



24.01.06.W1 Programs for Minors

Approved: July 17, 2015

Revised: July 7, 2020

Revised: February 14, 2024

Next Scheduled Review: February 14, 2029

Supplements System Regulation 24.01.06

Rule Summary

To provide a safe environment and meaningful experience for participants of campus programs for minors (CPM), which meet the minimal legal requirements and reflect the university's values, this rule outlines the requirements for conducting programs for minors sponsored by West Texas A&M University (WTAMU) and third-party programs for minors operated on WTAMU property.

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

Rule

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.
- 1.2. All CPM held on WTAMU property or utilizing the university's name or resources in any way, must operate under the administrative purview of a university department, college, professional school, branch campus, or WTAMU student organization.
 - 1.2.1. Third-party programs operate under the administrative purview of the WTAMU Extended Studies Office.

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).

2.1.1. A person having cause to believe a minor's physical or mental health or welfare has been adversely affected by abuse or neglect by any person, will immediately submit a report to local law enforcement. Concurrently, and within 24 hours of discovery, the CPM Sponsor must complete the online [Incident/Injury Report](#).

2.1.1.1. The online Incident Injury Report can also be accessed by visiting <https://www.wtamu.edu/business-finance/risk-management/index.html> and clicking on the "online Incident Reporting form" link.

2.2. All individuals acting in the capacity of or a supervisory role of a program for minors, by function of their job, are designated "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 The Texas A&M University System (A&M System) policies, regulations, and all WTAMU rules and procedures. Required approval forms, for annual programs, must be submitted before January 31st each year.

3.1.1.1. Traditional CPM applications submitted after the January 31st deadline will only be accepted if submitted at least two months prior to the anticipated start date of the camp, or;

- 3.1.1.2. One month prior to the anticipated start date of the camp if the camp has no request for campus facility use, housing, food services, access card/key services, or equipment rental.
 - 3.1.1.3. Non-traditional CPM applications must be submitted no less than 14-days before program start date.
- 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. CPM staff must perform duties and responsibilities within the role and scope of their job duty descriptions.
- 3.5. 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.
- 3.6. Each program is required to appoint a dedicated program director.
- 3.7. Each program should have a provision for making reasonable accommodations for minors with special needs. These include, but are not limited to, the modification of practices and procedures, effective communication prior to and during the program for minor's process and event, and the removal of physical or communication barriers to programs, activities, goods, or services. The Office of Accessibility Services is available to assist with these requests.
- 3.8. All program participants are required to complete a Waiver, Indemnification and Medical Release Form prior to the first day of camp/program.
- 3.9. If the CPM will be taking photos, videos, etc. and/or using images/video for marketing purposes, then talent release forms with parent/legal guardian signature are required for each minor participant and volunteer.
 - 3.9.1. Images of camp participants or volunteers are only authorized in official CPM platforms. CPM staff and volunteers are not permitted to post images of participants on personal websites, social media platforms, etc.
- 3.10. Each program must purchase general liability and accident medical coverage upon submittal of the proposed program/camp no later than the start date of the camp/program. Insurance must be purchased through A&M System Risk Management insurance program for non-third-party programs.

- 3.10.1. Third-party programs must provide proof of insurance to the WTAMU Office of Risk Management to ensure coverages meet A&M System requirements.
- 3.10.2. The program director or designee is responsible for payment of the CPM insurance invoice in a timely manner.
- 3.11. Programs for minors must use the A&M 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 A&M System policies and regulations.
 - 3.11.1. 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.
 - 3.11.2. 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 by the Extended Studies Office or the program director 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

- 4.1. 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:
 - 4.1.1. Successful completion of an approved Child Protection Training 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 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.
 - 4.1.3. Training completion records will be kept on file for two years.
 - 4.1.4. Employees or volunteers of third-party programs using WTAMU facilities may use an approved training listed with the [Texas Department of State Health Services \(TDSHS\)](#).
 - 4.1.5. Programs for minors with over 20 participants and conducted over four days must submit the TDSHS-approved training roster to TDSHS.

