

1 ANY CONDUCT PROHIBITED BY ARTICLE ONE HUNDRED THIRTY OR TWO HUNDRED
2 SIXTY-THREE OF THE PENAL LAW.

3 3. "COLLEGE" SHALL MEAN PUBLIC OR PRIVATE COLLEGES, TECHNICAL SCHOOLS,
4 UNIVERSITIES AND OTHER INSTITUTIONS FOR HIGHER EDUCATION AUTHORIZED TO
5 CONFER DEGREES.

6 4. "EMPLOYEE" SHALL MEAN ANY PERSON RECEIVING COMPENSATION FROM A
7 COLLEGE, OR AN EMPLOYEE OF A CONTRACTED SERVICE PROVIDER PROVIDING
8 SERVICES TO A COLLEGE OR SPORTS CAMP OR OTHER EDUCATIONAL PROGRAM
9 CONDUCTED IN A HIGHER EDUCATIONAL SETTING. PROVIDED THAT THE DUTY TO
10 TRANSMIT AN ORAL OR WRITTEN REPORT AS REQUIRED BY SECTION FIFTY-THREE
11 HUNDRED ONE OF THIS ARTICLE SHALL ONLY APPLY TO THOSE EMPLOYEES WHO
12 PROVIDE SERVICES ON A REGULAR BASIS IN A HIGHER EDUCATIONAL SETTING, IS
13 EIGHTEEN YEARS OLD OR OLDER, AND, IS IN DIRECT CONTACT WITH CHILDREN.

14 5. "HIGHER EDUCATIONAL SETTING" SHALL MEAN THE FACILITIES, BUILDINGS
15 AND GROUNDS OF A COLLEGE OR LEGALLY AFFILIATED WITH A COLLEGE, THE VEHI-
16 CLES PROVIDED BY THE COLLEGE FOR THE TRANSPORTATION OF CHILDREN TO AND
17 FROM SPORTS CAMPS OR OTHER EDUCATIONAL PROGRAMS CONDUCTED BY A COLLEGE,
18 AND ALL CO-CURRICULAR AND EXTRA-CURRICULAR ACTIVITY SITES BOTH ON AND
19 OFF COLLEGE GROUNDS.

20 6. "LAW ENFORCEMENT AUTHORITIES" SHALL MEAN A MUNICIPAL POLICE DEPART-
21 MENT, SHERIFF'S DEPARTMENT, THE DIVISION OF STATE POLICE, OR ANY OFFICER
22 WITH JURISDICTION UNDER PROVISIONS OF THE CRIMINAL PROCEDURE LAW OVER
23 OFFENSES OCCURRING AT OR ON THE GROUNDS OF ANY INSTITUTION SUBJECT TO
24 THE PROVISIONS OF THIS SECTION. NOTWITHSTANDING ANY OTHER PROVISION OF
25 LAW, LAW ENFORCEMENT AUTHORITIES SHALL NOT INCLUDE ANY CHILD PROTECTIVE
26 SERVICE OR ANY SOCIETY FOR THE PREVENTION OF CRUELTY TO CHILDREN AS SUCH
27 TERMS ARE DEFINED IN SECTION FOUR HUNDRED TWENTY-THREE OF THE SOCIAL
28 SERVICES LAW.

29 7. "PARENT" SHALL MEAN EITHER OR BOTH OF THE PARENTS OR OTHER PERSONS
30 LEGALLY RESPONSIBLE FOR A CHILD INCLUDING BUT NOT LIMITED TO A CHILD
31 PARTICIPATING IN ANY SPORTS CAMP OR OTHER EDUCATIONAL PROGRAM CONDUCTED
32 IN SUCH EDUCATIONAL SETTING, BUT SHALL NOT INCLUDE ANY PARENT OR OTHER
33 PERSON LEGALLY RESPONSIBLE FOR A STUDENT ENROLLED IN SUCH COLLEGE.

34 8. "PRESIDENT" SHALL MEAN THE CHIEF EXECUTIVE OFFICER OF A COLLEGE OR
35 HIS OR HER DESIGNEE OR FOR THE STATE UNIVERSITY OF THE STATE OF NEW
36 YORK, THE CHIEF ADMINISTRATIVE OFFICER OF A COLLEGE OR HIS OR HER DESIG-
37 NEE.

38 9. "SPORTS COACH" SHALL MEAN AN EMPLOYEE OR VOLUNTEER SERVING AS A
39 COACH OF AN INTERSCHOOL, EXTRAMURAL, INTRAMURAL ATHLETIC TEAM OR SPORTS
40 CAMP.

