



MIDWESTERN STATE UNIVERSITY

Operating Policies & Procedures Manual

University Operating Policy/Procedure (OP)

OP 62.04: Youth Protection Program

Approval Authority:	Board of Regents
Policy Type:	University Operating Policy and Procedure
Policy Owner:	Vice President for Student Affairs
Responsible Office:	Youth Protection Program Coordinator
Next Scheduled Review:	05/06/2022

I. Policy Statement

It is the policy of Midwestern State University (“MSU” or “University”) to provide oversight and training for camps and programs involving minors held on University premises or operated by the University which have recreational, athletic, religious, or educational activities for the campers. This includes all camps or programs covered by *Texas Education Code*, Chapter 51, Section 51.976, as well as any day camp, activity, or University Interscholastic League (“UIL”) event sponsored by the University.

II. Reason for Policy

To promote the safety of minors participating in camps or programs on University premises or participating in those programs sponsored or supported by the University. This policy also supports compliance with federal and state law.

III. Application of Policy

This policy applies to University employees, affiliates, volunteers, contractors, and visitors who are Designated Individuals as defined by this policy. The policy applies to all campus programs for minors (Program or Programs) held on University property, as well as those programs sponsored by the University. This policy does not apply to general public events where parents/guardians are invited/expected to provide supervision of minors, or events where parents/guardians are explicitly required to accompany their children.

IV. Definitions (specific to this policy)

For purposes of this policy:

Affiliate: A person or organization in some way connected with the University.

Camper: A minor (under age 18) who is attending a campus program for minors (Program or Programs) on University premises or attending a program sponsored by the University. This definition does not include University students who are under the age of 18.

Campus Program for Minors (Program or Programs): Any program or camp held on University premises that offers recreational, athletic, religious, or educational activities to minors, or one that is University-sponsored. This excludes programs for University-enrolled students under the age of 18.

Camp Director: The University college, school, unit, or department employee or third party individual or entity who owns, operates, or supervises a campus program for minors (Program or Programs), regardless of profit.

Campus Security Authority: A University official required by the Clery Act to report to the MSU Police Department any suspected abuse sexual assault or other crime that occurs on campus, on the property immediately adjacent to the University, or on non-campus property or buildings owned or controlled by the University.

Contractor: A person or company that undertakes a contract with the University to provide materials or labor to perform a service or do a job.

Designated Individual(s): Any person involved in a campus program for minors (Program or Programs), who has contact with a minor. This includes those Programs held on campus or one which is sponsored by the University. Examples of Designated Individuals include but are not limited to faculty, staff, student workers, volunteers, and contracted employees.

Event(s) or Contest(s): UIL state office-sponsored programs that provide extracurricular academic, athletic, and music contests for minors who are students at UIL member schools.

Mandated Reporter: An individual who is obligated by law to report reasonable suspicions of abuse. Texas law requires anyone with knowledge of suspected minor abuse or neglect must report it immediately to the appropriate authorities. This mandatory reporting requirement applies to all camp directors and designated individuals.

Under Texas law, if you believe a child is being abused or neglected, you are required to report it to the Department of Family and Protective Services (DFPS). Reports may be made at any time to DFPS by phone at 1-800-252-5400 or online at [Texas Abuse Hotline](#). The hotline and website are available 24 hours a day, seven (7) days a week. The University's Policy prohibits retaliation against good faith reporting of suspected abuse or neglect. See MSU Policy 4.160 (Reporting of Child Abuse and Neglect).

In addition to notifying DFPS and/or law enforcement, the University also *requires* that Designated Individuals (see above) report any suspected abuse or neglect of minors on University property to the Title IX Coordinator.

Minor: An individual under the age of 18. For purposes of this policy, this definition does not include University-enrolled students under the age of 18.

Program or Programs: Any program or camp (Campus Program for Minors) held on University premises that offers recreational, athletic, religious, or educational activities to minors, or one that is University-sponsored. This excludes programs for University-enrolled students under the age of 18.

University Interscholastic League (UIL): A unit of the University that provides educational extracurricular academic, athletic, and music contests for students who attend UIL member schools.

Unsupervised Access: Means either of these situations which are prohibited: (1) an individual has access to a minor and there is no other designated individual present; or (2) a designated individual is alone with a minor.