5. MEDICATION DISBURSEMENT

- 5.1. The program director must determine if medication distribution will be managed by the CPM. If medication distribution is managed by the CPM then the program director is responsible for the care and responsibility of medical distribution of the CPM. The decision to manage medical distribution requires each CPM to establish a set of standards for accommodating minors with medical distribution needs. These include but are not limited to the authorization to administer any medication, including prescription, and over-the-counter, to a CPM Participant from the participant's parent or guardian in a written, signed, and dated format using a completed [Authorization for Dispensing Medication Form](#). This form expires one year after its original date. The participant's parent or guardian may not authorize administering medication in excess of the medication's label instructions or the directions of the child's health-care professional.
- 5.2. 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.

- 5.3. Participants who require over-the-counter medication to be administered must complete the [Parent/Guardian Authorization, Waiver, and Consent for Over-the-Counter Medication Form](#) which allows parents to provide written permission for the administration of over-the-counter medications as well.
- 5.4. Medication must be given from the original container to the individual to whom the medication was prescribed within the expiration date and documented using the [Authorization for Dispensing Medication Form](#).
- 5.5. When a CPM staff member administers the medication they must record the full name of the CPM participant, the name of medication, date and time the medication was given, and full name of staff member who administered the medication.
 - 5.5.1. Volunteers are not permitted to administer medication.
- 5.6. If a CPM participant requires specialized medical assistance, then a CPM staff member is required to provide the specialized medical assistance as recommended or ordered by a health-care professional. If the CPM is provided with a written copy of the health-care professional's recommendations or orders, the CPM must maintain this written information in the participant's record for at least two (2) years after the program date.
- 5.7. If medication is dispensed by the CPM, all medication must be stored out of reach of all participants, locked in storage in a manner that does not contaminate food, or refrigerated, if required, separate from food.
- 5.8. CPM staff may not administer expired medication. In the event medication expires, CPM staff must immediately notify the parent or guardian and obtain written consent to administer the medication. Such consent must include an acknowledgement from the parent or guardian that the medication is expired, how long they authorize CPM staff to administer expired medication, and efforts made by the parent/guardian to provide non-expired replacement medication.
- 5.9. Unused medication must be returned to the parent or guardian of the CPM participant after the CPM or upon participant dismissal from the program. This includes expired medication. CPM staff are not authorized to dispose of any unused or expired medication.

5.10. CPM participants who are 15 years of age or older are permitted to be responsible for their own medication; however, consent must be provided by the parent/guardian of the participant using the [Permission for Self-Medication Form](#).

5.11. Access to medical information of a participant is limited to those with an administrative need to know per the program director. Individuals accessing the camp medical information need to complete the HIPAA training on Texas A&M System Train-Traq. Confidentiality and privacy are to be always observed. 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 A&M System Record Retention Schedule for retention and removal.

5.12. If the CPM chooses not to administer any medication, parents or guardians must be notified prior to the participant's first start date in the program. Notifications include but are not limited to, contact via social media, email, telephone, CPM meetings, or official CPM communication.

6. CRIMINAL CONVICTION AND SEX OFFENDER BACKGROUND CHECKS

6.1. Annually, both criminal conviction and sex offender background checks will be conducted on all CPM staff or volunteer positions. This includes, but is not limited to, faculty, staff, volunteers, coaches, instructors, graduate/undergraduate students, etc. The background checks must utilize a criminal history database and sex offender registration database. Documentation of the background checks and resultant data must be maintained for a period of two years.

6.2. The Extended Studies director and the Office of Human Resources have 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(s).

6.2.1. Contracts involving third-party CMP must include, as a provision of the contract, the requirements that all staff and/or volunteers affiliated with the CPM will have undergone background screening within the previous 365 days before the expected end of the CPM and such screening utilized a national criminal history and sex offender registration database(s).

6.2.1.1. Third-party camps must provide the results of the background checks to the Extended Studies Office as a part of the contract

process and within three business days upon the addition of new staff or volunteers to an anticipated or ongoing CPM.

6.2.1.2. Third-party camps must maintain records of background checks and the results of those background checks for two years and make such records available to WTAMU and A&M System representatives immediately upon request.

6.3. 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.

6.4. 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.

6.5. If a criminal conviction and/or sex offender background check returns an offense potentially disqualifying a person, the WTAMU Office of Human Resources will review the background considerations and, if needed, refer the matter, along with Human Resources 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](#)

Definitions

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 compelling or encouraging the child in a manner that constitutes an offense of trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code, prostitution under Section 43.02(b), 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.

