’s personal email

   b. If texting occurs, it should be done in group texts to everyone on a team or in a program, unless it is an emergency, and again related to a programmatic need
c. Do not friend or follow participants on social media

d. Do not engage in “cloud-based gaming platforms” with participants

6. DO NOT use, possess, or be under the influence of drugs or alcohol while on duty or responsible for a minor’s welfare

7. DO NOT transport minors in cars alone, or allow minors to drive a staff person alone in a car

8. DO NOT engage in any other behavior prohibited under applicable University policy

9. DO NOT leave minors without proper supervision

10. DO NOT otherwise abuse or neglect a minor

Members of the University Community taking part in Columbia Programs and non-affiliates taking part in non-Columbia programs based on Columbia’s campus involving minors MUST:

1. Watch for and report any of the above listed behavior

2. Maintain high standards of personal behavior when working with minors

3. Treat all minors consistently and with respect

4. Maintain discipline and discourage inappropriate behavior

5. Consult with the appropriate person(s) of authority when uncertain about a situation involving a minor

Resources

1. New York State Child Abuse & Maltreatment Hotline: 800-342-3720

2. Mandated Reporter Hotline: 800-635-1522

3. Department of Public Safety: 212-854-5555 (Morningside) or 212-305-7979 (Medical Center)


5. Columbia University Compliance Hotline: 866-627-3768 or compliance.columbia.edu
Additional Resources

For those interested in further information, please go to the Columbia Compliance Web site. This information includes resources for those working with minors, including NYS mandated reporters, parents or guardians, and those seeking care for an abused or maltreated minor.

Definitions (Sources: New York State Social Services Law, New York State Family Court Act)

“Child Abuse” includes physical abuse, physical neglect, sexual abuse, and emotional abuse. New York law defines these types of abuse as follows:

1. Physical abuse: Non-accidental physical injury of a child that ranges from superficial bruises and welts to broken bones, burns, serious internal injuries and in some cases, death. It includes actions that create a substantial risk of physical injury to the child.

2. Physical neglect: Withholding, or failing to provide, adequate food, shelter, clothing, hygiene, medical care, education, or supervision, such that the child’s physical, mental or emotional condition is impaired or at imminent risk of being impaired.

3. Sexual abuse: When an individual commits a sexual offense against a child or allows a sexual offense to be committed, such as rape, sodomy, or engaging a child in sexual activity or in a sexual performance.

4. Emotional abuse: Acts or omissions that cause or could cause serious conduct, cognitive, affective, or other mental disorder such as torture, close confinement, or the constant use of verbally abusive language. This may include emotional neglect, such as withholding physical and emotional contact to the detriment of the child’s normal emotional or even physical development.

“Independent Duty” means that you must report your reasonable suspicion of child abuse or maltreatment and that you may not delegate this duty.

“Maltreatment” (includes Neglect) means that a child’s physical, mental, or emotional condition has been impaired, or placed in imminent danger of impairment, by the failure of the child's parent or other person legally responsible to exercise a minimum degree of care by:

1. Failing to provide sufficient food, clothing, shelter, education
2. Failing to provide proper supervision, guardianship, or medical care (refers to all medical issues, including dental, optometric, or surgical care)

3. Inflicting excessive corporal punishment, abandoning the child, or misusing alcohol or other drugs to the extent that the child was placed in imminent danger

“Minor” means an individual under the age of 18.

“Reasonable cause to suspect child abuse or maltreatment” means that, based on your rational observations, professional training and experience, you have a suspicion that a parent, a guardian, or a caregiver of a child is abusing or maltreating that child. Under University policy, reasonable suspicion of child abuse or maltreatment also includes situations where you reasonably suspect that an adult who interacts with, supervises, chaperones, or otherwise oversees minors in a University program or activity is abusing or maltreating a child. It is enough that you have a suspicion, backed by a reason, that a child with whom you work is being harmed. Your reasonable suspicion can be based upon:

1. Witnessing a single incident

2. What a child says

3. What an adult with a reasonable suspicion tells you about a child

4. An implausible explanation for an injury

5. A combination of warning signs