



# PROGRAMS FOR MINORS *Manual*

## **Program Mission Statement**

It is the duty and responsibility of all program staff to uphold the high standards of The Texas A&M University System (System) and Tarleton State University (Tarleton) when interacting with minors while meeting the minimum legal expectations.

## **Program Staff**

The following positions will be considered program staff and will adhere to and abide by the rules, procedures and guidelines as outlined in this manual.

Program Director - will serve as the overall director for the program. The program director will distribute and collect all paperwork in accordance with Tarleton Rule 24.01.06.T1.

Program Coordinator – must be an employee of Tarleton. The program coordinator will be in charge of registration, securing and distributing medications and securing all confidential information in a designated notebook on site.

Other Program Employees and/or Volunteers - will function as needed for registration, lunch duty, counselor guides, teachers, communications, schedule coordination and other miscellaneous duties as assigned.

## **Program Director Duties Prior to Program**

### **Program Registration**

Program Registration process is required to ensure all employees and volunteers are aware of these guidelines, to ensure the mandated safety protocols are in place, and all required forms are completed. Requests for programs for minors and enrichment programs should be submitted at least 45 days prior to the start date of the program. Applications for events or programs approval shall be submitted first through the sponsoring department and then to the RMS for review.

### **Strategies for Opening Tarleton Programs for Minors**

Program Director will review the Strategies for *Reopening Tarleton Programs for Minors* to determine best practices for the health and safety of minors and volunteers as related to COVID-29, including daily temperature checks, face coverings, and distancing requirements.

### **Program Registration Packet**

Risk Management and Safety will review the program registration packet to determine the completion of all requirements of Tarleton Rule 24.01.06.T1, *Programs for Minors*. RMS will notify the program director of any pending items.

The registration packet consists of:

- Signed Programs for Minors Manual Acknowledgement Form
- Completed Background Checks
- Completed Child Protection Training
- Completed Employee Roster
- Completed Insurance Application
- Brochure
- Detailed Itinerary
- Completed Risk Matrix
- Prescreening Health Form
- Strategies for Reopening Tarleton Program for Minors

### **Mandatory Background Check**

As stated by The Texas A&M University System Regulation, 24.01.06, *Program for Minors*, all program staff will be subject to and must complete an annual background check. **Background check forms must be signed and dated. Typed in names on signature line will not be accepted.**

The background check will include criminal convictions and sexual offenses. Tarleton's Employee Services will review all background checks and approve/disapprove potential staff through coordination with RMS.

A criminal convictions/deferred adjudication for any of the following offenses **automatically disqualify** a person from being a program for minors' employee or volunteer:

- Felony or misdemeanor under Texas Penal Code §15.031 Criminal Solicitation of a Minor;
- Title 5, Chapter 22 Assaultive Offenses;
- Title 6, Chapter 25 Offenses Against the Family;
- Title 7, Chapter 29 Robbery;
- Title 8 § 38.17 Failure to stop or Report Aggravated Sexual Assault of a Child;
- Title 9 § 42.072 Stalking;
- Chapter 43 Public Indecency;
- Or any like offenses under the law of another state or under federal law.

A criminal conviction/deferred adjudication for any of the following offenses **may disqualify** a person from being a program for minors' employee or volunteer:

- Misdemeanor or felony committed within the past ten years under Texas Penal Code Title 10, § 46.13 Making a Firearm Accessible to a Child;
- Chapter 49 Intoxication and Alcoholic Beverages Offenses;
- Texas Health and Safety Code, Chapter 481, Texas Controlled Substances Act;
- Or any like offenses under the law of another state or under federal law.

If a criminal conviction and/or sex offender background check returns an offense potentially disqualifying a person from being employed or assigned as a program employee or volunteer, Tarleton's Employee Services will refer the matter, along with its recommendation, to the System Office of General Counsel (OGC) for legal review.

OGC shall provide a written legal sufficiency review of Tarleton's recommended approval or rejection of the employment or assignment of the person as a program for minors' employee or volunteer.

Tarleton's Employee Services shall maintain documentation of a completed search for a period of two years.

### **Mandatory Child Protection Training Course**

Any individual designated as program staff will be required to complete a training course and course examination approved by the Texas Department of State Health Services on sexual abuse and child molestation.

- TAMUS and Tarleton's approved online training, Child Protection Training (TrainTraq Course #2111652), will be assigned to all program staff.
- The required passing score is 100%.
- The training must be completed at least five days prior to program start date.
- The course must be completed every two years.
- An alternative training course may be substituted with a course approved by the Texas Department of State Health Services, but must be in coordination with RMS.

