



Youth Protection

Purpose

Stephen F. Austin State University is committed to providing a safe environment for its students, employees and guests. The university sponsors programs on campus that, at times, involve minors as participants. The purpose of this policy is to promote the safety of minors and compliance with laws relating to minors participating in SFASU-sponsored or affiliated camps, programs, internships, mentorships, or events (Youth Programs) online or on SFA-owned, leased, operated, or controlled sites. This policy also provides guidance on reporting obligations in instances of known or suspected child abuse or neglect of a minor.

Persons Affected

This policy applies to all SFASU employees, affiliates, volunteers, and third- party contractors who have contact with minors as part of a university-sponsored or affiliated Youth Program on SFASU-owned, leased, operated, or controlled sites. This policy, however, does not apply to participants in SFASU course-based academic service learning, clinical student teaching programs, or community service.

Definitions

1. Custodial care: When minors are left under the full supervision of SFASU for the duration of a Youth Program.
2. Designated Individual: An SFASU employee, affiliate, volunteer, or contractor who interacts with, supervises, chaperones, or oversee minors in a Youth Program. The Designated Individual(s) roles may include positions as counselors, chaperones, coaches, mentors, instructors, etc. These individuals are responsible for the safety and well-being of minors in their care.
3. Joint Sponsorship: This occurs when a SFASU department desires to collaborate with an external entity to host a SFASU program or activity on campus.
4. Minor: Any person under the age of 18. This definition does not include SFASU enrolled students who are under the age of 18.
5. Non-custodial care: When minors are under the full supervision of a parent, legal guardian, teacher, or other adult while participating in a SFASU sponsored or affiliated event.
6. Off Campus: Programs involving minors that occur outside of university grounds, but SFASU still assumes responsibility for the care of the minor participants.
7. On Campus: Programs involving minors that occur on SFASU property.
8. Service Learning: Programs where college students volunteer their time and apply what has been learned in their classroom.



9. Sponsoring unit: The academic or administrative unit of SFASU that approves a Youth Program and assumes responsibility for the care of minor participants.
10. Third Party: An individual or organization external to SFASU that will provide programming for minors on university property through a contractual agreement in accordance with established procurement guidelines.
11. Youth Program(s): A camp, program, internship, mentorship, event, or activity held on SFA owned or controlled premises, or sponsored or supported by SFASU that offers recreational, athletic, religious, or educational activities to Youth Participants. Youth Program also includes any "Campus program for minors" as defined by Section 51.976 of the Texas Education Code. "Youth Program" as defined herein specifically includes external 3rd party programs. For the purposes of this policy, this definition does not include programs for SFA enrolled students or employees under the age of 18, or programs where the custody, control, and care of a minor (under age 18) is not the responsibility of the institution but instead held by non-SFASU teachers, official chaperones, parents, or legal guardians.
12. Youth Program Coordinator: Faculty or staff member responsible to oversee the daily operations of a Youth Program and other duties as determined by the Youth Program Director.
13. Youth Program Director: Faculty or staff member responsible for the overall implementation and management a Youth Program with the primary responsibility for the care of minor participants.
14. Youth Program Participant: A minor (under age 18) participating in a SFASU sponsored or affiliated program. This definition does not include university students who are under the age of 18.
15. Youth Programs Support Manager: This position provides university-wide support on following required guidelines and providing meaningful experiences for minors at SFASU.

Policy

1. To safeguard minors participating in SFASU-sponsored or affiliated Youth Programs, sponsoring units, Youth Program Coordinator(s), Youth Program Director(s), Youth Program Support Manager(s), and Designated Individual(s) are responsible for compliance with and are expected to comply with this policy.
2. Designation of Oversight: The Reservations Office, in the Baker Pattillo Student Center, is the SFASU office responsible for oversight of all Youth Programs sponsored or affiliated with SFASU.
3. Sponsorship: All Youth Programs must be sponsored by or affiliated with a SFASU college, school, unit, or department, unless specifically authorized by the President on a per-program basis.



