

# University of North Texas at Dallas Administrative Procedures

## Policy Logistics

<b>Associated Policy:</b>	15.001, Program for Minors
<b>Last Updated Date:</b>	June 12, 2018
<b>Policy Owner:</b>	Mr. James Main, CFO
<b>Policy Contact(s):</b>	Mr. John Bullock, Risk Management
<b>Department(s) Involved:</b>	Faculty, Staff, Students, All University

## Process Specifications

**Purpose.** The purpose of this procedure is to establish the requirements for planning and managing University of North Texas at Dallas (UNTD) sponsored events, activities, or programs that involve minors.

**Scope.** This procedure applies to all faculty, staff, students, and volunteers who are involved with planning or managing a UNTD sponsored event, activity, or program that involve minors.

### **Responsibilities.**

#### **I. Program Director.**

- A. Oversight and administration of the program.
- B. Notify Risk Management Services (RMS) of program.
- C. Inform RMS of all program staff working with minors.
- D. Complete criminal history background check and a sexual abuse and child molestation awareness training and examination.
- E. Ensure all program staff and minors are aware of applicable UNTD policies and procedures.
- F. Ensure all program staff and minors are aware of behavior expectations and emergency procedures.

G. Report child abuse immediately if known.

## **II. Program Staff.**

A. Complete criminal history background check and a sexual abuse and child molestation awareness training and examination.

B. Adhere to the responsibilities and expectations of program director instructions.

C. Report child abuse immediately if known.

## **III. RMS.**

A. Provide guidance to those involved with program planning and managing.

B. Provide services for completion of criminal history background checks and sexual abuse and child molestation awareness training and examination for all program staff involved with a program.

C. After securing verification signature from the EVP for Administration and CFO, report program staff who have received training on sexual abuse and child molestation awareness to the Texas Department of State Health Services (TDSHS).

## **IV. EVP for ADMINISTRATION and CFO.**

A. Sign verification of training form as required.

## **Definitions**

1. **Contact with Minors.** “Contact with Minors” means supervising or mentoring a minor, whether in person or through any other means of communication and/or contact.

2. **Direct Supervision.** “Direct Supervision” means a minor being accompanied or accounted for by a program staff at all times.

3. **Government Identification.** “Government Identification” means any of the following types of identification that contain a photo: Foreign passport;

Employment Authorization Document that contains a photograph (Form I-766); Driver's license or an ID card issued by a state or possession of the United States provided it contains a photograph; U.S. Military ID card.

4. **Health Safety Officer.** “Health Safety Officer” means a physician, registered nurse, licensed vocational nurse, a person with an American Red Cross Emergency Response certificate, or its equivalent, or who is certified in CPR and basic first aid.

5. **Initial Planning Office.** “Initial Planning Office” means the contact point established in each unit for the purpose of handling that unit’s scheduling.

6. **Minor.** “Minor” means a person under the age of 18 years old who is not otherwise enrolled as a student of UNTD.

7. **Program.** “Program” means any youth camp, activity, internship, volunteer opportunity, or event operated by or on the UNTD campus that has direct contact with minors.

8. **Program Director.** “Program Director” means a person who owns, operates, or supervises a program, including departments partnering with a third party.

9. **Program Staff.** “Program Staff” means an employee, student, or volunteer who is directly involved in the operation of a program and who has the potential to have direct, unsupervised interaction with minors. This does not include a person acting as a guest speaker, an entertainer, or fulfilling any other role, whose attendance at a program is for a limited purpose or a limited time if the person has no direct and unsupervised interaction with minors.

10. **Sedentary Activity.** “Sedentary Activity” means activities that do not require physical activity.

11. **Third Party.** “Third Party” means a person, group, or organization who is not an employee, student, or unit of UNTD.

12. **Training.** “Training” means any sexual abuse and child molestation awareness training and examination program that has been approved by the Texas Department of State Health Services.

13. **Unit.** “Unit” means an official program, department, division, college, school, institute, center, laboratory, or related entity of UNTD.

14. **Vigorous Activity.** “Vigorous Activity” means any type of physical activity (e.g., running for prolonged periods of time, playing sports, etc.).

