

24.01.06.H1

Programs for Minors

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Rule Summary

Programs for minors sponsored and operated by Texas A&M University-Texarkana (A&M-Texarkana) including third-party programs for minors using A&M-Texarkana facilities must follow this rule.

This rule establishes guidelines and requirements for conducting programs for minors sponsored and operated by A&M-Texarkana and third-party programs for minors using A&M -Texarkana facilities.

This rule complies with the requirements of and must be reviewed in conjunction with The Texas A&M University System (System) Regulation [24.01.06, Programs for Minors](#) as well as [University Procedure 24.01.06.H1.01, University Sponsored Programs for Minors](#) and [University Procedure 24.01.06.H1.02, Third Party Programs for Minors](#).

Definitions

All terms in this rule have the meaning assigned in System Regulation [24.01.06, Programs for Minors](#), [Definitions](#). The following are specific to this rule:

Programs for minors director: A dedicated program director must be appointed for each program for minors, whether the program for minors is sponsored by A&M-Texarkana or third-party program for minors using member facilities. The programs for minors director must be an A&M-Texarkana full-time employee and is responsible for completing the programs for minors' application. The programs for minors director, is the individual on-site in charge of the program operations, staff and/or volunteers. This individual represents the sponsoring department, college, student organization, or third-party charged with the direction or operation of the program for minors.

Programs for minors administrator: The programs for minors administrator is the director of Compliance and Risk Management, or their designee.

University Sponsored: The operation of a program for minors where the full supervisory duties of the minor(s) is the university's responsibility. This is regardless of the location of the activity.

Procedures and Responsibilities

1. GENERAL

- 1.1 All programs for minors held on A&M-Texarkana property or utilizing the university's name or resources in any way must operate under the administrative authority of a university department, college or recognized university organization.
- 1.2 All programs for minors must appoint a program for minors director.
- 1.3 All programs for minors must be approved annually by the programs for minors administrator. Information about the application process and the necessary forms may be obtained from the Office of Compliance and Risk Management.

The programs for minors administrator ensures programs for minors compliance with [System Regulation 24.01.06, Programs for Minors](#) and this rule.

- 1.4 Applications for programs for minors should be submitted at least eight weeks prior to the start date of the program for minors. Applications must be submitted to the Office of Compliance and Risk Management for processing.

University sponsored programs for minors may be required to use System approved compliance software in the administration of their camps. The programs for minors administrator can provide instruction.

- 1.5 A risk assessment must be performed by the programs for minors director to review and mitigate risks associated with the operation of programs for minors. A&M-Texarkana will use the [Risk Assessment Matrix](#) provided by System Risk Management to identify, rate and mitigate risks involved with programs for minors. The risk assessment must be reviewed by the programs for minors administrator, director of Risk Management, Environmental Health & Safety and the University Police Department (UPD).
- 1.6 All premises where programs for minors are held will be designated as areas prohibited from carrying concealed handguns. The programs for minors director is responsible for coordinating with the UPD. UPD will be responsible for posting required notice pursuant to Section 30.06, Penal Code as detailed in University Rule *34.06.02.H1, Carrying Concealed Handguns on Campus*.

2. REPORTING NEGLECT OR ABUSE

A person having cause to believe that a minor's physical or mental health or welfare has been adversely affected by abuse, neglect, or molestation by any person must immediately make a report to the UPD which will in turn notify child protection services and other law enforcement agencies as appropriate.

3. OTHER REQUIREMENTS

- 3.1 Communication, including by social media, between minors and counselors outside of official communications of the program for minors is prohibited. Communications between program for minors participants and athletics department representatives functioning as program for minors directors for the purpose of recruiting is excluded from this prohibition in as much as the contact is within the guidelines of NAIA and NCAA restrictions.
- 3.2 Each program participant (or parent/guardian if underage) must complete a Waiver, Indemnification and Medical Treatment Authorization Form.
- 3.3 As part of the program registration process, the parents or guardians of the participants will be required to complete a Minors Medical Information & Release Form. A&M-Texarkana programs for minors will not receive, store, manage, or administer medication.
- 3.4 As part of the program file, medical information of the participant will be kept in a secure location, which may or may not be electronic, to be accessed only by the programs for minors administrator and programs for minors director. A confidentiality agreement, to protect the medical, health and welfare information of a participant, must be signed by all programs for minors directors, supervisors and counselors. This agreement will be retained in the program file according to the records retention schedule.
- 3.5 The university will make a reasonable attempt to serve participants who require special attention or consideration. The programs for minors director will evaluate program suitability, in consultation with the vice president of Student Life and director of Compliance and Risk Management, for any requests to enroll a participant with special needs in accordance with the Americans with Disabilities Act.
- 3.6 For university sponsored programs, the parents or guardians of the participant will be asked to complete a TAMUT Image Release Form. Refusal to do so will not prevent the participant from attending the program.