4. Criminal Background Check for Designated individuals: Youth Programs shall ensure that for all employees and final applicants who will work with the program, and all volunteers and student observers who will regularly or frequently be at the program, are subject to a criminal background check each year. The check shall be conducted prior to permitting an individual to work, volunteer, or be present.
 - a. The Youth Program will use the following sources in conducting a background check:
 - i. Texas DPS Crime Record Services Secure or Public Site check;
 - ii. A sex offender registration check;
 - iii. An appropriate out of state check; and
 - iv. An international check for any foreign national who the Youth Program Director has reason to believe lived outside the United States after the age of 14, unless the person’s visa issuance or renewal occurred after implementation of the U.S. Patriot Act on October 24, 2011. (Reasonable efforts will be used to obtain such check, and it need only be conducted initially if the individual does not live outside the United States since last checked.)
 - b. Volunteers and student observers who are not subject to a check must not have unsupervised access to Youth Program Participants.

5. Child Protection Training: Designated Individuals must successfully complete state-approved training on warning signs of sexual abuse and child molestation (and any related examination) compliant with Section 51.976, Texas Education Code prior to engaging with Youth Program Participants.

6. Supervision of Minors: Each Youth Program must have the following minimum adult supervision ratio requirements consistent with the American Camp Association staff ratio standards:

Age of Minor Participants	Number of Adult Staff	Overnight Minor Participants	Day Only Minor Participants
5 years or younger	1	5	6
6-8 years	1	6	8
9-14 years	1	8	10
15-18 years	1	10	12

7. Insurance: All Youth Programs must carry liability insurance with coverage at least equivalent to the Camp Insurance Program offered by The University of Texas System Office of Risk Management. Any purchase of insurance must also comply with the requirements of Regents’ Rule 80601 Property and Casualty Insurance and Surety Bonds. Information on insurance can be obtained by contacting the Department of Environmental Health, Safety and Risk Management.

8. Reporting Suspected Abuse or Neglect: Under Texas law, suspected child abuse or neglect must be reported to the Department of Family and Protective Services (DFPS). By law, everyone in Texas is a mandated reporter. Designated Individuals may not delegate the duty to report to anyone else. If a Designated Individual witnesses, suspects, or receives a report of child abuse, neglect, or exploitation, regardless of when the abuse



occurred must:

- a. Remove the child from immediate harm (if the abuse is presently occurring).
 - b. If the person is in immediate danger, call 911 or local police first.
 - c. Call the Texas Abuse Hotline, 24 hours a day, 7 days a week, toll-free at 1-800-252-5400 to report, or report online at Texas Abuse Hotline website <https://www.txabusehotline.org>.
9. Prohibited Conduct of Designated Individuals: Designated Individuals must not engage in any behavior that could cause harm or be misinterpreted as possibly causing harm to Youth Program Participants. Prohibited conduct for Designated Individuals includes, but is not limited to, the conduct described below:
- a. No one-on-one contact with Youth Program Participants is permitted outside the presence of another Designated Individual.
 - b. Do not meet with Youth Program Participants outside of established times for Youth Program activities.
 - c. Do not touch Youth Program Participants in a manner that a reasonable person could interpret as inappropriate.
 - d. Do not engage in any abusive conduct of any kind toward, or in the presence of, a Youth Program Participant, including but not limited to verbal abuse, striking, hitting, punching, poking, spanking, or restraining.
 - e. Do not shower, bathe, or undress with or in the presence of Youth Program Participants.
 - f. Do not use, possess, or be under the influence of alcohol or illegal drugs while working a Youth Program.
 - g. Do not be alone in a vehicle with a Youth Program Participant at any time.
 - h. Do not have direct electronic communication inclusive of cell phone use, texting, email, social media applications, or any other online platforms, etc. with Youth Program Participants without another Designated Individual included in the communication.
 - i. Do not make sexual materials in any form available to Youth Program Participants participating in Youth Programs or assist them in any way in gaining access to such materials.
 - j. If an allegation of inappropriate conduct has been made about a Designated Individual, the individual shall discontinue any further contact with minors in Youth Programs until such allegation has been satisfactorily resolved.
10. This policy is not intended to cover the following individuals or activities:
- a. Minors enrolled as SFASU students participating in courses for academic credit.
 - b. Public events such as sporting events, festivals, etc. where minors attend with parents or chaperones.
 - c. Short duration events such as a campus tour, standardized testing, etc. where parents or chaperones are present.
 - d. Attendance on campus related to enrollment at SFASU, such as to apply for admission, attend orientation, arrange financial aid, or other similar activities.

