Rule Statement

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

Reason for Rule

This rule requires child protection training for employees and volunteers of programs for minors and establishes standards for such programs.

Procedures and Responsibilities

1. GENERAL

1.1 The purpose of programs for minors is to provide minors recreational, athletic, or enrichment/educational activities, to include camps, in a safe, nurturing environment.

2. REPORTING NEGLECT OR ABUSE

2.1 Under penalty of law, suspected instances of abuse, neglect, molestation or exploitation must be reported by calling 911, the University Police Department (806-651-2300), local law enforcement, or the Texas Abuse Hotline (800-252-5400).

2.2 Employees and volunteers of programs for minors, by function of their job, are considered "campus security authorities" (CSA), and are therefore required by federal law to report crimes immediately, even if the belief/suspicion is premised on incomplete or dated information and an individual should not take it upon themselves to investigate further.

2.3 This legal requirement will be communicated to all individuals participating in the supervision of programs for minors and to all employees and volunteers of third-party programs, utilizing WTAMU facilities, via the annual in-person program meetings and the required Child Protection and Campus Security trainings on A&M System Train-Traq.

3. REQUIREMENTS

3.1 The Director of Extended Studies, or assigned designee, is authorized to review and approve programs for minors on behalf of WTAMU.

3.1.1 All programs for minors must be approved before program activities occur. Applications and Risk Assessment approval forms must be submitted to the Office of Extended Studies and the Office of Risk Management for a review of compliance with Texas A&M University System policies, regulations, and all West Texas
3.2 Counselors are prohibited from communicating with minors outside the official communications of the program, including personal social media.

3.3 Official records of programs for minors are subject to the Texas A&M University System Record Retention Schedule for retention and removal.

3.4 The Program Director reserves the option not to have the program handle medication and to keep that responsibility with the parent of a minor. Participants who require medication to be administered through the program for minors must have express written authorization from the parent or guardian. This authorization must include specific dosage instructions. All prescription medications must be secured by staff and in the original container, labeled with the participant’s full name.

3.5 Access to medical information of a participant is limited to those with an administrative need to know per the program director. Confidentiality and privacy are to be observed at all times. Electronic medical information must be recorded and secured within WTAMU-approved software by the department and dedicated program director. This information must only be retained in accordance with the Texas A&M University System Record Retention Schedule for retention and removal.

3.6 Job descriptions are required for each position involved in the operation of programs for minors and adhere to a 15-to-1 minor/counselor ratio.

3.7 Each program is required to appointment a dedicated program director.

3.8 Each program should have a provision for making reasonable accommodations for minors with special needs. The Office of Disability Services is available to assist with these requests.

3.9 All program participants are required to complete a Waiver, Indemnification and Medical Release Form.

3.10 Each program must purchase general liability and accident medical coverage, at least 30-days in advance of the program start date, through The Texas A&M System Risk Management insurance program or validation by University Office of Risk Management that insurance provided by third-party programs is equivalent in limits and coverage to the System program.

3.11 Programs for minors must use the Texas A&M University System approved software for applications, operation, and required compliance for camps. Application forms must be submitted into the approved software for approval with the Office of Extended Studies, which includes a review of compliance with Texas A&M University System policies and regulations. The sponsoring department, college, or other unit of the University must have in place, or must establish account(s) with the Business Office for the deposit of fees and other funds collected. WTAMU fiscal procedures must be followed when collecting these fees. All invoices associated with the program, such as food services, transportation, insurance, housing, etc., must be paid from this account. Indirect cost, collected to reimburse the University for non-programmatic overhead, will be assessed to programs for minors.

3.12 A copy of the program participant roster and employee/volunteer roster, including name and contact information, must be maintained for two years.

3.13 Third-Party programs for minors

3.13.1 Third-Party programs must operate under the administrative purview of the Office of Extended Studies and are subject to the same requirements above.

3.13.2 Third-Party programs for minors are required to have general liability and accident medical coverage insurance through the A&M System Risk Management insurance program; or are required to validate insurance provided by third-parties to meet the
standards as set by A&M System Risk Management. The University will charge the program an amount equal to actual expenses plus administrative overhead for use of university property.

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

An individual hired or assigned to an employee or volunteer position involving contact with minors at a program for minors is required to complete training and examination on sexual abuse and child molestation meeting the following criteria:

(a) Successful completion of an approved Child Protection Training course every two years with a passing score of 100%.

(b) Training must be completed prior to the employees’ or volunteers’ interacting with minors. New employees hired specifically for a position involving supervision of minors must complete the training before the start of camp. Training will not be required for system employees or third-party personnel whose employment does not involve interaction with minors, unless it is deemed as required based on job duties.

(c) A certificate of completion shall be kept on file for two years.

(d) Employees or volunteers of third-party programs using WTAMU facilities may use an approved training listed with the Texas Department of State Health Services (DSHS).

(e) Programs for minors with over 20 participants and conducted over four days must submit the DSHS-approved training roster to DSHS.

5. CRIMINAL CONVICTION AND SEX OFFENDER BACKGROUND CHECKS

Annually, both criminal conviction and sex offender background checks will be conducted on all individuals hired or assigned to employee or volunteer positions involving a program for minors. The check must utilize a criminal history database and sex offender registration database. Documentation that a search was conducted shall be maintained for a period of two years.

The Extended Studies Director and the Office of Human Resources have been 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.

A criminal conviction/deferred adjudication for any of the following offenses automatically disqualifies a person: Felony or misdemeanor under Texas Penal Code § 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, § 38.17 (Failure to Stop or Report Aggravated Sexual Assault of a Child); Title 9, § 42.072 (Stalking) or Ch. 43 (Public Indecency); or any like offense under the law of another state or under federal law.

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, § 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.

If a criminal conviction and/or sex offender background check returns an offense potentially disqualifying a person, WTAMU will refer the matter, along with its recommendation, to the Office of General Counsel (OGC) for legal review. OGC will review the recommendation for legal sufficiency and provide a written response.

Related Statutes, Policies, or Requirements

Texas A&M University System Regulation 24.01.06, Programs for Minors (see definitions)

Tex. Edu. Code § 51.976

Tex. Fam. Code Ch.261, Subchs. A and B

Texas Department of State Health Services Approved Training Programs

Appendix

Waiver, Indemnification, and Medical Treatment Authorization Form

DSHS Training Roster Form

Medical Information & Release Form

Contact Office

Office of Extended Studies
806-651-2037

Approval

Walter V. Wendler 07.08.20
President Date
System Approvals*

Approved for Legal Sufficiency:

Ray Bonilla
General Counsel

7/7/2020
Date

Approved:

John Sharp
Chancellor

7/7/2020
Date

*System approvals are contingent upon incorporation of any and all System-required changes in the rule’s final posting.