41 10. "VOLUNTEER" SHALL MEAN ANY PERSON, OTHER THAN AN EMPLOYEE, WHO
42 PROVIDES SERVICES TO A COLLEGE OR SPORTS CAMP OR OTHER EDUCATIONAL
43 PROGRAM CONDUCTED IN A HIGHER EDUCATIONAL SETTING. PROVIDED THAT THE
44 DUTY TO TRANSMIT AN ORAL OR WRITTEN REPORT AS REQUIRED BY SECTION
45 FIFTY-THREE HUNDRED ONE OF THIS ARTICLE SHALL ONLY APPLY TO A VOLUNTEER
46 WHO IS EIGHTEEN YEARS OLD OR OLDER, WHO IS UNDER THE DIRECTION AND
47 SUPERVISION OF A COLLEGE, SPORTS CAMP OR EDUCATIONAL PROGRAM AND
48 PROVIDES SERVICES ON AN ARRANGED AND REGULAR BASIS DIRECTLY TO A SPORTS
49 CAMP OR OTHER EDUCATIONAL PROGRAM CONDUCTED FOR THE EXCLUSIVE BENEFIT
50 AND PARTICIPATION OF CHILDREN, AND WHO IS IN DIRECT CONTACT WITH SUCH
51 CHILDREN.

52 S 5301. DUTIES TO REPORT CHILD SEXUAL ABUSE IN A HIGHER EDUCATIONAL
53 SETTING. 1. (A) ANY EMPLOYEE OR VOLUNTEER, INCLUDING ADMINISTRATORS,
54 PROFESSORS, SPORTS COACHES, OR ATHLETIC DIRECTORS OF A COLLEGE, WHO
55 WITNESSES AN ACT OF CHILD SEXUAL ABUSE, AND KNOWS OR REASONABLY SHOULD
56 HAVE KNOWN THAT THE CHILD IS UNDER EIGHTEEN YEARS OLD, IN A HIGHER

1 EDUCATIONAL SETTING SHALL PROMPTLY, ORALLY OR IN WRITING, REPORT SUCH
2 ABUSE TO LAW ENFORCEMENT AUTHORITIES. SUCH EMPLOYEE OR VOLUNTEER SHALL
3 ALSO PROMPTLY REPORT SUCH ABUSE ORALLY OR IN WRITING TO THE PRESIDENT
4 WHO HAS OVERSIGHT OF THE HIGHER EDUCATIONAL SETTING IN WHICH THE ACT
5 ALLEGEDLY OCCURRED AND PROVIDE REASONABLY AVAILABLE INFORMATION NECES-
6 SARY FOR THE PRESIDENT TO COMPLETE A WRITTEN REPORT AS REQUIRED BY
7 SUBDIVISION TWO OF THIS SECTION.

8 (B) ANY EMPLOYEE OR VOLUNTEER, INCLUDING ADMINISTRATORS, PROFESSORS,
9 SPORTS COACHES OR ATHLETIC DIRECTORS OF A COLLEGE, WHO, IN OTHER THAN A
10 PRIVILEGED CAPACITY AS SET FORTH IN ARTICLE FORTY-FIVE OF THE CIVIL
11 PRACTICE LAW AND RULES, RECEIVES AN ALLEGATION OF CHILD SEXUAL ABUSE IN
12 A HIGHER EDUCATIONAL SETTING FROM A CHILD WHO HAS BEEN SUBJECTED TO SUCH
13 ALLEGED ABUSE SHALL PROMPTLY, ORALLY OR IN WRITING, REPORT SUCH ABUSE TO
14 LAW ENFORCEMENT AUTHORITIES UNLESS SUCH ALLEGATION IS RECEIVED BY A
15 PERSON OR OFFICIAL DELINEATED IN SECTION FOUR HUNDRED THIRTEEN OF THE
16 SOCIAL SERVICES LAW AND SUCH ALLEGATION WAS RECEIVED IN SUCH INDIVID-
17 UAL'S PROFESSIONAL OR OFFICIAL CAPACITY. EMPLOYEES OR VOLUNTEERS
18 REQUIRED TO REPORT TO LAW ENFORCEMENT AUTHORITIES SHALL ALSO PROMPTLY
19 REPORT SUCH ABUSE ORALLY OR IN WRITING TO THE PRESIDENT WHO HAS OVER-
20 SIGHT OF THE HIGHER EDUCATIONAL SETTING IN WHICH THE ACT ALLEGEDLY
21 OCCURRED AND PROVIDE THE INFORMATION NECESSARY, TO THE EXTENT REASONABLY
22 AVAILABLE, FOR THE PRESIDENT TO COMPLETE THE WRITTEN REPORT AS REQUIRED
23 BY SUBDIVISION TWO OF THIS SECTION.