15. **Unit Administrator.** “Unit Administrator” means an individual with supervisory responsibilities in a UNT department or college responsible for sponsoring a program involving minors on behalf of the University.

## **Procedure**

### I. Program Implementation.

A. Notify RMS at least three (3) months prior to the start date of the program. (If the program is approved to take place on campus less than 90 days prior to the start date, notify RMS immediately.)

B. Complete and submit the following forms to RMS:

1. Program for Minors Information Form
2. Risk Assessment Worksheet
3. Program for Minors Verification Form
4. Minors Working in Labs Form (if applicable)

C. Submit a complete list of program staff to RMS at least two (2) months prior to the start date of the program.

D. Ensure all requirements are met for the criminal history background checks and sexual abuse and child molestation awareness training and examination for all program staff.

E. Review policies and procedures involving minors in laboratory settings including, emergency procedures (e.g., evacuation of building, shelter areas, emergency telephones, heat exhaustion, etc.), all applicable University policies, Behavioral Guidelines Form for program staff, and steps of reporting child abuse. Program director and program staff must adhere to these requirements.

**II. Third Parties.** Third Parties must work through the appropriate initial planning office to plan their program and reserve facility space using a Facilities and Services Use Agreement. The initial planning office must contact RMS once the Facilities and Services Use Agreement has been signed. Furthermore, this procedure may not apply to programs where parents or other responsible adults are expected to provide supervision of minors, or to programs where parents or other responsible adults are explicitly required to accompany their minor(s).

### **III. Criminal History Background Checks**

A. All program staff must complete and submit a Criminal History Authorization and Release Form to RMS at least two (2) months prior to the start date of the program. A background check must be done annually if this is in an on-going program. If a program staff member has had a background check within the twelve (12) months prior to the start date of the program, a letter can be submitted to RMS in place of a UNTD background check. The letter must include:

1. Name of program staff member
2. Date of search
3. Vendor name (must be a nationwide criminal history and sex offender register search)
4. Results are in compliance with minors in labs policies and procedures.

B. RMS will process each criminal history background check received through the approved vendor.

C. The cost for each criminal history background check is \$10.00, but costs are subject to change from year to year.

D. Teachers who have a current criminal history background check on file with their school may submit a waiver letter signed by the school's principal or human resources department.

E. A county criminal history search will be completed for each county listed on the form for program staff who do not have a social security number.

**IV. Child Development Laboratory.** All program staff working in the child development lab are required to have a criminal history background check processed through the Texas Department of Family and Protective Services in accordance with Texas Administrative Code §745.659. These checks are coordinated through the UNTD Child Development Lab.

**V. Adverse Criminal History Background Results.** If a criminal history background check returns adverse results, the affected program staff member will be notified by RMS. Program staff who have received the following criminal convictions are prohibited from working with a program:

- A. A misdemeanor or felony under Texas Penal Code
- B. Title 5 (Offenses Against the Person)
- C. Title 6 (Offenses Against the Family)
- D. Chapter 29 (Robbery) of Title 7
- E. Chapter 43 (Public Indecency) or §42.072 (Stalking) of Title 9
- F. Chapter 15.031 (Criminal Solicitation of a Minor) of Title 4
- G. Chapter 38.17 (Failure to Stop or Report Aggravated Sexual Assault of Child) of Title 8

Any other adverse results not listed above could prohibit program staff from working with a program. Adverse results such as a misdemeanor or felony within the past ten (10) years may disqualify participation with the program. The following types of criminal convictions or deferred adjudications that may preclude a person are:

- A. Chapter 46.13 (Making a Firearm Accessible to a Child), or
- B. Chapter 49 (Intoxication and Alcoholic Beverage Offenses) of Title 10 of the Texas Penal Code, or
- C. Any like offense under the law of another state or under federal law, or

D. Any other felony under the Texas Penal Code or any like offense under the law of another state or under federal law.

Program staff will be given a reasonable time, generally not less than five (5) business days, to meet and provide documentation establishing that the report is inaccurate, that a reported felony conviction is a lesser violation under the laws of the charging jurisdiction, that a disposition was the subject of a subsequent expunging or sealing order by a competent court, or that the report is otherwise unreliable.