4. STAFFING

- 4.1 Job duties and descriptions will be required for each intended position assisting with the program for minors. Duties, education requirements, responsibilities, and a summary of the program for minors' activities need to be included in the job description.
- 4.2 Programs for minors directors must plan for and provide adequate staffing in accordance with the number of anticipated participants, age group, duration, and types of activities.
- 4.3 Participant to counselor ratios: Each program for minors must have a participant to program staff ratio that meets or exceeds the minimum ratios established by the American Camps Association, and at least one adult supervisor who is responsible

for supervision of no more than 10 minor participants in the program for minors for both day and overnight programs. The programs for minors director will not be included in the supervisor to participant ratio in programs serving over 50 participants at one time.

- 4.4 All program staff are to be 18 years of age or older.

5. CRIMINAL CONVICTION & SEX OFFENDER BACKGROUND CHECKS

- 5.1 Programs for minors directors must conduct both national criminal conviction and national sex offender background checks annually on all individuals involved a program for minors. The check must be performed utilizing a national criminal history database and national sex offender registration database for each adult employee and volunteer's permanent address. Original hire background checks for current university employees do **not** meet this requirement.
- 5.2 Documentation that a criminal conviction and sex offender background check was conducted must be maintained for a period of two years.
- 5.3 A copy of the participant roster and employee/volunteer roster, including name and contact information, must be maintained for two years.
- 5.4 Programs for minors directors are responsible for ensuring that background screening is conducted prior to the start of employee or volunteer service and that appropriate documentation is maintained. Documentation of background screening must be forwarded to the programs for minors administration at least three business days prior to the beginning of the program for confirmation. The program for minors administrator has the final authority, in consultation with the Office of General Counsel, to review and approve/disapprove employee or volunteer involvement with a program for minors based on the results of the required criminal conviction and sex offender background check.
 - 5.4.1 A criminal conviction/deferred adjudication for any of the following offenses **automatically disqualifies** a person: Felony or misdemeanor under Texas Penal Code Sec. 15.031 (Criminal Solicitation of a Minor); Title 5, Ch. 22 (Assaultive Offenses); Title 6, Ch. 25 (Offenses Against the Family); Title 7, Ch. 29 (Robbery); Title 8, Sect 38.17 (Failure to Stop or Report Aggravated Sexual Assault of a Child); Title 9, Sect. 42.072 (Stalking) or Ch. 43 (Public Indecency); or any like offense under the law of another state or under federal law.
 - 5.4.2 A criminal conviction/deferred adjudication for any of the following offenses **may disqualify** a person: Misdemeanor or felony committed within the past 10 years under Texas Penal Code Title 10, Sect 46.13 (Making a Firearm Accessible to a Child) or Ch. 49 (Intoxication and Alcoholic Beverage Offenses); Texas Health and Safety Code, Ch. 481 (Texas Controlled Substances Act); or any like offense under the law of another state or under federal law.
- 5.5 Contracts with third-party programs for minors must include as a provision of the contract the requirement that individuals affiliated with the program for minors, as

staff or volunteers, will have completed appropriate national criminal conviction and national sex offender background screenings, and certify in writing that they have conducted the checks on all individuals' affiliated with the program for minors, and that they are clear per the standards in Sections 5.4.1 and 5.4.2. The Contract must also include a provision that the third-party program will provide the full background check of any personnel when requested. The process used for background screening by the third-party program for minors must meet the criteria outlined in [System Regulation 24.01.06, Programs for Minors](#).

6. TRAINING AND EXAMINATION PROGRAM ON WARNING SIGNS OF SEXUAL ABUSE AND CHILD MOLESTATION

An individual that will be involved with a program for minors (i.e. program directors, member employees, program counselors, or program volunteers) is required to complete training and examination on sexual abuse and child molestation meeting the following criteria.