Youth Protection Program Coordinator: The University employee responsible for the oversight of any camp or program involving minors held on University property or sponsored by the University and ensuring MSU's compliance with applicable federal, state, and local law, rules, and regulations, and University policies and procedures.

V. Procedures and Responsibilities

A. Presence of Minors on Campus

The University reserves the right to condition, restrict, or deny access to University facilities by minors at its discretion. All minors, including those participating in a Campus Program for Minors, will be subject to all University rules and regulations while on campus, and may be asked by the University's Youth Protection Program Coordinator to leave the campus (with assistance from the MSU Police Department if necessary) if unable to comply.

B. Authority

The President of the University delegates authority to the Youth Protection Program Coordinator for oversight of any camp or program involving minors held on University property or sponsored by the University.

C. Requirements for University-Sponsored Programs Involving Minors (Excluding UIL)

Each University-sponsored program involving the participation of minors must comply with the following terms and conditions, as well as any other applicable requirements of federal, state, or local law or regulation, and University policies and procedures.

1. Program Eligibility. The University requires any Program involving minors to be sponsored and controlled by a University college, school, unit, or department. Student organizations are not permitted to hold a Program. Student organizations may participate in a Program sponsored by a college, school, unit, or department.
2. Program Registration. Each University academic and administrative unit sponsoring a Program in which minors participate, whether located on or off campus, and all owners and operators of Campus Programs for Minors not operated by MSU but held on MSU property are required to register such Program with the Youth Protection Program Coordinator or designee not later than thirty (30) days prior to the commencement date of the Program. Access to MSU facilities will be denied if the Camp Director does not provide the information required to register a Campus Program for Minors before the 30-day deadline. Any amendments or changes to the Program registration should

be submitted as soon as is practicable after the need for amendment becomes known. To register a Program utilize the [Youth Protection Program Online Registration System](#), and it will require:

- a. Program name and a detailed description of the Program including dates of the Program, an itinerary and description of the activities and their location (and any designated free time), along with the number of children who will be attending;
 - b. The name of the Camp Director for the Program with an acknowledgement from the Camp Director that (s)he has read, understands, and agrees to comply with the University's guidelines for child safety;
 - c. A list of all Designated Individuals with job descriptions for each and for each of them the following information:
 - University employee identification number
 - date employed
 - State approved training course name
 - course approval number
 - date training completed
 - date criminal background check completed; and

The Designated Individuals must perform the duties and responsibilities within the role and scope of their job duty descriptions.
 - d. If the Program involves the use of University facilities, completion of an MSU facilities use agreement is required not later than thirty (30) days prior to the commencement of the Program.
 - e. If a University academic or administrative unit fails to timely and fully complete the [Youth Protection Program Online Registration System](#) for a Program in which minors participate, the University's Youth Protection Program Coordinator shall see that appropriate training is provided to such unit to ensure awareness of the requirements. If compliance remains an issue, involvement of the unit's administrative supervisors may be needed.
3. Communication Plan. In the event of an emergency, each Program must follow the guidelines in the [Youth Protection Program Guidebook](#) and [Camp Emergency Plan](#) regarding notification of Campers' parents/legal guardians.

The Camp Director's responsibilities are to:

- a. provide Designated Individuals with contact information for parents/legal guardians of Campers in the event of an emergency;
 - b. ensure the parents/legal guardians are provided with contact information to reach the Campers while the Program is in session; and
 - c. utilize the [Communication Plan Template](#) provided by the Youth Protection Program Coordinator.
4. Medical Emergency Plan. The Camp Director of each Program must obtain from each Camper's parent/legal guardian the following:

- a. authorization to permit transportation of the Camper to a local hospital as deemed necessary in an emergency;
 - b. authorization for emergency medical treatment in the event the parent/legal guardian or their designated emergency contact is not available; and
 - c. disclosure of any allergies, other medical conditions, or physical limitations of a camper that may impact his or her participation in the program.
5. Supervision Plan. Each Program must establish a plan for adequate supervision in light of the number and average age of campers, the Program activity, and whether overnight accommodations are involved.
- a. The supervision plan must specify the person having responsibility over all Designated Individuals serving in the Program, the proposed ratio of campers to Designated Individuals over 21, and provide a proposed breakdown of Designated Individuals by category of employees, students, and volunteers.
 - b. Each Program must have a minimum Designated Individual to Camper ratio of the following:
- | <u>Camper Age</u> | <u>Number of Staff</u> | <u>Overnight Campers</u> | <u>Day Only Campers</u> |
|-------------------|------------------------|--------------------------|-------------------------|
| 5 years & younger | 1 | 5 | 6 |
| 6-8 years | 1 | 6 | 8 |
| 9-14 years | 1 | 8 | 10 |
| 15-18 years | 1 | 10 | 12 |
- c. The supervision plan for any overnight Program must also:
 - specify curfews;
 - rules pertaining to visitors, and
 - no unsupervised free time.
6. Transportation Plan. Each Program must establish a procedure for the pick-up and drop-off of campers, specifying times and locations, and assure that no camper will be released to any person other than his or her parent/legal guardian without specific written authorization.