Information received will be evaluated to determine whether a program staff's criminal history may present a safety or security risk. If the program staff has an unsatisfactory criminal history background check, RMS will verbally inform the program director that the potential program staff is not allowed to work with minors. Information or decisions relating to adverse reports should never be communicated via email.

#### **VI. Sexual Abuse and Child Molestation Awareness Training.**

A. All program staff must complete a TDSHS approved sexual abuse and child molestation awareness training and examination at least one (1) month prior to the start date of the program.

B. The program staff may submit documentation to RMS certifying that they have completed a training and examination program approved by TDSHS within the preceding two (2) years from the start date of the program.

C. Program directors are responsible for ensuring all program staff have successfully completed the training two (2) weeks prior to the start date of the program. To successfully complete the training, each program staff must achieve a score of 70% or higher on an individual examination.

D. If an individual needs to complete the training, RMS will provide training online or in person. The cost for each online training is \$6.00 through the approved vendor or an in person training can be scheduled for no charge. Costs are subject to change from year to year.

E. RMS will coordinate with the EVP for Administration and CFO or other appropriate university official designated by the EVP to obtain a signature

verifying completion of training and submit the Campus Program for Minors Information form to TDSHS.

**VII. Supervision of Minors.** The ratio for program staff to participant is as follows (the program director must not be included in this ration):

Participant Age	Number Staff	Overnight Participants	Day-only Participants
5 years and younger	1	5	6
6-8 years	1	6	8
9-14 years	1	8	10
15-18 years	1	10	12

Program staff performing room checks must take the following actions:

A. Two program staff knock on the door, state they are doing a room check, and remain in the hallway.

B. Minors make sure minors are appropriately clothed and open the door for the program staff member to view the minors occupying the room.

C. Program staff are not allowed to enter the room, unless there is an emergency situation and even then the door is to remain opened at all times.

D. While it is not required to have male and female program staff, if you are having a program that will have both genders, it might be in the interest of the participants to have both available.

E. One-to-one interaction may be conducted in an open or public area or in a classroom with an open door or window that allow for a clear line of sight of program staff and minor so that others outside the a meeting can view the interaction at all times. The program staff must notify the program director or another program staff of the one to-one supervision prior to the interaction.

**VIII. Insurance.**



A. The program director must obtain a certificate of insurance from any third party partnering organization if applicable. A copy must be provided to RMS one (1) week prior to the start date of the program.

B. Program director must purchase accident medical insurance for the group through RMS if it cannot be certified that all minors have personal medical coverage. The cost is:

1. \$0.23/Per Camper Per Day—Non Sports Day Camps
2. \$0.29/Per Camper Per Day—Non Sports Overnight Camps
3. \$0.33/Per Camper Per Day—Sports Day Camps
4. \$0.58/Per Camper Per Day—Sports Overnight Camps

Note: Costs are subject to change from year to year.

**IX. Food at Event.** If food will be served at the program and not provided by UNTD Dining Services or on campus vendors, the Event and Camp Food Form must be completed and submitted to RMS. Refer to the Food Safety Handbook.

**X. Reporting Abuse or Neglect.** If a person has cause to believe a minor's physical or mental health or welfare has been adversely affected by abuse or neglect, that person must use the following steps for reporting.

- A. Dial 911 for immediate or life threatening emergency situations.
- B. Make a report online or by phone to the Department of Family Protective Services.
- C. Make a report to the UNTD Office of Institutional Compliance in accordance with UNTD Policy 5.032 *Reporting Child Abuse and Neglect*.

## **XI. Incidents.**

- A. The Program Involving Minors Incident Report Form must be completed and provided to RMS within 24 hours of an incident occurring.
- B. If the program purchased the accident medical group coverage:
  1. RMS will complete the university's portion of the insurance claim packet and, if applicable,

2. Provide instructions to the minor's parent or responsible adult for filing a claim.

C. If the program did not purchase the accident medical group coverage, the university will not be responsible for medical expenses incurred relating to the injury of a minor.

**XII. Medical Information and Release Form.** The RMS Medical Information and Release Form for each minor or a form specific for the program is required. This form must include (at a minimum) the following:

A. Contact information including name, phone number, and address for the minor, parent or responsible adult, and at least one emergency contact.

