

## Rule 24.01.06.T1 Programs for Minors



Approved: January 22, 2016  
Revision: March 30, 2016  
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### Procedure Statement

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This rule establishes guidelines and standards for programs for minors sponsored and operated by Tarleton State University and third-party programs using Tarleton facilities.

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### Reason for Procedure

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Child abuse training is required for employees and volunteers of programs for minors. This rule complies with requirements of System Policy 24.01.06, *Programs for Minors*.

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### Procedures and Responsibilities

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#### 1. GENERAL

Requests for programs for minors and enrichment programs should be submitted at least 45 days prior to the start date of the event or program. Applications for events or programs approval shall be submitted first through the sponsoring department and then to the Office of Risk Management and Compliance (RMC) for processing. ([Click here to obtain application form.](#)) For the purpose of this procedure “university sponsored” shall be understood to mean the operation of a program using the name, staff, affiliation, facilities, or other resources of Tarleton.

- 1.1 The following documentation shall be submitted with the application for new program (or when it is believed that various aspects with an existing program have changed):
  - (a) Application for Program or Special Events Insurance (See Appendix [\(Insurance Request Form\)](#)). An evaluation by RMC will be performed to determine if the purchase of general liability and accident medical coverage is required or to validate insurance provided by third-party programs for minors to meet the standards as established by The Texas A&M University System (system) Office of Risk Management.
  - (b) [Risk Assessment Form](#)

## 2. PROGRAMS for MINORS:

### 2.1 Programs:

2.1.1 A program for minors is a university sponsored activity that has a participant group made up, in whole or part, of individuals under the age of eighteen. Note: K through 12<sup>th</sup> grade groups visiting campus for the purpose of conducting campus tours or solely as patrons of educational or entertainment events are generally not considered to be a program for minors or enrichment programs; and

2.1.2 The programs serve some aspect of the university's educational mission.

### 2.2 Academic Enrichment Programs:

2.2.1 In addition to the criteria established in section 2.1.1 of this procedure, an academic enrichment program is operated by a department or college for the primary purpose of academic enhancement or recruitment. Enrichment programs may charge only nominal or no fees to participants.

### 2.3 Student Life Programs

2.3.1 In addition to the criteria established in Section 2.1.1 of this procedure, programs operated through the Division of Student Life shall be sponsored by a department within Student Life or by a student organization that has applied for and received university recognition through the Division of Student Life. Student Life Enrichment Programs should charge only nominal or no fees to participants.

2.3.2 For purposes of this procedure, university orientation activities are considered to be enrichment programs regardless of the age of the program participants. These programs are not generally considered to be "programs for minors" but still shall be reviewed by RMC.

2.3.3 The Office of Student Activities requires that a Risk Assessment be performed in accordance with the [Risk Management for Student Organizations Program](#).

### 2.4 Third Party Programs

2.4.1 Third Party programs are covered under this rule if they meet the provisions stated in Section 2.1.1. Except for the use of the Tarleton's facilities, a Third Party Program is not otherwise affiliated with the university. Third Party programs must operate under the administrative purview of a university department and are subject to the same approval and insurance coverage criteria as university programs. Third Party programs must provide evidence of a general liability insurance policy under which the university is listed as "additional insured." The university department must receive a portion of the net proceeds generated from the operation of a

Third Party Program. For purposes of this procedure, subsequent references to “program(s)” shall be construed to include Third Party Programs.

2.4.2 Activities described in Sections 2.1 through 2.4 are governed by this procedure regardless of whether or not the program is a day program, one with overnight stay, or whether overnight stay is on or off campus.

### 3. BACKGROUND SCREENING

3.1 Annually, both a criminal conviction **and** sex offender background check will be conducted on all individuals hired or assigned to employee or volunteer positions involving contact with minors at a program for minors. [Background screening forms](#) (See Appendix) shall be submitted with the programs for minors’ application. The check must utilize a criminal history database and sex offender registration database (such as the TXDPS-Sex Offender Registry) for each adult and volunteer’s permanent address. Documentation that a search was conducted shall be maintained for a period of two years.

3.2 The Department of Employee Services has been designated and given authority to review and approve/disapprove the employment or assignment of an employee or volunteer to a program for minors based on the results of the required criminal conviction and sex offender background check for the potential employee or volunteer. Decisions regarding employee assignments will be in accordance with System Regulation *24.01.06, Programs for Minors*.

3.3 If a criminal conviction and/or sex offender background check returns an offense potentially disqualifying a person from being employed or assigned as a program employee or volunteer under this section, Employee Services will refer the matter, along with the request, to the system Office of General Counsel (OGC) for legal review.