The Youth Protection Program Coordinator must review and approve in advance any program which provides for transportation of Campers by Designated Individuals after drop-off by parent/legal guardian to the campus or other site.

A Designated Individual is not permitted, at any time, to be alone with a minor in a car or other vehicle.

D. Requirements for Designated Individual(s)

Any person who will serve as a Designated Individual in any University-sponsored Program or third party non-MSU Program held on MSU property, must first meet the following requirements.

1. Background Check. All Designated Individuals who will work with Campers during the Program must undergo a criminal background check and sex offender registry search conducted each year of the Program. The check must be conducted and successfully cleared prior to the start of the Program.
2. Training. Designated Individuals must complete sexual abuse and child molestation awareness training and examination and the Campus Program for Minors must have on file and produce documentation to the University's Youth Protection Program Coordinator or designee verifying that within the preceding two years of the beginning date of employment, the Designated Individual successfully completed the required training and examination program on sexual abuse and child molestation through a program approved by the Texas Department of State Health Services (DSHS). If the examination is taken on-line, the Designated Individual is required to retain a certificate of completion indicating successful completion of the course.
 - a. Designated Individuals must complete the training and examination every two years. If the Designated Individual is a new employee or volunteer, they must complete the training before the Program starts.
 - b. The University training module [MSU Child Protection Training](#) is provided by the University at no cost to the Designated Individual.

In accordance with *Texas Administrative Code* Rule §265.404, the University's training and examination program must be approved by the DSHS prior to being offered and at least every five (5) years the department is required to review the University's training and examination program to ensure it meets the criteria and guidelines established under Rule 265.404.

At a minimum the University's training and examination program is required to include:

- (1) the definitions and effects of sexual abuse and child molestation;
- (2) the typical patterns of behavior and methods of operation of child molesters and sex offenders that put children at risk;
- (3) the warning signs and symptoms associated with sexual abuse or child molestation, recognition of the signs and symptoms, and the recommended methods of reporting suspected abuse;
- (4) the recommended rules and procedures to implement to address, reduce, prevent, and report suspected sexual abuse or child molestation;
- (5) the need to minimize one-on-one isolated encounters between an adult and a minor; and
- (6) the risk of sexual activity between campers, steps to prevent sexual activity between campers, and how to respond if sexual activity between campers occurs.

The University's training program is required to last for a minimum of one hour and discuss each of the topics listed above. The examination is required to consist of a minimum of 25 questions that cover each of the

topics listed above. To successfully complete the training program, a score of 70% or more correct on an individual examination must be achieved. A certificate or similar record indicating successful completion of the program training will be issued to individuals who have successfully completed a Campus Program for Minors training and examination program on sexual abuse and child molestation; if the examination is taken on-line, the individual shall retain a certificate of completion indicating successful completion of the course.

- c. In accordance with *Texas Education Code* Section 51.976 and *Texas Administrative Code* Rule §265.403, each Camp Director must submit to the DSHS on the DSHS's Form EEH-28 and within five (5) days of the start of the Campus Program for Minors verification that each employee of the Campus Program for Minors has complied with the requirements. The Camp Director must retain in the Camp Director's records an electronic or paper copy of the documentation required or issued until the second anniversary of the examination date.
3. Volunteer Assignment. Camp Directors must assure that all volunteers complete a volunteer application form (available from Human Resources) and are assigned to an unpaid Affiliate Worker position in the Human Resources position management system prior to the start of the Program.
4. No Unsupervised Access. Any individual not considered a Designated Individual (e.g. parent/guardian) must not have unsupervised access to Campers.

