

UNIVERSITY OF HOUSTON SYSTEM
ADMINISTRATIVE MEMORANDUM

SECTION: Student Affairs

NUMBER: 05.C.01

AREA: ~~Campus~~ Programs/Compliance

SUBJECT: Protection of Campus Programs For Minors and Reporting Abuse and Neglect

1. PURPOSE

Texas Education Code, Section § 51.976 requires individuals who will have contact with ~~M~~inors -at certain ~~limited campus~~ programs operated by or on the campus of a university to receive specific training ~~-on-preventing~~ sexual abuse and ~~C~~hild molestation ~~in order for the campus program to be operated by or on the campus of an institution of higher education.~~ In addition, under Texas Education Code, Section 51.9761, the university must provide employees who are Professionals additional training on sexual abuse and other maltreatment of children and require all employees to report Abuse and Neglect as appropriate, regardless of whether the Minor is participating in a campus program.

The purpose of this policy is to comply with the requirements of ~~not only with the minimum legal requirements of Texas Education Code, § 51.976~~ Texas Education Code, Sections 51.976 and 51.9761 and; ~~but to also~~ ensure all ~~C~~ampus ~~P~~programs for ~~M~~inors are conducted in a manner that is as safe as possible.

2. DEFINITIONS

2.1. Abuse – Certain acts or omissions by a person against a Child as defined by Texas Family Code, Section 261.001(1).

2.2~~1.~~ Campus Program for Minors – Any program lasting for all or part of four or more days (including, but not limited to, recreational, athletic, or academic programs) conducted by a university or on the campus of a university where any individual in attendance is a ~~M~~inor who is not enrolled as a student at ~~the a~~ university.

2.3~~2.~~ Coordinator of Campus Programs for Minors – The individual designated by each university to ensure~~monitor~~ compliance with Section 3.5 of this policy. ~~(with the exception of Sections 3.5, 3.7, and 5.3).~~

- 2.43. Child/Minor – Any individual ~~who is~~ under 18 years of age who has never been married or had the disabilities of minority removed for general purposes.
- 2.5. 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 those acts or omissions identified under Texas Family Code, Section 261.001(4)(A). For acts or omissions that do not constitute Neglect, see Texas Family Code, Section 261.001(4)(B).
- 2.6. Professional – An individual licensed or certified by the state of Texas or an employee of a facility licensed, certified, or operated by the state of Texas and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, and other individuals listed in Texas Family Code, Section 261.101(b).
- 2.74. Program Operator – The individual who runs, supervises, or operates a specific Campus Program for Minors.
- 2.85. Sexual Abuse and Child Molestation Training – A training and examination program on sexual abuse and ~~C~~ehild molestation that is approved by the Texas Department of State Health Services (TDSHS). This may include an approved UH System training or a third party's approved training. For a list of training programs that have been approved by TDSHS, see <https://www.dshs.texas.gov/campus-program-minors>.
- 2.9. Sexual Abuse and Maltreatment of Children Training – A UH System training for employees who are Professionals in (1) prevention techniques for and the recognition of symptoms of sexual abuse and other maltreatment of children and (2) the responsibility and procedure of reporting suspected occurrences of sexual abuse and other maltreatment.

3. CAMPUS PROGRAMS FOR MINORS~~POLICY~~

3.1. Designation of Coordinator of Campus Programs for Minors. Each university shall designate one individual to serve in the role as Coordinator of Campus Programs for Minors who is responsible for ensuring compliance with Section 3.5 of this~~this~~ policy ~~(with the exception of Sections 3.5, 3.7, and 5.3).~~

~~3.2. Written Approval for Programs. Prior to any Campus Program for Minors occurring, the Program Operator must obtain written approval from the Coordinator of Campus Programs for Minors who will ensure all documentation required by this policy is completed prior to the program occurring.~~ 3.4. Outside Program Operators. Third parties seeking to conduct a Campus Program for Minors must enter into a contract with the university before the program occurs and the contract must include the items required by Section 4.2 of this policy.