OGC shall provide a written legal sufficiency review of the member’s recommended approval or rejection of the employment or assignment of the person as a program for minor’s employee or volunteer.

3.4 Program directors are responsible for ensuring that background screening is done on each program or enrichment program employee or volunteer prior to the start of employment or volunteer service.

3.5 Contracts with Third Party Programs for minors shall include, as a provision of the contract, the requirement that individuals affiliated with the program (as staff or volunteers) will have completed background screening. The Third Party Program Director is responsible for the completion and review of the background screening prior to the start of the program.

#### 4. Child Protection Training

4.1 The program for minors' director shall ensure that all staff, counselors, volunteers, and other adults who work with programs where supervision is provided to minors receive System Child Protection Training. Specifically, programs for minors are those programs for minors that are sponsored and operated by Tarleton or third parties using Tarleton property/facilities and that are held for more than one consecutive day without an overnight stay or that involve overnight stays where **full supervisory** duties of the minor(s) is Tarleton's or the third party's responsibility. The responsibility includes providing supervision, instruction, and/or recreation where the children are apart from their parent(s)/legal guardian(s).

The following criteria shall be met:

4.1.1 Successful completion of the system-approved Child Protection course every two years with a passing score of 100%.

4.1.2 Training must be completed prior to the employees' or volunteers' interacting with minors; new employees hired specifically for a position involving minors at programs must complete the training within the employees first five days of employment.

4.1.3 A certificate of completion shall be kept on file for two years.

4.2 Employees or volunteers of third-party programs using member facilities may substitute the system-approved training course with an approved course as listed with the Texas Department of State Health Services (DSHS).

4.3 Training will **not** be required for system employees or third-party personnel whose positions of employment do not involve contact with minors at program for minors.

4.4 DSHS Child Protection Form

4.4.1 If the program for minors is operated by or on the campus of an institution of higher education or private or independent institution of higher education which offers recreational, athletic, religious or educational activities for at least 20 or more participants who are not enrolled at the institution and attend or temporarily reside at the program for all or part of at least four days the Program Director must submit the training roster (See Appendix) to DSHS within 5 days after the start of the applicable program. A copy of the submitted training roster must be submitted to the Office of Risk Management and Compliance for retention.

#### 5. OTHER PROGRAM REQUIREMENTS

5.1 Safety and Medical Care Provisions

- 5.1.1 Safety awareness information, specific to program activities, shall be provided to all program staff or volunteers. Where appropriate, safety awareness information may include training on First Aid and CPR.
  - 5.1.2 Each program participant must complete a medical treatment authorization form and a liability waiver (See Appendix)
  - 5.1.3 Except for programs where participants are also enrolled in the university, the Student Health Center and Counseling Services are not available to participants covered under this procedure.
  - 5.1.4 All participant(s) prescription medications and any over-the-counter medications must be maintained and distributed by the program medical staff. If a participant requires prescribed medication and/or over-the-counter medication, a completed Authorization for Dispensing Medication Form will be required for the participant.
- 5.2 A copy of the budget for the program and a complete description of the activities must accompany the application form. The cost of the required insurance coverage will be the responsibility of the sponsor. Third Party Programs must secure their own insurance coverage. The sponsoring office, department, college division, or recognized organization will assume responsibility for all resulting expenses and liability for any program that fails to obtain adequate insurance coverage.

It will be the responsibility of the program coordinator to obtain the necessary certificate verifying that each employee completed Child Protection Training (prior to working the program), and attach it to either the Personnel Budget Action (PBA) form, Personnel Action Form (PAF), or Request for Compensation form before submitting it for payment processing.

- 5.3 The sponsoring department, college, or other unit of the university must have in place, or must establish, an account (accounts) with Business Services for the deposit of special activity fees and other funds collected (see Appendix). [System Regulation 21.01.02 Receipt, Custody and Deposit of Revenues](#) must be followed when collecting these program fees. All invoices associated with the program, such as food services, transportation, insurance, housing, etc., will be paid from this account.
- 5.4 The university prohibits communication, including by social media, between minors and counselors outside of official communications of the program for minors.
- 5.5 State law requires “any person having cause to believe that a child’s physical or mental health or welfare has been adversely effected by abuse or neglect to immediately make a report” to the university Police Department or other local law enforcement agency. The law also provides immunity for those who make a “good faith” report since the reporting individual is not responsible for verifying whether suspected or alleged abuse has actually occurred. This means that all individuals

have a legal responsibility to report abuse – whether it is witnessed, known, reported, alleged, suspected, etc.

5.5.1 If an individual witnesses, suspects, or receives a report of child abuse regardless of when the abuse occurred:

(a) Remove the child from immediate harm (if the abuse is presently occurring) Call 9-1-1 to report the abuse to local law enforcement.