E. Requirements for University Interscholastic League (UIL) Events

UIL events and contests (Programs) are staffed by UIL staff, contract employees, school district employees, and volunteers in supporting roles such as judges, officials, coaches, sponsors, and teachers to support student participants.

1. UIL-sponsored Programs are subject to *Texas Education Code*, Chapter 51, Section 51.976, and MSU OP 52.25 (Criminal Background Checks) when an event or contest lasts four (4) days or more and involves an overnight stay as part of the event.
2. In accordance with *Texas Education Code* (Chapter 22, Sections 22.0831-0837 and Chapter 38, Section 38.0041) and *Texas Administrative Code* (Title 25, Part 1, Chapter 265, Subchapter N, Rule § 265.403), the UIL is responsible for tracking and documenting training and criminal background checks for all UIL-affiliated volunteers and other persons working at a UIL contest or event. Responsibility for conducting training and criminal background checks for school district personnel and school district-affiliated volunteers involved in UIL events and contests rests with the school district.
3. The Camp Director for a UIL Program is responsible for ensuring compliance with the requirements set forth in Section V. of this policy.
4. Completion of an MSU facilities use agreement is required not later than thirty (30) days prior to the commencement of the Program.

F. Third Party Non-MSU Programs (Other Than UIL) Held on MSU Property

1. Owners and operators of Campus Programs for Minors (other than UIL) not operated by MSU, but held on MSU property, assume care, custody, and/or control of the minors and must fully comply with:
 - a. the requirements of the Texas Education Code, Chapter 51, Subchapter Z, §51.976, Training and Examination Program for Employees of Campus Programs for Minors on Warning Signs of Sexual Abuse and Child Molestation, report such training and certification to the Texas Department of State Health Services (TDSHS) in a timely manner;
 - b. the requirements set forth in Section V. of this policy; and
 - c. the completion of an MSU facilities use agreement not later than thirty (30) days prior to the commencement of the Program.

G. Prohibited Conduct

1. Program participants and staff must abide by all University regulations and may be removed from the Program for non-compliance with rules. The following must be included in Program rules:
 - a. The possession or use of alcohol and other drugs, fireworks, guns and other weapons is prohibited.
 - b. The operation of a motor vehicle by minors is prohibited while attending and participating in the Program.
 - c. The parking of staff and participant vehicles must be in accordance with University parking regulations.
 - d. Rules and procedures governing when and under what circumstances participants may leave University property during the Program.
 - e. No violence, including sexual abuse or harassment, will be tolerated.
 - f. Hazing of any kind is prohibited. Bullying including verbal, physical, and cyber bullying are prohibited.
 - g. No theft of property regardless of owner will be tolerated.
 - h. No use of tobacco products (smoking is prohibited in all University buildings) will be tolerated.
 - i. Misuse or damage of University property is prohibited. Charges will be assessed against those participants who are responsible for damage or misuse of University property.
 - j. The 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 participants.
2. Designated Individuals working in Programs covered by this policy must not engage in any behavior that could cause harm or be misinterpreted as possibly causing harm. Prohibited conduct for designated individuals includes, but is not limited to:
 - a. No one-on-one contact with minors is permitted outside the presence of

others.

- b. Do not meet with minors outside of established times for Program activities.
- c. Do not touch minors 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 minor, 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 minors.
- f. Do not use, possess, or be under the influence of alcohol or illegal drugs while working a Campus Program for Minors.
- g. Do not be alone in a vehicle with a minor at any time.
- h. Do not have direct electronic contact with minors without another designated individual included in the communication.
- i. Do not make sexual materials in any form available to minors participating in Programs or activities, or assist them in any way in gaining access to such materials.

H. Reporting Requirements

1. Reporting Suspected Abuse or Neglect. Under Texas law, if you believe a child is being abused or neglected, you are required to report it to the Department of Family and Protective Services (DFPS). Reports may be made at any time to DFPS by phone at 1-800-252-5400 or online at Texas Abuse Hotline. The hotline and website are available 24 hours a day, seven (7) days a week. The University's policy prohibits retaliation against good faith reporting of suspected abuse or neglect. See MSU OP 52.22 (Reporting of Child Abuse and Neglect).

In addition to notifying DFPS and/or law enforcement, the University also requires Designated Individuals report any suspected abuse or neglect of minors on University property to the University's Title IX coordinator.

In an emergency, or if you see a crime in progress, always call 911 immediately.