3.2. Background Checks. Any individual who has a conviction for a crime(s) related to Abuse, Neglect, exploitation, assault, sexual offenses, or any offense involving a Minor is prohibited from working or volunteering at a Campus Program for Minors. Prior to working or volunteering at a Campus Program for Minors, university employees and volunteers who will have contact with a Minor participant must have a criminal history record investigation pursuant to SAM 02.A.37 completed within the last year. The university's human resources director will evaluate any positive criminal history to determine whether the employee or volunteer is allowed to work at a Campus Program for Minors.

~~3.3.~~ 3.3. Sexual Abuse and Child Molestation Training~~Training Requirement.~~ Prior to working or volunteering at a Campus Program for Minors, each individual who will have contact with a Minor participant shall successfully complete (or provide proof that the individual has successfully completed within the previous two years) a Sexual Abuse and Child Molestation Training ~~course approved by TDSHS.~~

3.4. Third Party Programs. Third parties (i.e., any vendor or individual not affiliated with a university) seeking to conduct a Campus Program for Minors must enter into a contract with the university before the program occurs and the contract must include, at a minimum, language from Form OGC-S-2012-13 that contains the following terms.

3.4.1. The third party must, by no later than 15 days before the program occurs, submit to the university a form that indicates each individual working or volunteering at the program who will have contact with a Minor participant has completed a Sexual Abuse and Child Molestation Training course that has been approved by TDSHS. The information must be

submitted on the verification form approved by TDSHS (the current form can be downloaded at <https://www.dshs.texas.gov/applications-and-forms-campus-program-minors>).

For programs that host 20 or more Minors for all or part of at least four days, the third party must also submit the form to TDSHS.

3.4.2. The third party must certify to the university that no individual who will be working or volunteering at the program has any felony criminal convictions or any conviction for any crime(s) related to Abuse, Neglect, exploitation, assault, sexual offense, or any offense involving a Minor.

3.4.3. The third party must agree to indemnify and hold harmless the university from any and all liability and claims arising from the program.

3.4.4. The third party must agree to maintain insurance acceptable to the university, including listing the university as an additional insured and providing a certificate of insurance before the program occurs.

3.5. Program Registration. Prior to any Campus Program for Minors occurring, the Program Operator or the department sponsoring a third-party program must register the program with and obtain written approval from the Coordinator of Campus Programs for Minors, who will ensure all documentation required by this policy is completed prior to the program occurring and retained in accordance with university policy.

~~3.4. Outside Program Operators. Third parties seeking to conduct a Campus Program for Minors must enter into a contract with the university before the program occurs and the contract must include the items required by Section 4.2 of this policy.~~

~~3.5. University Departments Which Require Training for Employees. In addition to those individuals who should receive training under Section 3.3, all employees who are employed by, as well as other employees who are assigned to regularly work in, any of the university departments/areas having the highest likelihood of contact with minors are required to complete Sexual Abuse and Child Molestation Training at least once every two years. The following department/areas have the highest likelihood of contact with minors:~~

- ~~a) Athletics—Additionally, all student athletes are required to complete Sexual Abuse and Child Molestation Training at least once every two years due to their possible involvement with Campus Programs for Minors.~~
- ~~b) Student Affairs and Enrollment Services~~
- ~~c) UH Children's Learning Centers~~
- ~~d) UH Charter School~~
- ~~e) Other areas/departments as determined by the university~~

~~The Department of Human Resources for each university (and in the case of student athletes, the Department of Athletics) shall ensure compliance with Section 3.5.~~

~~3.6.—Reporting Suspected Abuse.— Any individual who suspects that a Minor's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as provided by Section 5.3 of this policy.~~

~~3.7.—Background Checks.— Any individual who has a conviction for a crime(s) related to abuse, neglect, exploitation, assault, sexual offenses, or any offense involving a Minor, is prohibited from working or volunteering at a Campus Program for Minors. Any university employee or volunteer who has not submitted to a criminal history record investigation pursuant to SAM 02.A.37, must do so prior to working at a Campus Program for Minors. The university's human resources director will evaluate any positive criminal history to determine whether the employee is allowed to work at a Campus Program for Minors. Background checks are not conducted on minors or university students.~~