### **Employee Roster**

An employee roster (employee name, phone number, email address, UIN, and job title) with the job description must be provided to RMS prior to the start date of the program.

*\*If the employee roster is for an athletic program, the Athletic Compliance Officer must sign roster prior to submittal to RMS.*

All program staff shall be listed on the employee roster. The employee roster will be used to verify the program staff with a clear/approved background check and the completion of the child protection training.

### **Program for Minors Insurance**

RMS is required to purchase general liability and accident medical coverage through the System Risk Management insurance program. For third party programs, RMS will validate the insurance provided by the third party is equivalent in limits and coverage required by the Third-Party Program for Minors Agreement.

The program director will submit a completed and signed insurance application to RMS. The program director will be responsible for the insurance expense.

### **Brochure**

Any marketing materials for the program should be included in the registration packet. This may include the program's website and/or any flyers or letters sent to participants and their parents.

### **Itinerary**

Every itinerary should include a minute-by-minute schedule of activities for your program. There should not be any gaps of time in the itinerary. The itinerary should include the time, location, and description of each activity.

If there are any changes to the itinerary before or during the program, submit the updated itinerary to the Tarleton Program for Minors email address. Changes could include location changes, time changes, or activity changes.

The goal is for your program director and RMS to be able to know where your program is at all times.

### **Risk Matrix**

A risk matrix will be used to determine the needs for a program for minors to make sure the program is safe, meets legal requirements, and is successful for those hosting the program as well as all program staff and participants.

## **Program Director and Staff Duties during Program**

### **Reporting Abuse or Neglect**

All program staff shall immediately report any abuse and/or neglect of a minor. The program staff should report the abuse and/or neglect to local law enforcement and notify the program director and the director of Risk Management and Safety at (254) 968-9842. Incident reports must be submitted to RMS within 24 hours following the incident.

**Abuse** – includes the following acts or omissions by a person:

- mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development or psychological functioning;
- 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;
- 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;

- 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;
- 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, indecency with a child, sexual assault, or aggravated sexual assault;
- compelling or encouraging the child to engage in sexual conduct including trafficking, prostitution or compelling prostitution;
- 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 or pornographic;
- the current use of a controlled substance in a manner or to the extent that the results in physical, mental or emotional injury to a child;
- causing, expressly permitting, or encouraging a child to use a controlled substance;
- causing, permitting, encouraging, engaging in or allowing a sexual performance by a child;
- knowingly causing, permitting, encouraging, engaging in or allowed a child to be trafficked, or the failure

**Neglect** can be in the form of any of the following: 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

- The following acts or omissions by a person:
  - 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 result in bodily injury or a substantial risk of immediate harm to the child.
  - 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.
  - 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 have been offered and refused.

- Placing a child in or failing to remove the child from a situation in which the child would be exposed to substantial risk of sexual conduct harmful to the child.
- 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 committed against another child.
- 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.

### **Maintaining Minor to Staff Ratio**

All program staff will ensure the program staff to minor ratio is maintained at all times. The ratio is to determine how many program counselors, liaisons or session leaders will be present during any given session or designated activity at the program. The ages of children requiring this ratio range is from 4-17 years of age.

*Ratio: One Program Staff Member for every 12 Minors ages 4 to 17.*

### **Accidental Injury**

If a minor is injured while attending the program, then basic first aid should be given to the minor. If the injury is beyond the scope of basic first aid, then immediately call 911.

The program director shall complete a visitor accident report and submit the information to RMS.

If a parent or legal guardian contacts a program employee regarding an injury and accident/medical coverage, the program director shall provide the applicable insurance claim form.

### **Communications**

Minors and program staff will not communicate outside of the program. Official program communications (program time changes, reminders for supplies, etc.) will be permitted via e-mail or phone number received during the registration process, or through an official university social media page or website.

