

# New York University

## UNIVERSITY POLICIES

**Title:** Protection of Minors Policy  
**Effective Date:** May 29, 2018  
**Supersedes:** March 27, 2017  
**Issuing Authority:** Provost; Executive Vice President  
**Responsible Officer:** Vice Provost; Vice President Human Resources

### **Statement of Policy**

New York University (“NYU” or “University”)<sup>1</sup> is a not-for-profit institution dedicated to teaching, learning and research. To introduce Minors to higher education and to specific areas of knowledge, members of the University Community may take part in certain programs or activities that NYU operates or sponsors involving Minors (more fully defined below as NYU Covered Programs). In furtherance of these objectives, Non-University organizations also may use NYU Facilities for certain programs and activities involving Minors that are not sponsored by NYU (more fully defined below as Non-NYU Covered Programs).

NYU is committed to protecting the safety and well-being of Minors who participate in NYU Covered Programs and Non-NYU Covered Programs. This requires an increased level of attention and supervision, as well as an expectation that members of the University Community and Non-University organizations will conduct themselves in a responsible and appropriate manner in the presence of Minors. To achieve these goals, this Policy establishes guidelines and procedures for members of the University Community who take part in NYU Covered Programs and for members of Non-University organizations who take part in Non-NYU Covered Programs.

### **To Whom the Policy Applies**

This Policy applies to members of the University Community in NYU-NY who take part in NYU Covered Programs involving Minors, as well as to Non-University organizations that take part in Non-NYU Covered Programs involving Minors. As defined below, for purposes of this Policy, a Minor is a person under the age of eighteen (18), participating in an NYU Covered Program or Non-NYU Covered Program, who is not enrolled in or accepted for enrollment in a degree-granting program at NYU.

For purposes of this Policy, NYU-NY does not include NYU Langone Health/NYU School of Medicine, which maintains its own policies and procedures regarding the supervision of minors. NYU Portal Campuses are expected to adopt this Policy in a manner and form that is consistent with local law, practice, and policy. NYU Study Away Sites which host, or plan on hosting, programs involving Minors are also expected to adopt this Policy in a manner and form that is consistent with local law, practice, and policy.

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<sup>1</sup> Definitions of capitalized terms may be found at the end of this Policy.

*Note:* Members of the University Community who will be traveling outside of the United States, as part of their participation in an NYU Covered Program, must be cleared to participate in the program by NYU's Office of Youth Programs Compliance ("OYPC") prior to traveling, in accordance with this Policy.

## **Policy and Procedures**

### **NYU Covered Program Requirements**

#### **Registration**

NYU Sponsors must register NYU Covered Programs with the OYPC in accordance with the registration deadlines below.

*Registration Information.* Registration requires NYU Sponsors to provide:

1. A description of the NYU Covered Program, including the location or locations at which it will be held;
2. Dates on which the NYU Covered Program will occur;
3. Name, title and contact information for the NYU Sponsor and Program Director of the NYU Covered Program;
4. Approximate number and age range of the Minors who will participate in the NYU Covered Program;
5. Information regarding members of the University Community who have been offered to take part in an NYU Covered Program, as deemed necessary and appropriate by the OYPC; and
6. Information regarding the Minors who will be participating in the NYU Covered Program, such as emergency contacts, as deemed necessary and appropriate by the OYPC.

*Registration Deadlines.* Registration for NYU Covered Programs that include Overnight Stays for Minors in NYU residence halls shall be submitted no later than two months prior to the start date of the NYU Covered Program. This is to allow sufficient time for members of the University Community to complete any required training. (*See Training section, below*).

Registration for NYU Covered Programs that take place in a lab, art, or shop facility, or any other setting where Minors may be exposed to hazardous materials, machinery, or health-related situations shall be submitted no later than two months prior to the start date of the NYU Covered Program. This is to allow sufficient time for members of the University Community to complete any required training, and for Minors to schedule and complete any required safety training. (*See Training section, below*).

Registration for all other NYU Covered Programs shall be submitted no later than one month prior to the start date of the NYU Covered Program.

NYU Sponsors must re-register each new iteration of the NYU Covered Programs with the OYPC in accordance with the registration requirements and deadlines above.