~~4.—PROCEDURE~~

~~4.1.—Campus Programs for Minors—Conducted by a University.— The following items must occur prior to any Campus Program for Minors being conducted by a university:~~

~~3.5.1.~~ 4.1.1.—At least ~~30~~21 days before the program occurs, the Program Operator or department sponsoring a third-party program will send ~~a spreadsheet~~ to the Coordinator of Campus Programs for Minors ~~that lists~~ the following information for the particular program in the format required by the Coordinator:

- a) Program name;
- b) Type of program;
- c) Description of the program;
- d) College or department sponsoring the program;
- e) Location of the program;
- f) Dates of the program;
- g) Number of expected participants of the program;
- h) Approximate ages of the participants;
- i) Full names of all individuals who have cleared a criminal background check and will be working or volunteering at the

program, the title of such individuals, and whether such individuals are employed by a university; and

~~h)j)~~ If the program is conducted by a university, the dates the background check and Sexual Abuse and Child Molestation training were completed for each individual working or volunteering at the program.

~~4.1.2. Before the program occurs, the Program Operator will ensure that each individual who will be working or volunteering at the program has completed the Sexual Abuse and Child Molestation Training.~~

3.5.24.1.3. For programs conducted by a university that host 20 or more Minors for all or part of at least four days: At least 15 days before the program occurs, the Program Operator~~Coordinator of Campus Programs for Minors~~ must will, prior to the program occurring, submit a completed TDSHS form to the Coordinator of Campus Programs for Minors~~for each program~~ that indicates each individual ~~who will be~~ working or volunteering at the program who will have contact with a Minor participant has completed the Sexual Abuse and Child Molestation Training. The information must be submitted on the verification form approved by TDSHS (the current form can be downloaded at <https://www.dshs.texas.gov/applications-and-forms-campus-program-minors>~~<https://www.dshs.texas.gov/campus-program-minors>~~). At least five days before the program occurs, the Coordinator of Campus Programs for Minors must submit the completed forms to TDSHS.

~~3.5.34.2.2.~~ At least 15 days before the program occurs, t~~The college or department sponsoring a third-party program that facilitates the contract with the third party shall send copies of the executed contract and if applicable, the verification form to the Coordinator of Campus Programs for Minors prior to the program occurring. A copy of the current form can be found at <https://www.dshs.texas.gov/campus-program-minors>~~<https://www.dshs.texas.gov/applications-and-forms-campus-program-minors>~~.~~

3.5.4. After all documentation required by this policy has been received and if applicable, the ~~information is submitted to~~ TDSHS form has been submitted for a particular program, the Coordinator of Campus Programs for Minors will provide written notice to the Program Operator of approval to conduct the program.

~~4.1.4. The Program Operator must obtain prior written approval from the Coordinator of Campus Programs for Minors to conduct the program.~~

~~4.2. Campus Programs for Minors—Conducted by a Third Party at a University. The following items must occur prior to any Campus Program for Minors being conducted by a third party (any vendor or individual not affiliated with a university) on the grounds of a university.~~

~~4.2.1. The university must enter into a contract with the third party, which contains, at a minimum, the following terms:~~

~~a) The third party must, by no later than 15 days before the program, submit to the university, a form that indicates each individual who will be working or volunteering at the program has completed a Sexual Abuse and Child Molestation Training course that has been approved by TDSHS. The information must be submitted on the verification form approved by TDSHS (the current form can be downloaded at <https://www.dshs.texas.gov/campus-program-minors>). For programs that host 20 or more minors who are on campus for all or part of four days, the form must also be submitted to TDSHS.~~

~~b) The third party must certify to the university that no individual who will be working or volunteering at the program has any felony criminal convictions or any conviction for any crime(s) related to abuse, neglect, exploitation, assault, sexual offense, or any offense involving a Minor.~~

~~c) The third party must agree to indemnify and hold harmless the university from any and all liability and claims arising from the program.~~

~~d) The third party must agree to maintain insurance acceptable to the university, including listing the university as an additional insured and providing a certificate of insurance before the program occurs.~~

3.6. Medication Administration. All Campus Programs for Minors that administer prescription or over-the-counter medication to program participants must have written procedures for doing so, including procedures requiring written authorization from the participant's parent or legal guardian.