Procedures

1. All Youth Programs must be approved by a sponsoring college, unit, or division.



2. All Youth Programs must register with the Registration Office, in the Baker Pattillo Student Center, no later than thirty (30) days prior to the start date of the program.
3. All Youth Programs must designate a Youth Program Director responsible for adherence to this policy.
4. The Registration Office will determine the applicable minor participant forms based on the nature of the Youth Program, including the level of custodial care over participants. Each Youth Program Director is responsible for ensuring the applicable forms are collected prior to the start of the Youth Program.
5. The Youth Program Director must ensure that all Designated Individuals undergo and pass any required background check(s) prior to engaging with minors. SFASU may rely on a criminal background check conducted by SFASU within the last 12 months if there has not been a break in service of more than six consecutive months and the information relied upon is appropriate for the position sought. For employees who are or become Designated Individuals on an intermittent basis, the training and background check requirements described above must be completed prior to the beginning of the applicable Youth Program. For additional guidance, see UTS 124 Criminal Background Checks, UTS 192 Youth Protection Policy, or contact Human Resources.
6. Designated Individuals must successfully complete training required, as outlined above in the policy section, prior to engaging with minors. Once complete, the training certification shall be valid for two years. Contact the Reservations Office for access to the online training module.
7. The Youth Program Director shall ensure that Designated Individuals have appropriate credentialing and qualifications required for program content.
8. Incidents such as allegations of abuse or neglect, injuries, fighting, property damage, etc., must be reported using the incident reporting protocol, established by the Reservations Office.
9. Youth Program Directors are responsible for conducting program specific training for Youth Program staff on program content, staff responsibilities, safety, this policy, and general day to day operations.
10. Third Party Youth Programs must abide by this policy and any other applicable SFASU policies, and must go under a contractual agreement in accordance with established procurement guidelines or joint sponsorship guidelines. For more information, please contact reservations@sfasu.edu.
11. Youth Program Directors are responsible for establishing and communicating safety protocols to minor participants and parents/guardians, including the following:
 - a) Youth Program information such as date(s) of program, drop off and pick up date, time, and location, program agenda or activity description, and any other necessary program specific information. A program orientation for parents or guardians and minor



- participants is recommended.
- b) Name and contact information of the Youth Program Director(s) and other Youth Program personnel as determined necessary to answer questions and facilitate communication.
 - c) Establish a transportation plan to include procedure for pick-up and drop-off of Youth Program participants, ensuring that a minor will not be released to any person other than a parent or guardian or school district official. This plan should also include the pick-up and drop-off location and special instructions for school buses.
 - d) Residential housing protocol such as curfew, rules pertaining to visitors, supervision, roommate selection, as room maintenance.
 - e) Program specific rules and standards of conduct and discipline measures applicable to the program. Program participants and staff must abide by all SFASU regulations and may be removed from the program for non-compliance. Rules should address, without limitation:
 - i. Possession or use of alcohol, tobacco, vape pens, CBD oils and other substances or drugs is prohibited.
 - ii. Possession of fireworks, guns and other weapons is prohibited.
 - iii. The operation of motor vehicle by minors is prohibited while attending and participating in a Youth Program.
 - iv. Sexual abuse or harassment, hazing, or bullying will not be tolerated.
 - v. Theft of property, regardless of owner, will not be tolerated.
 - vi. Misuse or damage of SFASU property is prohibited. Charges may be assessed as determined appropriate.
 - vii. Inappropriate use of cameras, imaging, and digital devices is prohibited including use of such devices in showers, restrooms, or other areas where privacy is expected by the participants.
 - f) Establish a medical plan to include the collection of Mandatory Medical Forms for each Youth Program Participant to assess the medical care needs of Youth Program participants, and identify a Designated Individual responsible for safeguarding and providing medications to Youth Program participants as approved by parents or guardians.

12. Youth Programs must abide by all SFASU policies.

Related Statutes or Regulations, Rules, Policies, or Standards

Clery Act, 20 U.S.C §1092(f) and its implementing regulations 34 C.F.R. Part 668
Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681–1688 and its implementing regulations, 34 C.F.R. Part 106

Tex. Educ. Code §§ 51.251-.259, .976
Tex. Penal Code §§ 21.01-.19
Tex. Fam. Code § 261.101

Regents' *Rules and Regulations*, Rule 80105, Joint Sponsorship of the Use of Property or Buildings

Regents' *Rules and Regulations*, Rule 80601, Property and Casualty Insurance and Surety Bonds



UTS 124 Criminal Background Checks
UTS 192 Youth Protection Policy

SFA HOP 01-307 Title IX

Responsible Executive

Vice President of Student Affairs

Forms

None

Revision History

September 1, 2023 (original)