- 6.1 Successful completion of the system-approved or course listed with the Texas Department of State Health Services (DSHS) Child Protection Training course every two years with a passing score of 100%.
- 6.2 Employees or volunteers of university sponsored programs must complete the system-approved Child Protection Training.
- 6.3 Training must be completed prior to the employees' or volunteers' interacting with minors; new employees hired specifically for a position involving contact with minors at programs for minors must complete training within the first five days of employment or two weeks prior to the beginning of the program, whichever is earlier. Proof of this training will be forwarded to the program for minors administrator two weeks prior to beginning the program for minors. Training must be completed and documented prior to the start of the program, or the employee or volunteer may not interact with minors.
- 6.4 A certificate of completion must be kept on file for two years.
- 6.5 Employees or volunteers of third-party programs for minors using member facilities may substitute the system-approved training course with an approved course as listed with the DSHS.
- 6.6 When the program for minors is conducted for all or part of at least four days and has 20 or more participants, the program for minors must submit the training roster to the DSHS on the approved DSHS form. (See Appendix)

7. OTHER APPROVAL PROVISIONS

- 7.1 All university sponsored programs for minors directors must have established a process for the proper receipt, deposit and handling of special activity fees and other funds collected pursuant to [System Regulation 21.01.02, Receipt, Custody and Deposit of Revenues](#) and university procedures.

- 7.2 The sponsoring department, college, or other unit of the university must have in place, or must establish an account(s), in accordance with [System Regulation 21.01.02, Receipt, Custody and Deposit of Revenues](#) and university procedures, with the business office for the deposit of special activity fees or other funds collected. All invoices associated with the program for minors, such as food services, transportation, insurance, housing, etc., must be paid from this account. Support service fees, collected to reimburse the university for non-programmatic overhead, will be assessed to programs for minors based on the number of programs for minors participants and the number of program days.
- 7.3 Copies of invoices generated by the program for minors to collect funds must be provided to the business office for close coordination of receivables which are outstanding or due.

8. INSURANCE REQUIREMENTS

- 8.1 As a condition of approval, each program for minors is required to show evidence of general liability and accident medical insurance coverage
- 8.2 University sponsored programs for minors must secure insurance coverage through System Risk Management. The university sponsored programs for minors will bear this expense.
- 8.3 Third-party programs for minors must secure their own insurance coverage. Third-party programs for minors must provide evidence of a general liability and accident medical insurance policy with equivalent limits and coverage as what is provided through System Risk Management for university sponsored programs for minors. The evidence of coverage (COI) must have Texas A&M University-Texarkana listed as 'additional insured.'

9. REPORTING OF INCIDENTS OR ACCIDENTS

- 9.1 Programs for minors directors are responsible for submitting an incident report in the event: a) participant(s) is/are involved in a physical altercation, b) participant is injured (whether taken for medical care or not), or c) police officials are summoned because of health or safety concerns.
- 9.2 Such events must be reported on the Programs for Minors Incident Report Form.
- 9.2.1 The form must be submitted to the UPD, programs for minors administrator, and environmental health and safety office as soon as possible, within the same day.
- 9.2.2 The programs for minors administrator or the environmental health and safety office is responsible for logging all incidents through Origami within two business days.

10. MONITORING OF PROGRAMS FOR MINORS

- 10.1 The programs for minors administrator must monitor the administration of these programs for minors' compliance with System policy and regulations and university rules and procedures.
- 10.2 The programs for minors administrator will be expected to maintain documentation according to the records retention schedule.
- 10.3 Staff training and orientation materials will be submitted by the programs for minors director to the programs for minors administrator for documentation and review.

11. CAMPS INVOLVING SWIM/AQUATICS

Any program for minors that includes an organized water activity in which a participant will enter or travel on a body of water as part of the activity will require the participant's parent or guardian to indicate in writing whether the child is able to swim or is at risk of injury or death when swimming or otherwise accessing the body of water.

The program must provide a properly fitted and fastened Type I, II, or III US Coast Guard approved flotation device to each child who is unable to swim or is at risk of injury or death when swimming or otherwise entering a body of water.

The program is not required to provide a flotation device or ensure the child is wearing the device if the program is a swim instruction or competition and the organization ensures each child participating is closely supervised during the activity.

Related Statutes, Policies, or Requirements

[System Regulation 24.01.06, Programs for Minors](#)

[Texas Education Code §51.976](#)

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

[System Regulation 21.01.02, Receipt, Custody and Deposit of Revenues](#)

[Texas Health and Safety Code §341.0646](#)

Appendix

[Risk Assessment Matrix for Use with Programs for Minors](#)

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

[DSHS Training Roster Form](#)

[Minors Medical Information & Release Form](#)

[TAMUT Image Release](#)

[Program for Minors Incident Form](#)


[Third-Party Minor Camp or Program Contract Template](#)

Contact Office

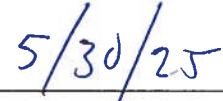
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System Approvals

Approved for Legal Sufficiency:



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Date