2. Requirements for Reporting Crimes. University officials known as "Campus Security Authorities" are required by the Jeanne Clery Act to report to MSU Police Department any suspected sexual assault or other crime that occurs on campus, on property immediately adjacent to the University, or on non-campus property or buildings owned or controlled by the University.

I. Accountability

1. Violations and Sanctions. Violators of this policy will be held accountable for their actions under University policy and applicable law. Sanctions for violations may include, but are not limited to, suspension of University funding, non-renewal or termination of the Program or Programs, suspension, dismissal,

or termination of University employment or Program staff status, or removal or barring from University grounds/facilities.

2. University Funding. University Programs that are not approved and registered pursuant to this Policy will not be eligible for payment, repayment, or reimbursement by the University Business Office.

VI. Related Statutes, Rules, Policies, Forms, and Websites

Related Statutes/Rules:

- *Texas Education Code*, Title 3, Subtitle A, Section 51.976 (Training and Examination Program for Employees of Campus Programs for Minors on Warning Signs of Sexual Abuse and Child Molestation).
- *Texas Education Code*, Title 3 Subject A, Section 51.9761 (Child Abuse and Reporting Policy).
- *Texas Education Code*, Title 2, Subtitle D, Chapter 22.0831 (National Criminal History Record Information Review of Certified Educators).
- *Texas Education Code*, Title 2, Subtitle G, Chapter 38.0041 (Policies Addressing Sexual Abuse and Other Maltreatment of Children).
- *Texas Family Code*, Title 5, Subtitle E, Chapter 261 (Investigation of Report of Child Abuse or Neglect).
- *Texas Administrative Code*, Title 25, Part 1, Chapter 265, Subchapter N (Campus Programs for Minors), Rule §265.403 (Program Operators); Rule 404 (Training and Examination Program on Sexual Abuse and Child Molestation).

Related MSU Policies:

- OP 02.44/4.116: Carrying Concealed Handguns on Campus
- OP 52.22/3-420: Reporting Incidents of Abuse and Neglect of Child, Elder, or Disabled Person
- OP 52.25/7-215: Criminal Background Checks (concerning youth camp employees and volunteers, any employee, university affiliate, volunteer, or student observer who will be present at a camp or other event or facility hosting or involving minor children must submit to a criminal background check each year; the check shall be conducted prior to permitting an individual to work, volunteer, or be present with unsupervised access to minors).

Related Forms:

[Camp Emergency Plan](#)

[Communication Plan Template](#)

[Incident Reporting Form](#)

[Minors on Campus Code of Conduct Form](#)

[Release and Indemnification Agreement for Minors](#)

[Youth Protection Program Guidebook](#)

[Youth Protection Program Online Registration System](#)

Related Websites:

UIL Website (<http://www.uiltexas.org/>)

VII. Responsible Office

Contact: Youth Program Protection Coordinator
Phone: (940) 397-4432
Email: angie.reay@msutexas.edu

VIII. Revision History

- 11/10/1989: MSU Policy 3.353 (Summer Camps and Conferences) is renumbered by the Board of Regents following a comprehensive review of the Policies and Procedures Manual; it is later changed to Policy 4.169. The policy deals with University-sponsored institutes, workshops, and summer camps; the approved policy change on this date dealt with the guidelines used to determine the salaries to be paid to summer camp directors.
- 02/13/1993: Policy 4.169 is rewritten for better organization and control.
- 11/16/2012: Added new Policy 4.129 (Protection of Minor Children on Campus). Revisions to Policy 4.169 (Summer Camps and Conferences) Sections B., C., D., and E. are made and new Section F. is added.
- 08/08/2014: Subsection F.1 of Policy 4.169 (Summer Camps and Conferences) is revised by adding: "The employee/volunteer must provide MSU with verification of successful completion of the required training (including the date of successful completion and the approved course number). Employees and volunteers in programs and camps receiving compensation by Midwestern State University must successfully complete the training provided by the University." And added subsection F.3: "The Coordinator of Summer Camps at Midwestern State University must submit to the Texas Department of State Health Services on the form and within the time prescribed by the department verification that each employee of the campus program for minors has complied with the requirements of this section."
- 11/04/2021: Former MSU Policies 4.129 (Protection of Minor Children on Campus) and 4.169 (Summer Camps and Conferences) revised, renamed, and renumbered into one policy/procedure: OP 62.04: Youth Protection Program.