3.7. Transportation. All Campus Programs for Minors must have written procedures for the pick-up and drop-off of participants, including specifying times, locations, and to whom participants can be released, and for the transportation of participants for emergencies or program activities. Individuals operating vehicles owned, leased or rented by a university must be authorized to do so and follow applicable university policies. See SAM 01.C.13 – Business Use of Vehicles.

3.8. Participant and Volunteer Forms. All Campus Programs for Minors must have on file completed Participant Release of Liability forms and completed volunteer forms for all of their program participants and volunteers using the approved university forms listed below or using forms that contain language from the approved university forms.

- Participant Release and Indemnification Form
- Minor Volunteer Consent Form; Volunteer Application; Volunteer Position and Responsibilities Form; Volunteer Release and Indemnification Form

3.9. Accountability. Failure to follow the requirements for Campus Programs for Minors established in this policy may lead to sanctions, including but not limited to, probation or suspension of the program, termination of employment, or removal or barring from university property.

4. MINORS IN LABORATORIES

All individuals must follow their respective university's Environmental, Health and Safety policy and/or procedure with regard to Minors in laboratories.

~~4.2.2. The college or department that facilitates the contract with the third party shall send copies of the executed contract and the verification form to the Coordinator of Campus Programs for Minors prior to the program occurring. A copy of the current form can be found at <https://www.dshs.texas.gov/campus-program-minors>.~~

5. TRAINING ON SEXUAL ABUSE AND OTHER MALTREATMENT OF CHILDREN

5.1. Employees in Certain Departments. In addition to those individuals who must receive training as part of a Campus Program of Minors, all employees who are employed by, as well as other employees who are assigned to regularly work in, any of the university departments/areas having the highest likelihood of contact with Minors must complete a Sexual Abuse and Child Molestation Training at least once every two years. The following department/areas have the highest likelihood of contact with Minors:

- a) Athletics - All student-athletes are required to complete Sexual Abuse and Child Molestation Training at least once every two years due to their possible involvement with Campus Programs for Minors.
- b) Student Affairs
- c) UH Children's Learning Centers
- d) Other areas/departments as determined by the university

5.2. Professionals. Employees who are Professionals must complete an annual UH System Sexual Abuse and Maltreatment of Children Training. The training will include: (1) techniques for reducing a Child's risk of sexual abuse or other maltreatment; (2) factors indicating a Child is at risk for sexual abuse or other maltreatment; (3) warning signs and symptoms associated with sexual abuse or other maltreatment and recognition of those signs and symptoms; and (4) requirements and procedures for reporting suspected sexual abuse or other maltreatment.

5.3. The Department of Human Resources for each university (and in the case of student-athletes, the Department of Athletics) shall ensure compliance with the training required in this section.

6. REPORTING SUSPECTED CHILD ABUSE OR NEGLECT

6.1. Texas Family Code, Section 261.101 requires all individuals to make a report of suspected Abuse or Neglect if they have reasonable cause to believe (1) a Child's physical or mental health or welfare has been adversely affected by Abuse or Neglect by any person or (2) an adult was a victim of Abuse or Neglect as a Child and disclosure of the information is necessary to protect the health and safety of another Child. In addition, Texas Family Code, Section 261.101(b) requires Professionals to report suspected Abuse or Neglect if they have reasonable cause to believe that a Child has been or may be abused or neglected. Professionals may not delegate to or rely on another person to make the report.

