

24.01.06.K1 Programs for Minors

Approved November 1, 2013
Revised July 2, 2015
Next Scheduled Review: July 2, 2020



Rule Statement

Programs for minors sponsored and operated by Texas A&M University-Kingsville **and** third-party programs using TAMUK facilities shall follow this rule.

Reason for Rule

This rule requires child abuse training for employees/volunteers of programs for minors and complies with system-wide standards for such programs.

Procedures and Responsibilities

1. GENERAL

- 1.1 All campus programs for minors (CPM) and outreach programs held on Texas A&M University-Kingsville property or utilizing the University's name or resources in any way must operate under the administrative purview of a University administrative unit, college or recognized University organization.
- 1.2 For the purpose of this rule "university sponsored" shall be understood to mean the operation of a CPM using the name, staff, affiliation, facilities, or other resources of Texas A&M University-Kingsville.
- 1.3 All CPMs must be reviewed annually for compliance with the current laws and regulations. The following designees are authorized to review and approve CPM on behalf of Texas A&M University-Kingsville:
 - 1.3.1 CPM sponsored through a University academic college/department shall be approved by the college Dean.
 - 1.3.2 CPM sponsored through the University Intercollegiate Athletics and Campus Recreation Division shall be approved by the Vice President for Intercollegiate Athletics and Campus Recreation.

- 1.3.3 CPM sponsored through a unit under the division of Academic Affairs which does not report through a college Dean shall be approved by the Associate Vice President for Academic Affairs.
- 1.3.4 CPM sponsored through a unit under the division of Fiscal and Student Affairs shall be approved by the Dean of Students Office.
- 1.3.5 CPM sponsored for the purpose of recruitment and/or admission shall be approved by the Director of Admission.

Information about the application process may be obtained from the Enterprise Risk Management Office, College Hall; Room 210. Applications for new unauthorized CPM should be submitted at least two weeks prior to the start date of the program. Applications shall be submitted electronically to the [Enterprise Risk Management](#) Office for processing.

- 1.4 Approval of a CPM does not guarantee facility availability or usage. It is the responsibility of the program sponsor to arrange for the booking of meeting rooms, housing accommodations, food service, etc. for desired dates.

2. DEFINITION OF A CAMPUS PROGRAM FOR MINORS AND OUTREACH PROGRAMS

Activities described in Sections 2.1 through 2.4 are governed by this rule regardless of whether or not the program is a day camp/outreach program, one that includes an overnight stay, or whether the overnight stay is on or off campus.

2.1 Camps:

- (a) A university sponsored activity that has a participant group made up in whole or part, of individuals under the age of eighteen (**K through 12th grade groups visiting campus for the purpose of conducting tours or solely as patrons of educational or entertainment events are generally not considered to be camps or youth outreach programs.**):
- (b) Collects fees from participants: and
- (c) Serves some aspect of the University's educational mission.

2.2 Academic Youth Outreach Programs:

A university sponsored activity that has a participant group made up in whole or part, of individuals under the age of eighteen and is operated by a department or college for the primary purpose of academic enhancement or recruitment. (**K through 12th grade groups visiting campus for the purpose of conducting tours or solely as patrons of educational or entertainment events are generally not considered to be camps or enrichment programs.**)

- 2.2.1 Youth outreach programs should charge only a nominal fee or no fee to participants.

2.3 Student Affairs Youth Outreach Programs

In addition to the criteria established in section 2.1(a) of this rule, programs operated through the Division of Student Affairs shall be sponsored by a department within Student Affairs or by a recognized student organization.

2.4 Third Party Camps

Third Party Camps are covered under this rule if they meet the provisions stated in 2.1.(a). Except for the use of the University's facilities, a Third Party Camp is not otherwise affiliated with TAMUK. They must operate under the administrative purview of a University department and are subject to the same approval and insurance coverage and training criteria as University camps.

2.4.1 The University department may receive a portion of the net proceeds generated from the operation of the Third Party Camp.

2.4.2 For purposes of this rule, subsequent references to "camp(s)" shall be construed to include Third Party Camps.

2.5 Satellite Camps/Clinics

Satellite camps/clinics, generally defined, are camps/clinics that utilize the University's name or resources in any way and thereby must operate under the administrative purview of a University department, college or recognized University organization.

3. STAFFING

3.1 Each CPM shall have at least one adult supervisor who is responsible for the supervision of no more than ten children in the program. For any hazardous activity the supervisor(s) shall be in the immediate vicinity (within sight and/or hearing) of the minors. An "all program" sedentary activity, not requiring physical activity, may require less supervision, and each program shall establish its own guidelines, but not less than one adult supervisor to every 25 minors. The program director shall not be included in the supervisor to minor ratio in programs serving over 50 minors at one time.

3.2 A job duty description for each role (e.g. Program Director, Counselor) involved in the operation of a CPM shall be developed and approved by Enterprise Risk Management no later than 30 days prior to the start of program.

3.3 Each CPM must appoint a dedicated director, whether the program is sponsored by a TAMUK or a third party using university facilities.

