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	<b>NUMBER</b>	
	<b>EFFECTIVE</b>	<b>12-2020</b>
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<b>PROTECTION OF MINORS AND OBLIGATION TO REPORT SERIAL SEXUAL ABUSE POLICY</b>	<b>PAGE</b>	<b>1</b>

This policy memorializes Niagara University’s special commitment to the safety of minors (children under the age of 18 who are not matriculated Niagara University students) located on campus or involved in a University event.

As part of its obligations under Title IX of the Education Amendments of 1972 and its ongoing commitment to an environment free of all forms of discrimination and sexual misconduct, Niagara University employees and volunteers, and medical personnel working at any University dispensary, clinic, infirmary, student health center, athletic facility, or similar facility, are prohibited from engaging in any form of physical abuse, including but not limited to sexual abuse or serial sexual abuse as defined below. This prohibition applies to all on-campus activities and to off-campus activities sponsored or sanctioned by the University. University employees and volunteers, and medical personnel working at any University dispensary, clinic, infirmary, student health center, athletic facility, or similar facility, are required to report any physical abuse, sexual abuse, or serial sexual abuse to the University as further described below.

For purposes of this reporting requirement, “physical abuse” has substantially the same meaning contained in NY Social Services Law sec. 488(1)(a)<sup>1</sup>; “sexual abuse” means any actual or alleged illegal sexual conduct with a minor (by way of example only, such abuse includes “sexual contact” as defined by NY Penal Law sec. 130.00(3)<sup>2</sup> or “sexual conduct” as defined by NY Penal Law under sec. 130.00(10)<sup>3</sup>. “Serial sexual abuse” means sexual abuse of more than one victim (whether or not a minor) by any perpetrator. (Sexual misconduct involving Niagara University students is addressed in the Niagara University Non-Discrimination Policy and Grievance Procedures and the Title IX Grievance Procedures.)

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<sup>1</sup> “Physical abuse” means “conduct by a custodian intentionally or recklessly causing, by physical contact, physical injury or serious protected impairment of the physical, mental, or emotional condition of a [minor] or causing the likelihood of such injury or impairment. Such conduct may include but shall not be limited to: slapping, hitting, kicking, biting, choking, smothering, shoving, dragging, throwing, punishing, shaking, burning, cutting or the use of corporal punishment. Physical abuse shall not include reasonable emergency interventions necessary to protect the safety of any person.”

<sup>2</sup> “Sexual contact’ means any touching of the sexual or other intimate parts of a person for the purpose of gratifying sexual desire of either party. It includes the touching of the actor by the victim, as well as the touching of the victim by the actor, whether directly or through clothing, as well as the emission of ejaculate by the actor upon any part of the victim, clothed or unclothed.”

<sup>3</sup> “Sexual conduct’ means sexual intercourse, oral sexual conduct, anal sexual conduct, aggravated sexual contact, or sexual contact.”

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In furtherance of the University's mission, its commitment to a safe environment, and its Title IX compliance obligations, all University employees and volunteers, and medical personnel working at any University dispensary, clinic, infirmary, student health center, athletic facility, or similar facility, must (unless barred by obligations of confidentiality as governed by New York State law, or otherwise prohibited by law) immediately report any observed, alleged, reasonably suspected, or reported instances of physical or sexual abuse of minors, or serial sexual abuse, to a supervisor or to a University officer or director, Campus Safety or the Title IX Coordinator. The abuse must be reported immediately upon observation or receipt of allegations or a report of abuse, and in no event more than 24 hours after the observation or receipt of the allegations or report.