Campus Program for Minors (CPM) – camp, program, and/or event with a participant group made up, in whole or in part, of individuals under the age of 18 being hosted, sponsored, and/or operated by a university department, college, administrative unit, professional school, branch campus, recognized student organization, and/or third party where care, custody, and/or control of the minor(s) is the university's and/or third party's responsibility. These programs may or may not collect fees from participants. CPM also include programs in university labs and youth engagement held virtually or online. A CPM does not include events for which the minor(s) visit solely as patrons of entertainment events.

Contact with minor(s) – interaction(s) with minor(s) 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.

CPM Director (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. This individual represents the sponsoring department, college, administrative unit, professional school, branch campus, recognized student organization, or third party charged with the operation of the CPM. A CPM Director is responsible for the development and management of the program, human resource, financial, marketing, and strategic operations.

CPM Participant – An individual attending a university sponsored CPM or third-party CPM.

CPM Sponsor (Program Sponsor) – The individual representing the department, college, administrative unit, professional school, branch campus, or recognized student organization charged with the operation of the CPM. In the case of third-party CPM, this person serves as the liaison between TAMU and the third-party CPM, and must be a Texas A&M University, professional school, or branch campus full-time employee and is responsible for overseeing the completion of the CPM application.

CPM Staff – Adults designated by the CPM Director, who exercise care, custody, and/or control of minors in program activities. This includes but is not limited to faculty, staff, volunteers, coaches, instructors, graduate/undergraduate students, etc. CPM Staff are responsible for planning, teaching, coordinating, and carrying out activities and the supervision of CPM participants.

Full supervisory duties – when counselors of a system-sponsored program, using member facilities or not, or a third-party program 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.

Medication – Any prescription medication or over-the-counter medication, excluding topical ointments such as sunscreen.

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 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 the above "Abuse" clauses (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.

Non-traditional Program for Minor – includes those events held that differ the two consecutive days, a minimum of 4 hours per day, with or without an overnight stay, involving the same group of minors.

Traditional Program for Minor – programs for minors that are sponsored and operated by members, using member property/facilities or not, or third parties using member property/facilities, where full supervisory duties of the minor(s) are the member or third party's responsibility and that are held for more than two consecutive days, a minimum of 4 hours per day, with the same group of minors without an overnight stay or that involve overnight stays. A program that may have minor(s) involvement ancillary to the intended purpose of the activity and is not for minors does not fall under this regulation.

Specialized medical assistance – Any medical assistance other than medication. Examples include, but are not limited to, assisting with an apnea monitor, protective helmet, or leg brace.

Sponsoring Dean – The individual who serves as the Dean (or Associate Dean) of an academic college or branch campus, or Vice President/Provost (or Associate or similar level of authority) for all other programs who provides the final approval or denial of CPM.

Sponsoring Department Representative – The individual who serves as the Department Head of the academic unit or Director of an administrative unit who is responsible for reviewing the CPM on behalf of the department with a specialized lens for their respective area of experience, local laws, professional practices, and/or cultural mores.

Supervision – A participant is supervised when they are within sight, except for infrequent momentary periods, and remain within reasonable hearing distance of a program staff member who is trained and aware of their obligation to report inappropriate or dangerous activities or behavior.

TDSHS – Texas Department of State Health Services

Third Party CPM - Programs of an individual or entity not affiliated with or under administrative control of Texas A&M University that have a participant group made up, in whole or in part, of individuals under the age of 18. These programs complete all or part of their educational and/or business purpose on Texas A&M property, and the third-party individual or entity assumes care, custody, and/or control of the minors. These programs may or may not collect fees from participants.

Appendix

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

[TDSHS Training Roster Form](#)

[Medical Information & Release Form](#)

Revision History

Approved: July 17, 2015

Revised: July 7, 2020

Revised: February 14, 2024

Contact Office

Office of Extended Studies

(806) 651-2037

Approval Office

Office of the President

(806) 651-2100

Approval Signature




President/CEO

02.09.2024

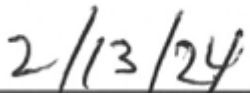
Date

System Approvals*

Approved for Legal Sufficiency:



Ray Bonilla
General Counsel

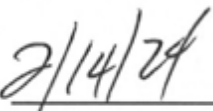


Date

Approved:



John Sharp
Chancellor



Date

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