3.4 All communication, including social media, between minors and counselors outside of official communications of the CPM is **strictly prohibited**.

3.5 CPM sponsors shall conduct background checks on all staff or volunteers if any program participants are under the age of eighteen. Background checks will include criminal history checks and sex offender data base checks. The University Police

Department (“UPD”) will conduct background checks upon request for a nominal fee of \$5.00 per person. The CPM shall bear this expense.

- 3.6 The program sponsors will be responsible for obtaining an executed authorization from all staff or volunteers to conduct a criminal background check. Individuals with program approval authority identified in Section 1.3 above, in consultation with TAMUK Human Resources and Enterprise Risk Management, are responsible for determining if any criminal history will disqualify the staff or volunteer following System Regulation 24.01.06, Sections 5.3, 5.4 and 5.5.
- 3.7 CPM sponsors are responsible for ensuring that **both** background screenings are conducted prior to the start of employment or volunteer service and that appropriate documentation is maintained.
- 3.8 Contracts with Third Party Programs shall comply with all identified stipulations contained within the Texas A&M University-Kingsville Third Party Camp agreement, CAF 8, addressing staffing, insurance requirements, background checks, and training requirements.

4. OTHER APPROVAL PROVISIONS

- 4.1 The sponsor of the CPM must have established a process for the proper receipting, depositing and handling of special activity fees and other funds collected pursuant to System Regulation 21.01.02 and University procedures. This must be done in consultation with the University Business Office.
- 4.2 The sponsoring department, college, or other unit of the University must have in place, or must establish, an account (accounts), in accordance with System Regulation 21.01.02 and University procedures, with the Business Office for the deposit of special activity fees or other funds collected. All invoices associated with the CPM, such as food services, transportation, insurance, housing, etc., will be paid from this account.
- 4.3 Copies of invoices generated by the CPM to collect funds must also be provided to the Business Office for close coordination of receivables which are outstanding or due.
- 4.4 Insurance Requirements
 - 4.4.1 As a condition of approval, each CPM is required to show evidence of general liability and accident medical insurance coverage, or purchase coverage through the System Risk Management insurance program. The cost of the required insurance coverage will be the responsibility of the sponsor.
 - 4.4.2 Third Party Camps must procure their own insurance coverage and coverage must be validated by the university. They are subject to the same approval and insurance coverage criteria as other University CPMs. Third Party Camps must provide evidence of a general liability insurance policy under which Texas A&M University-Kingsville is listed as “additional insured”.

- 4.4.3 All insurance coverage shall be approved by System Risk Management in accordance with System Regulation 24.01.06. System Risk Management will grant approval after a risk assessment has been completed to determine the necessity and type of coverage best suited to mitigate target risk.
- 4.5 Safety and Medical Care Provisions
- 4.5.1 Training and Examination Program on warning signs of sexual abuse and child molestation must be completed by all employees' and volunteers, interacting with minors to comply with TAMUS policy 24.01.06. The training must be completed within the employees'/volunteers' first five days of employment, prior to interaction with minors and is valid for two years. Additional safety awareness information, specific to CPM activities, shall be provided to all staff or volunteers where appropriate and may include training on First Aid and CPR.
- 4.5.2 Each CPM participant (or a parent/guardian if underage) shall complete a liability waiver, indemnification and medical treatment authorization form. The completed forms are to be retained by the sponsoring department as required by the TAMUS Records Retention Schedule.
- 4.5.3 Except for orientation programs where participants are also enrolled at the University, healthcare services from Student Health and Wellness are not available to participants covered under this procedure. CPM sponsors should formally arrange for referral for emergency medical services prior to the start of the program. Documentation to confirm this arrangement must be provided as part of the application process.
- 4.5.4 All CPM must obtain authorization to administer any medication to a child from the child's parent or guardian in a written, signed and dated format using a completed Authorization for Dispensing Medical Information Form. All medications must be maintained in a secure manner by the program director unless the participants are authorize to maintain the medications such as an inhaler or an auto-injector i.e., EpiPen.
- 4.5.5 When notified that a minor with special needs will attend a CPM, the special needs will be accommodated whenever possible and in accordance with applicable federal and state laws, system regulations and university rules and procedures.
- 4.6 University Branding
- 4.6.1 The university's licensing program sets standards for the commercial use of its logos, names, trademarks, slogans and symbols. These are registered with the Secretary of State, and unauthorized use is prohibited. For more information on the registration and/or trademarking of the logo and other university icons, please contact the Office of Strategic Sourcing and General Services at (361) 593-3814 as well as reference <http://www.tamuk.edu/marcomm/gs/index.html> for additional information.

5. REPORTING OF INCIDENTS OR ACCIDENTS

- 5.1 CPM sponsors are responsible for submitting an incident report in any case where a participant is involved in a physical altercation, when a minor is injured (whether taken for medical care or not), or where it is necessary to summon police officials because of health and safety concerns. Incident Reports shall be submitted to Enterprise Risk Management within 12-hours following the incident. A copy of the incident report shall also be sent to the University Administrator who approved the program application and the Environmental Health and Safety Office. To report an incident or accident, the Campus Program for Minors Incident Report Form shall be used.
- 5.2 Anyone suspecting or having a cause to believe that a minor has been subjected to abuse, molestation, or neglect will immediately make a report to the University Police. The Dean of Students and the Executive Director, Enterprise Risk Management will also be notified. All participating employees, volunteers, and third-party personnel will be informed of this requirement prior to the start of the CPM.