## **Conditional Participation**

For certain categories of NYU Covered Programs and/or certain roles within NYU Covered Programs, prospective and current members of the University Community selected to take part in the program will receive a conditional letter of participation or re-participation, as applicable, from the OYPC. As part of that process, the OYPC may require the submission and verification of additional information.

*Note:* Prospective or current Members of the University Community may be subject to additional terms and conditions before participating or re-participating in an NYU Covered Program (*e.g.*, the terms and conditions set forth in a prospective or current employee's offer letter, or the registration process required of interns and volunteers). NYU Sponsors should make certain that a prospective or current member of the University Community has satisfied all of the terms and conditions of his or her participation or re-participation in an NYU Covered Program before he or she takes part in the program.

## **Training**

The type of training that a member of the University Community must complete depends on his or her prospective role in an NYU Covered Program.

1. *NYU Protection of Minors Online Training:* Subject to the foregoing exceptions (*italicized below*),\* all members of the University Community who will take part in an NYU Covered Program must successfully complete the NYU Protection of Minors online training before participating in the program (unless his or her participation is within one year of completing his or her prior training).

*\*Application to Students & Guest Speakers/Presenters. This training requirement only applies to students who will be acting in the capacity of an employee, intern, or volunteer; or, subject to the discretion of the OYPC, who will have One-on-One contact with a Minor. This training requirement also only applies to guest speakers or presenters who will have One-on-One contact with a Minor.*

2. *Environmental Health and Safety (EHS) Training:* All members of the University Community who partake in an NYU Covered Program, and all Minors who participate in an NYU Covered Program, in a lab, art, or shop facility, or any other setting where they may be exposed to hazardous materials, machinery, or health-related situations must complete the appropriate safety training curriculum, as determined by EHS, prior to participating in the program.
3. *Additional/Alternative Training.* The OYPC reserves the right to require additional or alternative training in order to satisfy the training requirements otherwise outlined in this Policy (*e.g.*, in person training for any member of the University Community who will engage in One-on-One Contact with Minors in an NYU Covered Program).

## Clearance

Once the above-mentioned requirements have been satisfied, the OYPC will enter a clearance date in the Protection of Minors Registration System for each member of the University Community participating in an NYU Covered Program. No member of the University Community may take part in an NYU Covered Program until a clearance date has been entered.

## Insurance Requirements for NYU Covered Programs

NYU Covered Programs are covered under NYU's General Liability Insurance program. For information regarding insurance coverage and risks, please visit the [Insurance and Enterprise Risk website](#). You can also contact FinanceLink at [askfinancelink@nyu.edu](mailto:askfinancelink@nyu.edu) or 212-998-1111.

## *Non-NYU Covered Program Requirements*

Non-NYU organizations seeking to host a Non-NYU Covered Program at NYU Facilities must register the Non-NYU Covered Program with the OYPC no later than one month prior to the start date of the program.

Registration requires Non-NYU organizations to provide:

1. A description of the Non-NYU Covered Program, including the location or locations at which it will be held;
2. Dates on which the Non-NYU Covered Program will occur;
3. Name, title and contact information for the Program Director of the Non-NYU Covered Program;
4. Name and title of any member of the Non-NYU organization who will be taking part in a Non-NYU Covered Program, if requested by the OYPC;
5. Approximate number and age range of the Minors who will be participating in the Non-NYU Covered Program; and
6. An electronic certification confirming that all members from the Non-NYU organization who will be interacting with Minors in Non-NYU Covered Programs, and anyone who supervises such individuals: (1) have received training on (a) appropriate behavior when working with Minors and (b) recognizing and reporting child abuse and neglect, and (2) have undergone further verification as required by the OYPC.

## Insurance Requirements for Non-NYU Covered Programs

Non-NYU organizations seeking to host a Non-NYU Covered Program at NYU Facilities must ensure they obtain the appropriate insurance coverage prior to the start date of the program. The amount of General Liability and additional insurance coverage required will be determined by the NYU Insurance and Enterprise Risk Management Department depending on the exposure. NYU must be named as an additional insured on this insurance policy. Workers Compensation insurance

coverage will also be required. For information regarding insurance coverage and risks, please visit the [Insurance and Enterprise Risk website](#). You can also contact FinanceLink at [askfinancelink@nyu.edu](mailto:askfinancelink@nyu.edu) or 212-998-1111.

