Procedure Statement

Camps and programs for minors sponsored by Texas A&M University-San Antonio or third party camps and programs for minors authorized to use University facilities shall follow these procedures.

Reason for Procedure

This Procedure implements legislatively mandated requirements regarding standards for camps and programs for minors. This procedure is required by System Regulation 24.01.06 Camps and Programs for Minors.

Procedures and Responsibilities

1. GENERAL

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

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 or neglect by any person shall immediately make a report to the University Police Department who will in turn notify Child Protective Services and other law enforcement agencies as appropriate. This legal requirement will be communicated by the university police department through memorandum and acknowledgment documentation to all individuals participating in the management/supervision of camps and programs for minors or employees and volunteers of third party camps utilizing university facilities.

3. PROCEDURES FOR MINOR CAMP/ENRICHMENT PROGRAMS

3.1 Before a request to host a camp or program for minors can be approved utilizing university facilities, the responsible department will recommend – to the Provost -- a
responsible camp director. The Provost or designee will approve/disapprove the appointment.

3.2 All requests for authorization and approval for camps and programs for minors to be hosted by the University or on University property will be submitted by the camp director and approved/disapproved by the Provost or designee.

3.3 As part of the approval process, it is required that the camp director – for all expected camps or program staff (whether an employee or not) -- will submit an authorization to conduct a criminal conviction, sex offender, and general background check to the University Police Department (UPD) in a sealed envelope. UPD will process all criminal conviction and sex offender background checks. Should the background checks indicate a criminal history or other concerning information, the Associate Vice President for Campus Safety and Security shall consult with the Provost regarding those findings and make a recommendation to the Provost regarding the approval or disapproval for the appointment of the affected individual. If the background checks indicate no criminal history or concerning information, the designated camp director will review and approve/disapprove the employment or assignment of employees or volunteers to camps/enrichment programs based on findings. Criminal history conviction and sex offender background checks will be performed on a yearly basis or at any time the Associate Vice President for Campus Safety and Security or the Provost deem appropriate on all individuals subject to this provision. In addition, anytime concerning information is communicated to the University regarding persons subject to this provision, the Provost may suspend any individual from participation in camp activities immediately. Any rejection of an applicant by the Provost will be reviewed by the Office of General Counsel consistent with Section 5.5 of this procedure.

3.4 Communication, including by social media, between minors and counselors outside of official communications of the camp and program for minors is prohibited.

3.5 If abuse/molestation of minors is suspected by any camp or program staff or volunteers, UPD will be notified immediately. UPD will notify Child Protective Services and other law enforcement agencies as appropriate.

3.6 As part of the camp or program registration process, the parents or guardians of participants will be asked to identify medication required during the camp or program time frame. The camp director will notify UPD of any/all medicine (prescription or otherwise) that needs to be dispensed to camp or program participants. UPD will ensure that medicine is kept in a secured location and the camp director will ensure the medication is properly distributed to authorized participants.

3.7 As part of the camp or program file, private and personal health information of program participants will be kept in a secure location to be accessed only by the camp director. A Confidentiality Agreement to protect the medical/health/welfare information of camp/enrichment program participants must be signed by all camp supervisors/counselors and will be kept in the camp files maintained by the camp director.

3.8 As part of the camp or program development/planning process, the camp director will consult with the Director of Safety, Risk and Emergency Management to discuss camp activities and facilities. In consultation with the Director of Safety, Risk and
Emergency Management, a plan will be developed designed to mitigate identified risks or potential emergency situations.

3.9 The ratio of minors to counselors for day camps/programs will not exceed 20:1. The ratio for overnight camps/program will not exceed 15:1. Exceptions to these ratios may be approved by the provost should camp/program activities or participant age-groups warrant it.

3.10 Should participants with special needs be identified, the camp director will coordinate with the University’s Disability Student Services (DSS) office to ensure that appropriate accommodations are provided as needed to ensure access. As warranted, DSS staff will be compensated for providing services outside of their normal work activities.

3.11 Job duty descriptions for camps and programs for minors:
   a) Camp/Program Director – Individual responsible for planning the camp or program; also responsible for: making facilities reservations, developing camp/program registration process, submitting background check forms for potential camp/program staff, hiring and assigning camp/program staff and/or volunteers based on needs and qualifications, coordinating risk assessment plan with the Director of Safety, Risk and Emergency Management, overseeing daily camp/program activities, monitoring distribution of required medicine to camp/program participants, ensuring that general liability and accident medical coverage is secured (this may be purchased through the System Risk Management camp insurance program or third party insurance provider), ensuring facilities are left clean after camp/program has concluded, and submitting a final report summarizing the camp activities and any issues that arose.
   b) Camp/Program Counselor – Individual responsible for daily guidance, facilitation, and education of camp/program participants.
   c) The camp/program director may create additional job duties as the camp or program require.