6.2. All reports of suspected Abuse or Neglect must be made in good faith. Uncertainty should be resolved in favor of making a report.~~5.3. — Reporting Suspected Child Abuse or Neglect.~~

~~As required by Texas Family Code, Chapter 261, any person having cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect must immediately make a report to~~ 6.3. ÷

- ~~a) — Any local or state law enforcement agency;~~
- ~~b) — The Texas Department of Family and Protective Services;~~
- ~~c) — The state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred; or~~
- ~~d) — The agency designated by the court to be responsible for the protection of children.~~

~~5.3.1. Immediate Threat to a Minor. All individuals, including Professionals, who have~~Any employee who ~~reasonable cause to~~
suspects that an incident of ~~C~~child ~~A~~abuse or ~~N~~neglect has occurred or is likely to occur as a part of a Campus Program for Minors or within the university environment; shall report the incident immediately if urgent or within 48 hours if not urgent.

6.3.1. For emergencies or life-threatening situations that must be dealt with immediately, call 911.

6.3.2. For urgent situations that need to be investigated within 24 hours, call the Texas Department of Family and Protective Services' Texas Abuse Hotline (1-800-252-5400) or, to remain anonymous, contact the local or state law enforcement agency, such as the university's police department.

6.3.3. For non-urgent situations that do not need to be investigated within 24 hours, make an online report using the Texas Department of Family and Protective Services' Texas Abuse Hotline website, make a report to the state agency that operates, licenses, certifies, or registers the facility in which the alleged Abuse or Neglect occurred or, to remain anonymous, contact the local or state law enforcement agency, such as the university's police department.

6.4. Employees and volunteers making a report of suspected Child Abuse or Neglect -must also immediately notify their supervisor, the Program Operator and/or the Coordinator for Campus Programs for Minors, so that any university immediate-response required to assure the safety of Mminors can be taken. Any report made under this section should also be reported to the university's police department and Compliance Officer. If the reporter wishes to remain anonymous and there is no immediate threat to the health or safety of a Minor, the reporter can notify the university via the Fraud & Non-Compliance Hotline instead, as soon as practicable.

~~This obligation is in addition to the duty to report suspected child abuse under Texas law and Section 5.3 of this SAM. Any report made under this Section 5.3.1 should also be reported to the campus police department and General Counsel.~~

~~5.3.2. If there is no immediate threat to the health or safety of a Minor and the reporter wishes to remain anonymous, the matter should be reported as soon as practicable via the Fraud & Non-Compliance Hotline. This obligation is in addition to the duty to report suspected child abuse under Texas law and Section 5.3 of this SAM.~~

6.5~~5.3.3.~~ If the report made ~~under this Section 5.3~~ relates to allegations ~~misconduct~~ occurring on a university's campus, the university's police department (or in the case of UH –Victoria, ~~the report should be made to the UH Police Department Officer or Victoria Police Department~~) shall promptly investigate the matter and/or assist the appropriate agency authorized to investigate the matter.

76. REVIEW AND RESPONSIBILITY

Responsible Party: ~~Interim~~ Vice Chancellor for Student Affairs

Associate Vice Chancellor, Human Resources

Review: Every five years

87. APPROVAL

Approved: _____ */Gaston Reinoso/*

Associate Vice Chancellor, Human Resources

/Dona Cornell/
Vice Chancellor for Legal Affairs and General Counsel

/Daniel Maxwell/
~~Interim~~ Vice Chancellor for Student Affairs

/Raymond Bartlett/
Senior Vice Chancellor for Administration and Finance

/Renu Khator/
Chancellor

Date: _____ *September 20, 2022*

98. REFERENCES

~~SAM 02.A.37 – Background Checks for Employees~~

~~Form OGC-S-2012-13 Addendum Contract~~

[Texas Education Code §§ 51.976, 51.9761](#)

[Texas Family Code, Chapter 261](#)

~~SAM 02.A.37 – Background Checks for Employees~~

~~Form OGC-S-2012-13 Addendum Contract~~

[Participant Release and Indemnification Form](#)

[Minor Volunteer Consent Form](#)

[Volunteer Application](#)

[Volunteer Position and Responsibilities Form](#)

[Volunteer Release and Indemnification Form](#)

[Fraud & Non-Compliance Hotline](#)

Sexual Abuse and Child Molestation Verification Form:

~~<https://www.dshs.texas.gov/campus-program-minors>~~
<https://www.dshs.texas.gov/applications-and-forms-campus-program-minors>