## **Code of Conduct Regarding Minors**

### **Guidelines for Working With Minors**

Members of the University Community taking part in NYU Covered Programs and members of a Non-University organization taking part in Non-NYU Covered Programs must not:

1. Engage in One-on-One contact with a minor in a closed/private area without the presence of at least one other adult member of the University Community, parent or legal guardian, unless approved by the Program Director in consultation with the OYPC;
2. Engage in sexual activity with a Minor;
3. Make sexual comments or tell jokes of a sexual nature to or in the presence of a Minor;
4. Touch a Minor in a manner that could be reasonably interpreted as inappropriate;
5. Engage in conversations regarding romantic, sexual or related matters unless 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);
6. Engage in communications with a Minor through any method – email, text message, telephone, social media, etc. – outside of academic or programmatic need;
7. Use, possess, or be under the influence of drugs or alcohol while on duty or responsible for a Minor's welfare; (Please see [NYU's Drug- and Alcohol-Free Workplace Policy](#))
8. Engage in any other behavior prohibited under applicable University policy;
9. Leave Minors without proper supervision; or
10. Otherwise Abuse or Neglect a Minor.

Members of the University Community taking part in NYU Covered Programs and members of a Non-University organization taking part in Non-NYU Covered Programs 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; and
5. Consult with the appropriate person(s) of authority when uncertain about a situation involving a Minor.

### **Reporting**

*NYPD/NYU Campus Safety.* If a Minor participating in an NYU Covered Program or Non-NYU Covered Program is in immediate danger of bodily harm or otherwise requires emergency medical

assistance, a member of the University Community or of the Non-University organization must call 911 immediately (and should also contact NYU Campus Safety, as appropriate).

*NYU Wellness Exchange.* Any member of the University Community taking part in an NYU Covered Program who has reasonable cause to suspect that a Minor in such program is being or has been Abused or Neglected must contact the NYU Wellness Exchange at 212-443-9999.

*Title IX Coordinator.* Where the suspected behavior towards a Minor participating in an NYU Covered Program is sexual in nature, the University Community member may also be required to report the incident to NYU's Title IX Coordinator at 212-998-2352. Please see NYU's [Sexual Misconduct, Relationship Violence and Stalking Policy](#) for more information.

*OYPC.* Where consistent with applicable confidentiality obligations, the Wellness Exchange, NYU Campus Safety, NYU's Title IX Coordinator and/or any other unit of the University should immediately alert the OYPC of a complaint under this Policy.

*Other.* All other prohibited behavior should be reported in a manner that is consistent with the applicable University policy and procedure.

*Mandated Reporters.* Members of the University Community and of Non-University organizations who are considered Mandated Reporters pursuant to New York State law are also required to report suspected child abuse and maltreatment to the New York State Office of Child and Family Services ("OCFS") Hotline at 1-800-342-3720. In addition to those persons required to report suspected child abuse or maltreatment, any person may make such a report if such person has reasonable cause to suspect that a child is an abused or maltreated child.

### **Safety Guidelines & Procedures**

A. NYU Covered Programs taking place in a lab, art, or shop facility, or another setting where Minors may be exposed to hazardous materials, machinery, or health-related situations must adhere to the requirements and restrictions of EHS, including requirements for completing the appropriate safety training (see above), prior to commencing said activities. Minors may only conduct activities in the above referenced settings while under the supervision of a member of the University Community who has completed the appropriate safety training (see above).

B. Minors attending NYU Covered Programs for greater than a one (1) week duration will receive appropriate NYUID cards that clearly identify them as Minors. All Non-NYU Program Directors working with Minors as part of a Non-NYU Covered Program will receive a blue NYUID card by visiting the Card Center locations at 7 Washington Place in Manhattan or 2 Metro Tech in Brooklyn.

C. Prior to participating in an NYU Covered Program, Minors must complete an electronic form to provide their mobile telephone numbers (if any) and emergency contact information. The provided mobile telephone numbers will be entered into NYU's emergency notification system for the duration of the Minors' participation in the NYU Covered Program (so that they may receive emergency alerts sent out by the Department of Campus Safety).

D. In the event of an emergency requiring evacuation of an NYU Facility containing Minors in NYU Covered Programs, members of the University Community shall follow the emergency procedures outlined by the facility.