24 2. UPON RECEIPT OF SUCH ALLEGATION A PRESIDENT SHALL (A) PROMPTLY
25 COMPLETE A WRITTEN REPORT OF SUCH ALLEGATION INCLUDING THE FULL NAME OF
26 THE CHILD ALLEGED TO BE ABUSED; THE NAME OF THE CHILD'S PARENT; THE
27 IDENTITY OF THE PERSON MAKING THE ALLEGATION AND HIS OR HER RELATIONSHIP
28 TO THE ALLEGED CHILD VICTIM; THE NAME OF THE PERSON AGAINST WHOM THE
29 ALLEGATION WAS MADE; AND A LISTING OF THE SPECIFIC ALLEGATIONS OF CHILD
30 SEXUAL ABUSE IN A HIGHER EDUCATIONAL SETTING; AND, (B) PROMPTLY REPORT
31 SUCH ALLEGED ABUSE TO LAW ENFORCEMENT AUTHORITIES.

32 3. IF THE LAW ENFORCEMENT AUTHORITY TO WHICH THE PRESIDENT, EMPLOYEE,
33 OR VOLUNTEER SUBMITS THEIR ORAL OR WRITTEN REPORT DOES NOT HAVE THE
34 AUTHORITY PURSUANT TO LAW TO UNDERTAKE AN INVESTIGATION OF THE ALLEGA-
35 TION OF CHILD SEXUAL ABUSE, THEN SUCH AUTHORITY SHALL ENSURE THAT SUCH
36 REPORT IS PROMPTLY TRANSMITTED TO A MUNICIPAL POLICE DEPARTMENT, SHER-
37 IFF'S DEPARTMENT, THE DIVISION OF STATE POLICE OR ANY OFFICER THEREOF.

38 4. ANY PERSON WHO REASONABLY AND IN GOOD FAITH MAKES A REPORT OF ALLE-
39 GATIONS OF CHILD SEXUAL ABUSE IN A HIGHER EDUCATIONAL SETTING AS
40 REQUIRED AND IN THE MANNER DESCRIBED IN THIS SECTION SHALL HAVE IMMUNITY
41 FROM CIVIL LIABILITY WHICH MIGHT OTHERWISE RESULT BY REASON OF SUCH
42 ACTIONS.

43 5. THE OBLIGATIONS CREATED BY THIS ARTICLE ARE IN ADDITION TO ANY
44 OTHER MANDATED REPORTING REQUIREMENTS IMPOSED BY LAW.

45 S 5302. CONFIDENTIALITY OF RECORDS. REPORTS AND OTHER WRITTEN MATERIAL
46 SUBMITTED PURSUANT TO THIS ARTICLE, AND PHOTOGRAPHS TAKEN CONCERNING
47 SUCH REPORTS IN THE POSSESSION OF ANY PERSON AUTHORIZED TO RECEIVE SUCH
48 INFORMATION, PURSUANT TO THIS ARTICLE, SHALL BE CONFIDENTIAL AND SHALL
49 NOT BE REDISCLOSED EXCEPT TO A DISTRICT ATTORNEY'S OFFICE, LAW ENFORCE-
50 MENT AUTHORITIES INVOLVED IN AN INVESTIGATION OF CHILD SEXUAL ABUSE IN A
51 HIGHER EDUCATIONAL SETTING OR AS EXPRESSLY AUTHORIZED OR REQUIRED BY
52 STATE OF FEDERAL LAW OR PURSUANT TO A COURT-ORDERED SUBPOENA. THE PRESI-
53 DENT SHALL EXERCISE REASONABLE CARE IN PREVENTING SUCH UNAUTHORIZED
54 DISCLOSURE. WILLFUL DISCLOSURE OF A WRITTEN RECORD REQUIRED TO BE KEPT
55 CONFIDENTIAL PURSUANT TO THIS SECTION TO A PERSON NOT AUTHORIZED TO
56 RECEIVE OR REVIEW SUCH RECORD IS A CLASS A MISDEMEANOR.