**Title IX Coordinator**

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All supervisors and University officers or directors, must (unless barred by obligations of confidentiality as governed by New York State law, or otherwise prohibited by law) immediately report any observed, alleged, reasonably suspected, or reported instances of physical or sexual abuse of minors or serial sexual abuse to the **Title IX Coordinator or Director of Campus Safety** (if the Title IX Coordinator receives a report, the Director of Campus Safety shall also be informed and vice versa). To the full extent permitted by law, the Title IX Coordinator or Director of Campus Safety shall report all such abuse to law enforcement and/or child protective services, and if the victim or alleged victim is a minor, shall, to the full extent permitted by law, immediately report the abuse to the minor's guardian or parent. The abuse must be reported immediately upon observation or receipt of allegations or a report of abuse, and in no event more than 24 hours after the observation or receipt of the allegations or report.

Some Niagara University employees and volunteers are "mandated reporters" required to report any and all instances of child abuse, as required by state law.<sup>4</sup> The obligations of this Policy are separate, as they are designed

<sup>4</sup> See <https://ocfs.ny.gov/main/publications/Pub1159.pdf>

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to ensure that the institution is positioned to enforce a policy of zero tolerance for sexual abuse.

The University shall investigate all reported incidents of physical or sexual abuse or serial sexual abuse allegedly committed by a University employee or volunteer.

The Title IX Coordinator or Director or Campus Safety shall ensure that the Risk Manager notifies the University's insurance carrier(s) of the alleged sexual abuse or serial sexual abuse as required under the University's applicable insurance policy(ies).

All vendors are subject to the Niagara University Vendor Code of Conduct, which requires coordinated handling of all violations of campus policies and prohibits physical and sexual abuse, serial sexual abuse, sexual harassment, and other sexual misconduct. This requirement and prohibition is a part of all university contracts giving vendors access to the campus or personnel of Niagara University.

All visitors to campus are subject to Niagara University's prohibition against physical and sexual abuse, serial sexual abuse, sexual harassment, and other sexual misconduct.

All rentals of University facilities that will host minors must require the renter to conduct a criminal background check on all employees and volunteers who will be working with minors in connection with the rental, and when required, must be licensed by the County Health Department.

All University employees are also required to report observed violations of civil rights laws, including all instances of discrimination and retaliation as defined by state and federal law. Training on these requirements, and the obligation to report physical and sexual abuse or serial abuse, will be no less than annually for all employees, and presented in the context of other civil rights and safety reporting requirements.

**How to Report/How to Receive a Report**

University employees and volunteers and medical personnel working at any University dispensary, clinic, infirmary, student health center, athletic facility, or similar facility must report physical or sexual abuse or serial abuse via e-mail, hard copy, phone, or in person to a supervisor or to a University officer or director, Campus Safety, or the Title IX Coordinator.

A supervisor or University officer or director receiving a written report of physical or sexual abuse or serial abuse (whether by email, hard copy, or otherwise) shall immediately forward the report to the Title IX Coordinator or Director of Campus Safety. A supervisor or University officer or director receiving an oral report of such abuse shall record the details of the report, and immediately forward the report to the Title IX Director or Director of Campus

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Safety.

The Title IX Coordinator or Campus Safety Director shall, to the full extent permitted by law, relay all reports of sexual abuse of a minor or serial sexual abuse to law enforcement and/or child protective services.

The University expects and will direct its employees to cooperate with investigations of reported abuse conducted by law enforcement, CPS and/or the University.

The Title IX Coordinator or Campus Safety Director shall, to the full extent permitted by law, relay all reports of physical or sexual abuse of a minor to the minor's parent or guardian.

The Title IX Coordinator shall, through the Executive Vice President, immediately notify the board of trustees of all reports of serial sexual abuse.

The Title IX Coordinator and Director of Campus Safety shall assess reports of physical and sexual abuse, serial sexual abuse, and other sexual misconduct to look for patterns of behavior or risks to mitigate.

All reports made under this Policy shall be part of the University's annual Clery Report, which is reviewed annually by the board of trustees.

Employees failing to follow these reporting obligations are subject to employee discipline up to and including termination.

**Records Retention**

All records of reports under this policy are retained by the Title IX Coordinator for no less than seven years.