E. NYU Sponsors shall provide notification to the Department of Campus Safety and the Facility Manager of the location, dates, and times when Minors in NYU Covered Programs will be present in NYU Facilities (so that emergency evacuation plans can factor in any special consideration arising out of the presence of minors).

### **Required Forms**

The NYU Sponsor must collect (a) a signed release form (which describes the activities planned) and (b) a medical treatment authorization form from the parent or legal guardian of a Minor prior to the Minor's participation in an NYU Covered Program involving the following:

1. Overnight Stays;
2. athletic or recreational activity;
3. activities in a lab, art, or shop facility, or another setting where Minors may be exposed to hazardous materials, machinery, or health-related situations;
4. Off-Site Programs; or
5. any other NYU Covered Programs designated by the OYPC.

The required models for these forms are available on the [Protection of Minors on Campus](#) website.

### **Enforcement/Violations of this Policy**

The OYPC will enforce this Policy in conjunction with the appropriate offices of NYU. Violations of this Policy may result in the non-approval or immediate termination of an NYU Covered Program or Non-NYU Covered Program, and disciplinary action against members of the University Community (up to and including termination of employment or services, as applicable), consistent with NYU policy.

In accordance with applicable law and University policy, the OYPC reserves the right to check and monitor compliance with this Policy by conducting site visits, requesting documentation, and/or conducting a formal audit.

### **Confidentiality**

The University will maintain the confidentiality of a report/complaint and the privacy of the persons involved to the greatest extent possible, consistent with the appropriate University policy and to the extent permitted by law.

## **Anti-Retaliation**

The University prohibits retaliation against any member of the University Community who makes a report or complaint under this Policy.

## **Definitions**

**Abuse of Minors:** includes infliction of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a person under age 18.

“*Sexual abuse*” includes the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist another person to engage in, sexually explicit conduct or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children.

“*Sexually explicit conduct*” means actual or simulated (a) sexual intercourse, including sexual contact in the manner of genital-genital, oral-genital, anal-genital, or oral-anal contact, whether between persons of the same or of opposite sex; sexual contact means the intentional touching, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify sexual desire of any person; (b) bestiality; (c) masturbation; (d) lascivious exhibition of the genitals or pubic area of a person or animal; or (e) sadistic or masochistic abuse.

“*Sexual exploitation*” means child pornography or child prostitution.

“*Negligent treatment*” means the failure to provide, for reasons other than poverty, adequate food, clothing, shelter, or medical care so as to seriously endanger the physical health of the child.

Abuse of a Minor also includes, consistent with the New York Family Court Act, (i) inflicting or allowing to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ; (ii) creating or allowing to be created a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ; or (iii) otherwise committing or allowing to be committed an offense against such child as defined under the relevant provisions of the New York penal law; allowing, permitting or encouraging such child to engage in any act as described in the relevant provisions of the New York penal law; or committing any of the acts or allowing such child to engage in any acts or conduct as described in the relevant provisions of the New York penal law.

Please take note that conduct that constitutes Abuse of a Minor may also constitute conduct prohibited under NYU’s [Sexual Misconduct, Relationship Violence and Stalking Policy](#), particularly conduct defined under that policy as Sexual Assault and Sexual Exploitation. For the full definitions of these offenses and other prohibited conduct that may constitute Abuse of a Minor, see the [Sexual Misconduct, Relationship Violence and Stalking Policy](#).

**Intern:** Please refer to the definition set forth in the University’s [Unpaid Internship and Volunteer Policy](#).

**Mandated Reporters:** Persons or officials required to report or cause a report to be made under Section 413 of the New York Social Services Law, when they have reasonable cause to suspect that a

child coming before them in their professional or official capacity is an abused or maltreated child, or when they have reasonable cause to suspect that a child is an abused or maltreated child where the parent, guardian, custodian, or other person legally responsible for such child comes before them in their professional or official capacity and states from personal knowledgeable facts, conditions, or circumstances which, if correct, would render the child an abused or maltreated child.

**Minor:** For purposes of this Policy, a Minor is a person under the age of eighteen (18), participating in an NYU Covered Program or Non-NYU Covered Program, who is not enrolled in or accepted for enrollment in a degree-granting program at NYU. Students who are dually enrolled in NYU credit-granting courses while also enrolled in elementary, middle and/or high school are considered Minors for purposes of this Policy.