B. Name and phone number of the primary care physician.

C. Health insurance information including name of carrier, policy number, and name of the primary insured and a copy of the current insurance card.

D. A list of any physical, mental, or medical conditions the minor may have and medications currently being taken.

E. A statement approved by RMS authorizing medical treatment to the minor and allowing medical information to be shared with appropriate medical personnel.

F. Signature of the parent or responsible adult.

**XIII. Photo Release Form.** If the program wishes to take photographs and/or video for marketing purposes, either printed or electronic, the program director must obtain a Photo Release Form for each minor which the parent or responsible adult signs. Program director should consult with UNTD Marketing and Communications to ensure compliance with university marketing policies.

**XIV. Orientation.** The program director must communicate with the program staff and minors, at a minimum, the following applicable UNTD policies and topics:

- A. Administration Entry and Searches for University Residence Halls
- B. Use of University Non-wireless Telephones, Telephone Lines, Fax Machines, and Computers Policy (14.011)
- C. Hazing (7.013)
- D. Alcohol and Substance Abuse Program (7.011)
- E. Alcoholic Beverages (11.003)
- F. Policy for Prohibition of Sexual Assault and Retaliation (5.038)
- G. Reporting of Child Abuse and Neglect (5.032)
- H. Reporting Suspected Wrongdoing (4.012)
- I. Tobacco and Nicotine-Delivery Devices (11.002)
- J. UNTD Emergency procedures
- K. Behavioral expectations of the minors while attending the program
- L. Curfews

**XV. Access Control.** The program director must follow procedures for acquiring and releasing all minors attending a UNTD program. These procedures include (at a minimum) the following:

- A. Maintain a roster with the names and dates of the participants.
- B. The parent or responsible adult must print (and sign) their name next to the name of the minor that is being visited and/or released.
- C. When the program is complete or the minor has any reason to leave the program, the same parent or responsible adult must show government issued identification to have the program director or program staff release the minor into the custody of the person listed on the roster.
- D. If the minor is released to someone other than the parent or responsible adult, the parent or responsible adult must:

1. Provide written notice in advance to the program director of names of persons who are authorized to receive custody of the minor and include the full name, last four (4) digits of the person's government ID number, and a signature of the parent or responsible adult releasing the minor to the other person.
2. The program director or program staff must check the government ID of the person acquiring the minor.
3. The person acquiring the minor will print and sign their name next to the participating minor's name.

The Program for Minors Participant Roster may be used or the program director may create a similar form based on the minimum requirements listed above.

If a minor has a driver license and arrives at the camp in a personal vehicle, the parent or guardian must inform the program director in writing prior to the start of the program. This includes minors carpooling to and from the program. The program director must communicate parking arrangements with parents or guardians and minors.

## **XVI. Compliance.**

- A. RMS will communicate and inform the program director of any program staff not in compliance with sections listed above (criminal history background checks and sexual abuse and child molestation awareness training) one (1) month prior the start date of the program.
- B. The program director has three (3) business days to communicate with RMS to become compliant with the requirements for criminal history background checks and sexual abuse and child molestation awareness training.
- C. If no response has been received from the program director by three days, RMS shall inform the unit administrator in writing of noncompliance.

D. RMS will re-evaluate program staff to determine if compliance is possible within two (2) business days after notification has been given to the unit administrator.

E. Compliance must be achieved no later than two (2) weeks prior to the start date of the scheduled program. The program director shall notify the unit administrator and RMS that the program has complied with requirements for criminal history background checks and sexual abuse and child molestation training.

Failure to Comply and Suspension of Activity. Persons violating the UNTD Program Involving Minors Policy 15.001 or these procedures will face disciplinary action in accordance with UNTD policies up to termination of employment, enrollment, or business relationships.

#### References.

- Texas Administrative Code §265
- Texas Administrative Code §745.659:
- Texas Department of Family and Protective Services  
[https://www.dfps.state.tx.us/Child\\_Care/Child\\_Care\\_Standards\\_and\\_Regulations/default.asp](https://www.dfps.state.tx.us/Child_Care/Child_Care_Standards_and_Regulations/default.asp)
- UNTD Policies