

**STEPHEN F. AUSTIN
STATE UNIVERSITY**

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Campus Program for Minors

Policy Number: 13.5

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: April 30, 2019

Unit(s) Responsible for Policy Implementation: Vice President of Student Affairs; Campus Living, Dining, and Auxiliary Services

Purpose of Policy (what does it do): The purpose of the Campus Program for Minors is to educate University employees and volunteers of such programs by establishing requirements relating to sexual abuse and child molestation training and examination. The proposed rules are necessary to comply with Senate Bill (SB) 1414, 82nd Legislature, Regular Session, 2011, which amended Texas Education Code, Section 51.976.

The rules will impose a requirement for all staff or volunteers in a position involving contact with campers at a campus program for minors to successfully complete an approved training and examination program on sexual abuse and child molestation; establish criteria for a training and examination program on sexual abuse and child molestation; require a training and examination program on sexual abuse and child molestation to be approved by DSHS; and provide civil penalties for a person violating the Act or a rule or order adopted under the Act.

Reason for the addition, revision, or deletion (check all that apply):

Scheduled Review Change in law Response to audit finding

Internal Review Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision: The reviewers revisited the Texas Education Code Title 3, Subtitle A, Chapter 51, Subchapter Z and made clarifications and corrections to the policy definitions and code language.

Specific rationale for deletion of policy:

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Additional Comments:

Reviewers:

Student Affairs Policy Review Committee

Carrie Charley, Executive Director , Campus Living, Dining & Auxiliaries

Brandon Frye, Vice President of Student Affairs

Damon Derrick, General Counsel

Campus Programs for Minors

Original Implementation: April 23, 2013

Last Revision: April 30, 2019/12, 2022

Stephen F. Austin State University is committed to providing a safe environment for its students, employees and guests. The university sponsors programs on campus ~~from time to time that at times~~ involve minors *as participants*. *Campus shall mean all real property over which the university has possession and control by law*. In addition, the university may grant use of its facilities to third parties for programs that involve minors *as participants*. This policy provides for regulation of these campus programs for minors (CPM).

Definitions: ~~As detailed in Texas Education Code, Chapter 51, Subchapter Z, §51.976~~

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~~ disabled individual 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, solicitation of prostitution under Section 43.02~~(b)~~1, 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;
 - 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; or
 - m. forcing or coercing a child to enter into a marriage.

Campus Program for Minors (CPM) – programs that:

- a. include participants who are minors;
- b. are operated by or on the campus of the university, including programs operated by third parties;
- c. offer recreational, athletic, religious, or educational activities to participants for all or part of at least two (2) days.

Contact With Minor(s) – in the context of an employment or volunteer position described in this policy, interaction with minors that is direct and reasonably anticipated. The term does not include interaction that is merely incidental, or an employee or volunteer acting as a guest speaker, entertainer, or fulfilling any other role whose attendance at the campus program for minors is for a limited purpose or limited time if the employee or volunteer has no direct or unsupervised interaction with campers.

Minor – a child, under the age of 18, who is attending a campus program for minors.

Neglect — *an act or failure to act by a person responsible for a child's care, custody, or welfare evidencing the person's blatant disregard for the consequences of the act or failure to act that results in harm to the child or that creates an immediate danger to the child's physical health or safety and includes:*

- a. the leaving of a child in a situation where the child would be exposed to *an immediate danger-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 *an immediate danger/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 *an immediate danger/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 *an immediate danger/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 “Abuse” definitions (e), (f), (g), (h) or (k) committed against another child.
- d. the failure by the person responsible for the 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; or
 - e. a negligent act or omission by an employee, volunteer, or other individual working under the auspices of a facility or program, including failure to comply with an individual treatment plan, plan of case, or individualized service plan, that causes or may cause substantial emotional harm or physical injury to, or the death of, a child served by the facility or program as further described by rule or policy.

Neglect does not include the items specified under Tex. Family Code § 261.001(4)(B).

Reporting Neglect or Abuse

A person having cause to believe that a minor has been abused or neglected by any person shall immediately (within 48 hours) make a report to the University Police Department or other local law enforcement agency. This legal requirement must be communicated to all individuals participating in the management/supervision of CPMs and employees and volunteers of third-party camps utilizing university facilities.

Procedures for Campus Programs for Minors

The university will adopt a procedure for CPMs that will include, but not be limited to, the following:

- a. *For the purposes of this policy, this designee is the Coordinator for Camps and Conferences and can be contacted at reservations@sfasu.edu. A designee(s) who is authorized to review and approve camps and programs for minors on behalf of the university;*
- b. Procedures for reporting suspected abuse/molestation of minors;
- c. A requirement to purchase medical coverage through the university camp insurance program and to provide evidence of liability insurance endorsing sexual molestation coverage and listing the university as additionally insured at levels approved by and meeting the standards of Environmental Health, Safety, & Risk Management.
- d. Payment of required CPM administration fees as may be assessed.

Required Training

This policy requires child abuse prevention training for employees/volunteers of CPMs and establishes standards for such camps and programs. *Training will not be required for university employees or third party personnel whose positions of employment do not involve contact with minors at a CPM.*

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

- a. Successful completion of a Child Protection Training course approved by the Texas Department of State Health Services.
- b. Training must be completed prior to the employees' or volunteers' interacting with minors.
- c. A certificate of completion shall be kept on file for two years *by the program's operator (i.e., camp director).*
- d. Employees or volunteers of third-party camps using university facilities may substitute the university-approved training course with an approved course as listed with the Texas Department of State Health Services.
- e. ~~Training will not be required for university employees or third party personnel whose positions of employment do not involve contact with minors at a CPM.~~

Department of State Health Services Approved Training Programs

Responsible for Implementation: Vice President of University Student Affairs

Contact for Revision: Director of Student Services Executive Director of Campus Living, Dining, and Auxiliaries

Forms: None

Board Committee Assignment: Building and Grounds