1 S 5303. PENALTIES FOR FAILURE TO COMPLY. WILLFUL FAILURE BY AN EMPLOY-
2 EE OR VOLUNTEER WHO HAS RECEIVED TRAINING AND NOTICE THAT HE OR SHE IS
3 REQUIRED TO PROVIDE OR TRANSMIT AN ORAL OR WRITTEN REPORT OF AN ALLEGA-
4 TION OF CHILD SEXUAL ABUSE AS REQUIRED BY THIS ARTICLE, TO PROVIDE OR
5 TRANSMIT SUCH REPORT, SHALL BE A CLASS A MISDEMEANOR.

6 S 5304. DUTIES OF THE COMMISSIONER; CHILD SEXUAL ABUSE IN A HIGHER
7 EDUCATIONAL SETTING. 1. THE COMMISSIONER SHALL PREPARE A FORM FOR THE
8 RECORDING AND TRANSMITTING OF ALLEGATIONS OF CHILD SEXUAL ABUSE IN A
9 HIGHER EDUCATIONAL SETTING. SUCH FORM SHALL INCLUDE: (I) ALL DEFINITIONS
10 SET OUT IN SECTION FIVE THOUSAND THREE HUNDRED OF THIS ARTICLE; AND (II)
11 ADEQUATE SPACE FOR THE INCLUSION OF ANY OTHER INFORMATION WHICH THE
12 PERSON MAKING OR FILING THE REPORT BELIEVES WOULD BE HELPFUL IN DESCRIB-
13 ING OR EXPLAINING THE CIRCUMSTANCES SURROUNDING AN ALLEGATION OF CHILD
14 SEXUAL ABUSE IN A HIGHER EDUCATIONAL SETTING IN ACCORDANCE WITH THE
15 PROVISIONS OF THIS ARTICLE.

16 2. THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS FOR TRAIN-
17 ING NECESSARY BY COLLEGES FOR THE IMPLEMENTATION OF THIS ARTICLE. SUCH
18 RULES AND REGULATIONS SHALL PROVIDE THAT: (A) NOTICE BE GIVEN TO EMPLOY-
19 EES AND VOLUNTEERS REQUIRED TO PROVIDE OR TRANSMIT A REPORT OF AN ALLE-
20 GATION OF CHILD SEXUAL ABUSE PURSUANT TO THIS ARTICLE OF THEIR OBLI-
21 GATION TO REPORT AND THE PENALTIES FOR FAILURE TO PROVIDE OR TRANSMIT
22 SUCH REPORT; (B) POLICIES AND PROCEDURES, WHICH SHALL BE AVAILABLE IN
23 WRITTEN OR ELECTRONIC FORM, BE PROVIDED TO EMPLOYEES AND VOLUNTEERS
24 REQUIRED TO PROVIDE OR TRANSMIT A REPORT OF AN ALLEGATION OF CHILD SEXU-
25 AL ABUSE PURSUANT TO THIS ARTICLE, REGARDING THE DUTY TO REPORT CHILD
26 SEXUAL ABUSE. SUCH POLICIES AND PROCEDURES SHALL INCLUDE THE PROCEDURE
27 BY WHICH SUCH REPORTS ARE MADE; AND (C) TRAINING PROVIDED BE AT NOMINAL
28 OR NO COST TO A COLLEGE, BUT IN NO EVENT SHALL FEES OR COSTS BE CHARGED
29 TO EMPLOYEES OR VOLUNTEERS.

30 S 5305. UNREPORTED RESIGNATION AGAINST PUBLIC POLICY. 1. A PRESIDENT
31 SHALL NOT MAKE ANY AGREEMENT TO WITHHOLD FROM LAW ENFORCEMENT AUTHORI-
32 TIES THE FACT THAT AN ALLEGATION OF CHILD SEXUAL ABUSE IN A HIGHER
33 EDUCATIONAL SETTING WAS MADE AGAINST AN EMPLOYEE OR VOLUNTEER IN RETURN
34 FOR THE RESIGNATION OR VOLUNTARY SUSPENSION OF SUCH INDIVIDUAL FROM HIS
35 OR HER POSITION.

36 2. EACH VIOLATION OF SUBDIVISION ONE OF THIS SECTION SHALL CONSTITUTE
37 A CLASS E FELONY, AND MAY ALSO BE PUNISHABLE BY A CIVIL PENALTY NOT TO
38 EXCEED TWENTY THOUSAND DOLLARS.

39 S 2. This act shall take effect immediately, provided that the duty to
40 submit or transmit a report as required by article 107 of the education
41 law as added by this act shall take effect on the one hundred eightieth
42 day after this act shall have become a law and shall only apply to those
43 reportable incidents which occur on or after the effective date of this
44 act.