6. MONITORING OF CAMPUS PROGRAMS FOR MINORS

Enterprise Risk Management shall monitor that the administration of these CPMs are in compliance with System Policy and Regulations and University rules and procedures.

- 6.1 Program sponsors will be expected to make available documentation required to support the application process.
- 6.2 Program registration, promotional materials and web site information will be reviewed for compliance with System Policy and Regulations and University rules and procedures.
- 6.3 Staff training and orientation materials will be available for review.
- 6.4 A program risk assessment report will be prepared annually by Enterprise Risk Management and the results reported to upper management.

Related Statutes, Policies, or Requirements

[Texas Education Code § 51.976](#)

[Texas Family Code Chapter 261, Subchapters. A and B](#)

Texas Department of State Health Services Approved Training Programs

Definitions

1. Abuse – includes the following acts or omissions by a person:

- (a) mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development or psychological functioning;
- (b) causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development or psychological functioning;
- (c) physical injury that results in substantial harm to the child or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian or managing or possessory conservator that does not expose the child to a substantial risk of harm;
- (d) failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;
- (e) sexual conduct harmful to a child's mental, emotional or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of a young child or children under Section 21.02, Penal Code, indecency with a child under Section 21.11, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;
- (f) failure to make a reasonable effort to prevent sexual conduct harmful to a child;
- (g) compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code, including conduct that constitutes an offense of trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code, prostitution under Section 43.02(a)(2), Penal Code, or compelling prostitution under Section 43.05(a)(2), Penal Code;
- (h) causing, permitting, encouraging, engaging in or allowing the photographing, filming or depicting of the child if the person knew or should have known that the resulting photograph, film or depiction of the child is obscene as defined by Section 43.21, Penal Code, or pornographic;
- (i) the current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical, mental or emotional injury to a child;
- (j) causing, expressly permitting or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code;
- (k) causing, permitting, encouraging, engaging in or allowing a sexual performance by a child as defined by Section 43.25, Penal Code; or
- (l) knowingly causing, permitting, encouraging, engaging in or allowing a child to be trafficked in a manner punishable as an offense under Section 20A.02(a)(5), (6), (7) or (8), Penal Code, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections.

2. Programs for Minors – programs for minors that are sponsored and operated by members or third parties using member property/facilities where full supervisory duties of the minor(s) is the member or third party’s responsibility and that are held for more than one two consecutive days without an overnight stay or that involve overnight stays where full supervisory duties of the minor(s) is the member or third party’s responsibility. Programs for minors in which a member or third party group is using a member facility and the member or third party does not provide chaperones and/or counselors in the supervision of minors are excluded. This responsibility includes providing supervision, instruction and/or recreation where the children are apart from their parent(s)/legal guardian(s).
3. Contact With Minor(s) – in the context of an employment or volunteer position described in this regulation, interaction with minors that is direct and reasonably anticipated. The term does not include interaction that is merely incidental.
4. Counselor – an employee or volunteer of a CPM who is 18 years of age or older and is responsible for the immediate supervision of minors.
5. Dedicated CPM Director – a person who is responsible for the development and management of a CPM to include human resource, financial, marketing and strategic operations.
6. Full Supervisory Duties – when counselors of a system-sponsored program or third party camp using member facilities are given direct and full care, custody and control of a minor for the purposes of attending and participating in a program for minors.
7. Minor – a child, under 18, who is attending a CPM on a day-care or boarding basis.
8. Neglect includes: (a) the leaving of a child in a situation where the child would be exposed to a substantial risk of physical or mental harm, without arranging for necessary care for the child and the demonstration of an intent not to return by a parent, guardian or managing or possessory conservator of the child;

(b) the following acts or omissions by a person:
 1. placing a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or actions beyond the child’s level of maturity, physical condition or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child;
 2. failing to seek, obtain or follow through with medical care for a child, with the failure resulting in or presenting a substantial risk of death, disfigurement or bodily injury or with the failure resulting in an observable and material impairment to the growth, development or functioning of the child;
 3. the failure to provide a child with food, clothing or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused;
 4. placing a child in or failing to remove the child from a situation in which the child would be exposed to a substantial risk of sexual conduct harmful to the child; or

5. placing a child in or failing to remove the child from a situation in which the child would be exposed to acts or omissions that constitute abuse under “Abuse” definitions (e), (f), (g), (h) or (k) committed against another child; or

(c) the failure by the person responsible for a child's care, custody or welfare to permit the child to return to the child's home without arranging for the necessary care for the child after the child has been absent from the home for any reason, including having been in residential placement or having run away.

Contact Office

Enterprise Risk Management
(361) 593-2237