



## 24.01.06.01 Programs for Minors

Approved: June, 2012

Revised: September, 2013

Revised: February, 2016

Revised: July, 2016

Revised: May, 2020

Revised: September 24, 2021

Next Scheduled Review: September 24, 2026

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### RULE STATEMENT

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Texas A&M University-San Antonio (A&M-San Antonio or University) adopts this rule to establish requirements for the approval and operation of programs for minors. This rule applies to (1) programs for minors A&M-San Antonio sponsors or operates, and (2) third-party programs for minors occurring on campus or in facilities under University control.

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System regulation defines a “program for minors” as a program “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 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.”

A program meeting the “program for minors” definition must comply with this rule.

An activity involving minors that does not meet this definition does not trigger this rule or its compliance requirements (*e.g.*, the rule does not apply to a campus tour for middle school students lasting a number of hours). Even so, the sponsor or operator of an activity involving minors should consider the nature, duration, and risks associated with the activity and consult as necessary with appropriate departmental and University officials.

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### REASON FOR RULE

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The Texas A&M University System (System) Regulation [24.01.06 Programs for Minors](#) requires A&M-San Antonio to adopt this rule.

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### DEFINITIONS

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This rule incorporates the definitions in System Regulation [24.01.06 Programs for Minors](#). The following definition is specific to this Rule:

**Program Sponsor:** University employee representing the department, college, or registered student organization charged with the direction or operation of the program. In the case of a third party program, this person serves as the liaison between University and the third party.

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## **RULE**

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### 1 GENERAL

A&M-San Antonio encourages opportunities for minors to engage in educational, enrichment, recreational, and athletic activities in a secure, nurturing environment.

### 2 REPORTING ABUSE OR NEGLECT

2.1 Anyone who has cause to believe a minor's physical or mental health or welfare has been adversely affected by abuse or neglect *by any person* shall immediately report the incident to the University Police Department:

- For emergency reports – (210) 784-1911, or
- For non-emergency reports – (210) 784-1900.

University Police will, as appropriate, notify other law enforcement and government agencies responsible for child welfare and protection.

2.2 Individuals participating in a program for minors, whether they are University or third-party employees or volunteers, must receive, complete, and return the University Police reporting acknowledgment form prior to participating in the program.

2.2.1 The dedicated program director or Program Sponsor is responsible for distributing the forms and collecting the completed acknowledgments.

### 3 PROGRAM REQUIREMENTS

This section establishes the minimum requirements that must be met before a program for minors begins:

3.1 Approval. An authorized University official must approve the program:

3.1.1 When A&M-San Antonio seeks to operate or sponsor a program for minors, the Vice President of the hosting division or designee has approval authority.

- 3.1.2 If the Office of the President seeks to operate or sponsor a program for minors, the President or designee has approval authority.
- 3.1.3 When a third-party seeks to conduct a program for minors on campus or in facilities under University control, the third-party must have a Program Sponsor, who is responsible for notifying the Vice President or designee of the sponsoring division. The Vice President or designee has approval authority.
- 3.2 Dedicated Program Director. A program for minors must have a dedicated program director who is responsible for compliance with this rule. For third-party programs, the program must also have a Program Sponsor that is employed by the university.
- 3.2.1 The President, relevant Vice President, or their designee has authority to approve, appoint, or replace a dedicated program director under this subparagraph.
- 3.2.2 When a third-party seeks to conduct a program for minors on campus or in facilities under University control, the Program Sponsor is responsible to the University for the third-party's compliance with this rule. The President, relevant Vice President, or their designee has authority to approve, appoint, or replace a Program Sponsor under this subparagraph.
- 3.3 Background checks. All program staff, whether they are University or third-party employees or volunteers, must annually undergo a background check prior to participating in a program for minors.
- 3.3.1 The dedicated program director shall (a) obtain from prospective program staff members authorization to conduct criminal conviction and sex offender background checks in accordance with Section 5 of System Regulation 24.01.06, and (b) submit the authorizations to Human Resources (HR) at least 15 business days prior to the program start date.
- 3.3.1.1 If a background check returns a disqualifying or potentially disqualifying criminal conviction or sex offense, HR must consult with the dedicated program director and refer the matter, along with a recommendation, to the Office of General Counsel (OGC) for legal review. Section 5 of [24.01.06 Programs for Minors](#) identifies disqualifying and potentially disqualifying convictions and offenses. The Vice President or designee shall, based on OGC's recommendation, resolve the individual's participation.
- 3.3.1.2 If a background check returns a criminal conviction or offenses that are not disqualifying or potentially disqualifying, HR shall consult the dedicated program director and refer the matter to the relevant Vice President or designee, along with a recommendation whether to approve or disapprove the individual's participation. The Vice President or

designee shall make a determination as to the individual's participation and may seek a recommendation from OGC as necessary.

- 3.3.1.3 The Vice President or designee may suspend an individual from continued participation in a program for minors based on (a) a criminal conviction or sex offense that is disqualifying or potentially disqualifying Section 5 of [24.01.06 Programs for Minors](#), or (b) other criminal conviction, offense, or misconduct that occurs during a program for minors. The Vice President or designee shall, to the extent practicable, consult with OGC prior to suspending an individual. If urgent circumstances do not permit a prior consultation with OGC, the Vice President may suspend the individual and promptly thereafter refer the matter to OGC for a recommendation about how to proceed.