### **Best Practices**

All program staff working in programs for minors shall:

- treat all participants with respect, loyalty, patience, courtesy, dignity and fairness;
- maintain appropriate boundaries at all times, both physical and verbal;
- never be alone with minors at program activities without another adult being present;
- never be the only adult in a restroom, shower room, locker room, or other dressing or housing area whenever minors are using such facilities;

- if monitoring an area or dealing with an emergency of a minor, ensure you are in an observable area (not an enclosed, private room) and ensure doors are ajar so that you can signal to another adult for assistance;
- adhere to standards where safety is the priority and no physical or emotional abuse is tolerated, including but not limited to, profanity, striking, spanking, slapping, humiliating, ridiculing, threatening or degrading behaviors;
- do not exchange personal social media account information with minors;
- do not post photos of minors on personal social media accounts or personal devices;
- if permission has been granted for photography, only photograph yourself with minors in a way that reflects as if it is intended to be displayed on Tarleton's official website or social media site;
- do not be alone in a vehicle with a minor and do not use personal vehicle for transporting minors; and
- do not use, be under the influence or in possession of tobacco products, alcohol or illegal drugs at any time during programs involving minors.

### **Program Director Duties during Program**

#### **Waiver, Indemnification and Medical Release Form**

Each minor must have a completed Waiver, Indemnification and Medical Release Form signed by the parent or legal guardian.

The Waiver, Indemnification and Medical Release Form shall not be altered other than the fill in the blank sections. The program director is responsible for ensuring the use of the approved OGC waiver.

#### **Authorization of Dispensing Medications Form**

Parents/legal guardians should provide a list of any allergies, special needs, or medications prior to attendance of the program. On the first day of the program, the parents/legal guardians should complete the Authorization for Dispensing Medication Form and provide medication in original Rx container to the program director.

The program coordinator will be the official designee to:

- maintain medical information in a separate binder for reference at all times of program;
- to secure medications in a locked box or refrigerator; and
- distribute medication to minor.

#### **Programs for Minors Prescreening Health form**

Each minor must have a completed Programs for Minors Prescreening Health Form completed and signed by the parent or legal guardian.



### **Protection of Information**

The minor's personal identifying information and personal health information should be kept private and secure. The program director and program coordinator will be the only individuals permitted to access this information.

### **DSHS Child Protection Training Form**

If the program for minors is operated for at least 20 or more participants who are not enrolled at Tarleton and attend or temporarily reside at the program for all or part of at least four days, the program director must submit the DSHS Child Protection Training Form to DSHS within 5 days after the start of the applicable program. The preferred method of submitting is by email and the Tarleton Program for Minors email address will need to be copied on the email for documentation.

Texas Department of State Health Services email: [PHSCPS@dshs.state.tx.us](mailto:PHSCPS@dshs.state.tx.us)  
Suggested Subject line: Tarleton State University – 2021 *Insert Camp Name* CPM Form

### **Accommodations**

Minors attending the program with special needs shall be accommodated to a reasonable extent. Some of the program activities require hands on demonstrations and depending on the special need; the activity may not be suitable for a particular individual. It is up to the discretion of the program director to determine whether the activity may require strenuous effort from the student beyond reasonable participation.

### **Emergency Procedures**

The program director should develop emergency procedures applicable to their program, so program staff are trained to direct participants in a safe manner. These procedures could include information on how to respond to a Fire Alarm, Severe Weather, Inclement Weather, Armed Subject or Active Shooter, Gas Leak, Medical Emergency, etc. Resources are available at Tarleton's Emergency Preparedness webpage at: <http://www.tarleton.edu/emergency/index.html>.

RMS recommends the program staff verify their ability to receive Tarleton's Code Purple notifications via text messages. You may contact RMS at 254-968-0598 to verify your information within Code Purple.

### **Record Retention**

The program director shall maintain:

- a certificate of completion for the Child Protection Training shall be maintained for a period of two years following program completion;

- a copy of the DSHS Campus Program for Minors Child Protection Training Form shall be maintained for a period of two years following program completion;
- a copy of the participant roster and employee/volunteer roster shall be maintained for two years following program completion;
- a copy of the Risk Management Matrix and Insurance Application shall be maintained for three years following program completion;
- a copy of the Waiver, Indemnification, and Medical Treatment Authorization Form for participants under the age of 18 shall be maintained two years from the date of the individual turns 18 or the close of any litigation (whichever is longer) + one year;
- a copy of the Authorization for Dispensing Medication Form for participants under the age of 18 shall be maintained two years from the date of the individual turns 18 or the close of any litigation (whichever is longer) + one year.
- a copy of the Programs for Minors Prescreening Health Form for participants under the age of 18 shall be maintained two years from the date of the individual turns 18 or the close of any litigation (whichever is longer) + one year.

The program director shall provide program documents if subject to an internal program review and/or audit.

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### **Campus Operations-Risk Management & Safety Contact Information**

Tarleton Programs for Minors  
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