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

For camps and programs for minors that include overnight accommodations and/or day programming exceeding one day, individuals hired or assigned to employee or volunteer positions involving contact with minors at the camp/enrichment program are required to complete training and examination on sexual abuse and child molestation meeting the following criteria.

4.1 Successful completion of The Texas A&M University System-approved Child Protection Training course with a passing score of 100% every two years is required.

4.2 Training must be completed prior to employees or volunteers interacting with minors.

4.3 A certificate of completion shall be kept for two years in the camp or program file located in UPD.
4.4 Employees or volunteers working third party camps using member facilities may substitute the system-approved training course with an approved course as listed with the Texas Department of State Health Services. (See Related Statutes section below)

4.5 Training will not be required for University employees/volunteers not hired or assigned to employee/volunteer positions involving contact with minors at the camp/enrichment program.

5. CRIMINAL CONVICTION AND SEX OFFENDER BACKGROUND CHECKS

5.1 Criminal conviction and sex offender background checks will be conducted on all individuals hired or assigned to employee or volunteer positions involving contact with minors at the camp/enrichment program. The check will utilize a criminal history database and sex offender registration database (such as the TXDPS-Sex Offender Registry) for each adult employee and/or volunteer’s permanent address. Documentation that a search was conducted shall be maintained for a period of two years, in the UPD.

5.2 The Provost shall be given the authority to review and approve/disapprove the employment or assignment of an employee or volunteer to a camp/enrichment program based on the results of the required criminal conviction and sex offender background check as well as other concerning information that is revealed during the process for the potential employee or volunteer. If concerning information about an assigned employee of volunteer is discovered while the camp/enrichment program is in progress, the Provost has the authority to revoke the assignment of the individual immediately with no guarantee of compensation for time that would have been earned during the remainder of the camp/enrichment program.

5.3 The following criminal convictions/deferred adjudications automatically disqualify a person from being a camp/enrichment program employee or volunteer:
   (a) Felony or misdemeanor under Texas Penal Code Title 5, Chapter 22 (Assaultive Offenses); Title 6, Chapter 25 (Offenses Against the Family); Title 7, Chapter 29 (Robbery); Title 9, Chapter 43 (Public Indecency) or § 42.072 (Stalking); Title 4 § 15.031 (Criminal Solicitation of a Minor); Title 8 § 38.17 (Failure to Stop or Report Aggravated Sexual Assault of Child), or any like offense under the law of another state or under federal law; and
   (b) Felony or misdemeanor under the Texas Health and Safety Code Chapter 481 (Texas Controlled Substances Act).

5.4 The following criminal convictions/deferred adjudications may disqualify a person from being a camp/enrichment program employee or volunteer:
   (a) Misdemeanor or felony committed within the past ten years under Texas Penal Code § 46.13 (Making a Firearm Accessible to a Child) or Title 10, Chapter 49 (Intoxication and Alcoholic Beverage Offenses), or any like offense under the law of another state or under federal law; or
   (b) Any other felony under the Texas Penal Code or any like offense under the law of another state or under federal law.

5.5 Should a criminal conviction and/or sex offender background check return an offense potentially disqualifying a person from being employed or assigned as a camp/enrichment program employee or volunteer under this Section 5,
a) the member will refer the matter, along with its recommendation, to the Office of General Counsel (OGC) for legal review; and
b) 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 camp/enrichment program employee or volunteer.

Related Statutes, Policies, or Requirements

- Texas Education Code Section 51.976 (temporary link)
- Texas Family Code Chapter 261, Subchapters A and B
- Texas Department of State Health Services Approved Training System Regulation **24.01.06 Camps and Programs for Minors**

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 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; 24.01.02 Camps and Programs for Minors

(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.

**Camps and Programs for Minors** – programs for minors sponsored and operated by system members or camps and programs for minors sponsored and operated by third parties using system member property/facilities.

**Minor** – a child, under 18, who is attending a camp/enrichment program 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; 24.01.02 Camps and Programs for Minors
   (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 definitions (e), (f), (g), (h) or (k) above 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.

**Supervisor/Counselor** – camp personnel or youth group leader, 18 years of age or older, who is responsible for the immediate supervision of minors.
Contact Office

Office of the Provost – (210) 784-1201