(b) Report the situation to immediate supervisor (unless such supervisor is the source of the abuse or neglect).

(c) Supervisors are then to file an online report with the Texas Department of Family Protective Services at <http://www.txabusehotline.org>.

5.6 Staffing levels should be considered for each program but preferably not less than one staff /counselor for each 12 participants. A ratio that exceeds 1:12, will be reviewed on a case-by-case basis by the RMC. The ratio may depend on the activity, i.e. a very physical/potentially hazardous activity would have a higher ratio of staff to students than a sedentary activity.

5.7 The university will make a reasonable attempt to serve participants who require special attention or consideration. Each program director will evaluate program suitability for any requests to enroll a program with special needs.

5.8 Assignment of Program Director

A program director must be appointed for each program for minors, whether the program is sponsored by the university or a third-party using Tarleton facilities.

5.8.1 Program director responsibilities include the following:

(a) Approve staff and counselors for the program;

(b) Inspect the facilities immediately prior to and after the program session;

(c) Advise participants of appropriate check-in and check-out procedures including charges for damages, lost keys, etc.;

(d) Familiarize participants with university rules, especially those pertaining to fire and emergency evacuation procedures, appropriate conduct, possession of controlled substances and fire arms, and residential living rules;

(e) Maintain discipline of participants;

- (f) Coordinate support services with other university constituents such as Residential, Living and Learning, Dining Services, Facilities Maintenance and others;
- (g) Collect and have readily available Medical Release and Consent forms, waivers, emergency contact information, and other pertinent information of each participant;
- (h) Provide notification to the Texas Department of State Health Services for applicable programs verifying all adult employees/volunteers have received the required Child Protection Training.

## 6. REPORTING OF INCIDENTS OR ACCIDENTS

Program sponsors are responsible for submitting an incident report in any case where a participant is involved in a physical altercation, when a participant is injured (whether taken for medical care or not), or where it is necessary to summon police officials. Incident Reports (See Appendix) shall be submitted to RMC within 24 hours following the incident. To report an incident or accident which occurs in relation to programs the online Program Incident Report Form should be used.

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## Related Statutes, Policies, or Requirements

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[System Regulation 24.01.06 Programs for Minors](#)  
[System Regulation 21.01.02 Receipt, Custody and Deposit of Revenues](#)  
[Texas Penal Code, Section 21.02](#)  
[Chapter 481, Health and Safety Code](#)

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## Definitions

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(As defined in System Regulation 24.01.06):

**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, developmental 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 of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the 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.

**Programs for Minors** – programs for minors that are sponsored and operated by Tarleton or third parties using Tarleton property/facilities and that are held for more than one consecutive day without an overnight stay or that involve overnight stays where **full supervisory** duties of the minor(s) is Tarleton's or the third party's responsibility. The responsibility includes providing supervision, instruction, and/or recreation where the children are apart from their parent(s)/legal guardian(s).

**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.



**Counselor** – an employee or volunteer of a program for minors who is 18 years of age or older and is responsible for the immediate supervision of minors.

**Dedicated Program Director** – a person who is responsible for the development and management of a program for minors to include human resource, financial, marketing and strategic operations.

**Minor** – a child, under 18, who is attending a program for minors on a day-care or boarding basis.

**Neglect includes -**

- (a) the leaving of a child in a situation where the child would be exposed to a substantial risk of physical 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.

Texas Department of State Health Services (DSHS) Definitions:

**Participant** – A minor, under the age of 18 years, who is attending a campus program for minors.

**Campus program for minors** – A program that:

- (a) is operated by or on the campus of an institution of higher education or private or independent institution of higher education;
- (b) offers recreational, athletic, religious or educational activities for at least 20 campers who:
  - 1. are not enrolled at the institution;
  - 2. attend or temporarily reside at the camp for all or part of at least four days; and
- (c) is not a day camp or youth camp as defined by the Texas Health and Safety Code 141.002, or a facility or program required to be licensed by the Department of Family and Protective Services.

**Employee** – A person of any age who received pay, a stipend, reimbursement of tuition, services, credit including credit for books or tuition, course credit, or any other thing of value in exchange for work or service at a campus program for minors.

**Program Operator** – A person who owns, operates, or supervises a campus program for minors, regardless of whether it is operated on a for-profit or non-profit basis.

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## **Appendix**

### [Accident/Incident Form](#)

Authorization for Dispensing Medication (DFHS 7238 form)

### [DSHS Training Roster Form](#)

### [New Account Request Form](#)

### [Tarleton Background Screening Form](#)

### [Waiver, Indemnification and Medical Treatment Authorization Form](#)

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## **Contact Office**

Office of Risk Management and Compliance  
254.968.9237