3.4 Outside communication. Outside communication between program staff and participating minors is prohibited.

- 3.4.1 This prohibition applies to all non-program communication in any form, including social media.
- 3.4.2 The dedicated program director or designee may, as necessary, communicate directly with participating minors, through their parents, guardians, or other designated contacts, about program matters, such as schedule or location changes, closures, and emergencies.
- 3.4.3 This prohibition does not apply to program staff and participating minors who have a prior relationship, such as family members.

3.5 Medication. A&M-San Antonio will not permit programs for minors to receive, store, manage, or administer medication to minors or staff members.

- 3.5.1 The dedicated program director or Program Sponsor shall inform parents/guardians or third-party program organizers of the University's medication rule.
- 3.5.2 Program staff shall be trained to not accept medication from any participating minors or their parents/guardians or other staff members.

3.6 Medical information. The dedicated program director is responsible for the security of medical information of participating minors.

- 3.6.1 The director shall receive and retain each participating minor's medical information within the program file. The director shall take reasonable precautions to secure the information, such as storing hard copies in a locked cabinet or drawer or encrypting or password protecting electronic information.

3.6.2 The director may communicate medical information to program staff on a need to know basis (*e.g.*, information that a child is asthmatic may be communicated to a staff member supervising physical activities).

3.7 Risk assessment. The dedicated program director shall contact Risk Management at least 15 business days prior to the program start date to conduct a programmatic risk assessment.

3.7.1 The parties shall review anticipated program risks and develop a plan for mitigating them.

3.7.2 The dedicated program director is responsible for implementing the risk mitigation plan.

3.7.3 To address potential liability, the dedicated program director and Risk Management shall secure general liability and accidental medical insurance coverage. The parties may arrange for coverage through the System Risk Management insurance program or a third-party insurance company, provided the third-party insurance is equivalent in limits and coverage to the insurance program System Risk Management offers.

The dedicated program director shall consult Risk Management if, at any time, new risks emerge or material program changes occur, such as the inclusion of new activities, an increase in the number of participating minors, or staffing level changes.

3.8 Job descriptions. The dedicated program director must develop and retain job descriptions for each staff position involved in a program for minors in accordance with the Programs for Minors Handbook.

3.9 Ratio. The dedicated program director shall assess and set the ratio of participating minors to staff persons prior to the program start date in accordance with the Programs for Minors Handbook.

3.10 Special needs. A&M-San Antonio offers an accessible and inclusive learning, enrichment, and athletic environment for persons of all abilities.

3.10.1 For program participants who have identified special needs, the dedicated program director should coordinate with Disability Support Services (DSS) to arrange for appropriate accommodations.

3.10.2 If DSS staff must provide services outside normal business hours or beyond the scope of their job duties, the dedicated program director shall make appropriate arrangements with DSS, which may include a financial arrangement with DSS.

3.11 Waiver, indemnity, and release. The dedicated program director must distribute and collect a Waiver, Indemnification and Medical Release Form from each program

participant. A participant may not attend the program unless and until A&M-San Antonio receives a completed form.

#### 4 TRAINING TO RECOGNIZE INDICIA OF SEXUAL ABUSE AND CHILD MOLESTATION

4.1 Training for University employees and volunteers who interact with minors. University employees, volunteers, and staff members involved in a program for minors or whose job duties entail interaction with minors must successfully complete the System-approved Child Protection Training Course every two years with a 100% score prior to interacting with minors.

4.2 New employees. A newly hired employee, whose job duties entail interaction with minors, must complete the System-approved Child Protection Training Course within 5 days of commencing employment.

4.3 University employees and volunteers who do not interact with minors. University employees and volunteers who do not interact with minors do not have to complete the System-approved Child Protection Training Course.

4.4 Third parties. Employees and volunteers associated with a third-party program for minors that occurs on campus or in facilities under University control must undergo child protection training, but may complete either (a) the System-approved Child Protection Training Course, or (b) a substitute course approved by the Texas Department of State Health Services (DSHS). If the third-party opts to complete the System-approved training, the dedicated program director may contact HR to arrange for third-party employees and volunteers to obtain electronic access to the program.

4.5 Training rosters. A program for minors that has over 20 participants and will last for more than four (4) consecutive days must submit a training roster to DSHS on a DSHS-approved form.

#### 5 RECORDS RETENTION

5.1 The dedicated program director shall document compliance with this rule and compile and retain required documentation in a program file, which serves as the A&M-San Antonio record copy.

5.2 The responsible program official must retain the program file and the specific records contained in it for the period(s) set forth in System Regulation [24.01.06 Programs for Minors](#).

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#### RELATED AUTHORITIES

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System Regulation [24.01.06 Programs for Minors](#)

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**CONTACT OFFICE**

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Business Affairs  
University Services  
(210) 784-2454

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**System Approvals\***

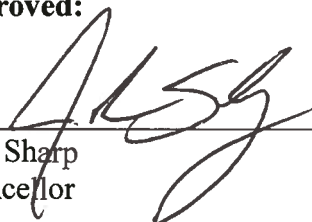
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**Approved for Legal Sufficiency:**

  
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Ray Bonilla  
General Counsel

9/23/21  
\_\_\_\_\_  
Date

**Approved:**

  
\_\_\_\_\_  
John Sharp  
Chancellor

9/24/21  
\_\_\_\_\_  
Date

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