**Neglect of a Minor:** includes, in accordance with the New York Family Court Act, (i) a child whose physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of the failure of his or her parent or other person legally responsible for his or her care to exercise a minimum degree of care (A) in supplying the child with adequate food, clothing, shelter or education in accordance with the relevant provisions of the New York education law, or medical, dental, optometrical or surgical care, though financially able to do so or offered financial or other reasonable means to do so; or (B) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, including the infliction of excessive corporal punishment; or by misusing a drug or drugs; or by misusing alcoholic beverages to the extent that he or she loses self-control of his or her actions; or by any other acts of a similarly serious nature requiring the aid of the court; or (ii) who has been abandoned, in accordance with the definition and other criteria set forth in the relevant provisions of the New York social services law, by his or her parents or other person legally responsible for his or her care.

Neglect of a Minor also includes maltreatment as defined under the relevant section of the New York social services law.

**Non-NYU Covered Program:** Non-University organizations using NYU Facilities for programs and activities involving Minors that are not sponsored by NYU.

Non-NYU Covered Programs do not include the following: public events and other activities where Minors are under the general care, custody, or supervision of parents or other guardians.

**NYU or University:** includes the schools, colleges, institutes (e.g., Institute of Fine Arts (IFA), Institute for the Study of the Ancient World (ISAW), Courant Institute of Mathematical Sciences and others Units of NYU-New York (excluding the NYU Langone Health/NYU School of Medicine and NYU Portal Campuses and Study Away Sites).

**NYU Covered Program:** includes any program or activity that NYU operates or sponsors involving Minors, including programs and activities sponsored by student organizations, or programs and activities offered by any academic, administrative or athletic unit of the University (including, but not limited to, formalized courses of study; academic camps; mentoring activities; academic enrichment programs; internships including but not limited to research internships and/or other activities which may occur in laboratories; athletics activities; and recreational programs).

NYU Covered Programs do not include the following: (i) programs or activities (e.g., events open to the public or that are admissions related) *where* Minors are under the general care, custody, or supervision of parents or other guardians; (ii) where Minors are patients accompanied by their parents or other guardians; or (iii) where Minors are serving as University research subjects, which is addressed in the policies and procedures of NYU's Institutional Review Board, known as the University Committee on Activities Involving Human Subjects (UCAIHS).

The OYPC will make the final determination as to whether a program is or is not covered under the scope of this definition.

**NYU Facilities:** NYU Facilities means all buildings and properties that are owned, operated, managed, or controlled through lease or other written agreement by NYU.

**NYU Sponsor:** Any NYU entity that has ownership of an NYU Covered Program or provides approval for the use of NYU Facilities for the purposes of participation in an NYU Covered Program.

**Off-Site Program:** An NYU Covered Program that takes place at a location other than an NYU Facility.

**One-on-One Contact:** Interaction as part of an NYU Covered Program between any member of the University Community and a Minor in a closed/private area without the presence of at least one other adult member of the University Community, parent or legal guardian.

**Overnight Stay:** An NYU Covered Program in which Minors participating are intended to stay from evening through morning for one or more days in an NYU Facility or under the supervision of a member or members of the University Community.

**Portal Campuses:** mean NYU Abu Dhabi or NYU Shanghai.

**Program Director:** member of the University Community or Non-University organization who has programmatic oversight and responsibility for an NYU Covered Program or Non-NYU Covered Program, as applicable.

**Study Away Site:** means NYU Accra, NYU Berlin, NYU Buenos Aires, NYU Florence, NYU London, NYU Madrid, NYU Paris, NYU Prague, NYU Sydney, NYU Tel Aviv or NYU Washington, D.C.

**University Community** means the following categories of individuals at NYU taking part in NYU Covered Programs: (a) faculty, including visiting faculty; (b) researchers, including persons conducting research at or under the auspices of the University; (c) administrators and professionals; (d) other employees (including student employees); (e) fellows, trainees and post-doctoral appointees; (f) interns and volunteers; (g) students; and (h) others who are performing activities or providing services on behalf of the University, including consultants, vendors, and contractors.

**Volunteer:** Please refer to the definition set forth in the University's [\*Unpaid Internship and Volunteer Policy\*](#).

## Notes

1. Dates of official enactment and amendments:
2. History:
3. Cross References: