

## Procedure III.3006.H.a, Campus Programs with Minors

### Associated Policy

Policy III.3006.H, Campus Programs with Minors

### Procedures

#### Purpose

The purpose of this procedure is to establish clear protocols and best practices for conducting Campus Programs with Minors that both adheres to the requirements listed in [Texas Education Code, § 51.976](#) and fosters a safe environment for Minors participating in camps and other programs on campus.

#### General

1. **Program Operator Responsibilities:** The Program Operator for any Campus Program with Minors is responsible for ensuring compliance with this policy and procedure.
2. **Written Approval for Programs:** Prior to any Campus Program with Minors occurring, the Program Operator must obtain written approval from the campus Provost or appropriate Strategic Leadership Team (SLT) member.
3. **Training Requirement:** Prior to working or volunteering at a Campus Program with Minors, individuals 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 the Texas Department of State Health Services (TDSHS). A Program Operator must submit to TDSHS ([PHSCPS@dshs.texas.gov](mailto:PHSCPS@dshs.texas.gov)) on the form provided ([Applications and Forms - Campus Program for Minors | Texas DSHS](#)) by the department, and within five 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 of this section; and retain in the operator's records an electronic or paper copy of the documentation certifying successful completion of the required training for each employee and volunteer until the second anniversary of the examination date.
4. **Third-Party Program Operators:** External individuals or groups seeking to conduct a Campus Program with Minors must enter into a contract with the College before the program occurs and the contract must include the items required in this policy and procedure, including certification that program employees and volunteers have successfully completed a Sexual Abuse and Child Molestation Training course approved by TDSHS.
5. **High-Contact Departments Which Require Training for Employees, Workers, and Volunteers:** In addition to those individuals who are required to receive training under Sections 3 and 4, all employees, workers, and volunteers who are assigned to work or volunteer in any department or program having the highest likelihood of contact with Minors are required to complete a Sexual Abuse and Child Molestation Training at least once every two years regardless of the duration of the Program with Minors. The following departments or programs have the highest likelihood of contact with Minors:
  - Athletics
  - Children's Center

- Student Services departments as determined by the College
  - Theatre
  - Summer camp employees, workers, and volunteers
  - Any other individual as determined by the College
6. **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, and no later than 24 hours after the person suspects abuse or neglect, make a report to one of the following:
- Any local or state law enforcement agency
  - The Texas Department of Family and Protective Services
  - The state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred

If the alleged or suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to the Department of Family and Protective Services.

- I. **Immediate Threat to a Minor:** Any employee or third party who suspects that an incident of child abuse or neglect has occurred or is likely to occur as a part of a Campus Program with Minors or within the campus environment, shall immediately notify their supervisor, the Program Operator and/or the appropriate campus administration, as well as the campus police department and Title IX Coordinator so that any immediate response required to assure the safety of Minors can be taken. This obligation is in addition to the individual's non-delegable duty to report suspected child abuse under Texas law.
  - II. If the report relates to alleged misconduct occurring on College property, the College's police department shall promptly investigate the matter and/or assist the appropriate agency authorized to investigate the matter.
7. **Background Checks:** Any individual who has a conviction for a crime related to abuse, neglect, exploitation, assault, sexual offenses, or any offense involving a Minor, is prohibited from working or volunteering at a Campus Program with Minors. Background checks will be conducted in compliance with College practice.

8. **Standards of Behavior**

All individuals working or volunteering in a Program with Minors must not engage in any behavior that could cause harm or be misinterpreted as possibly causing harm. Prohibited conduct for workers and volunteers includes, but is not limited to:

- No one-on-one contact with Minors is permitted outside the presence of others.
- Do not meet with Minors outside of established times for the program activities.
- Do not touch Minors in a manner that a reasonable person could interpret as inappropriate.
- 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.
- Do not shower, bathe, or undress with or in the presence of minors.
- Do not use, possess, or be under the influence of alcohol or illegal drugs while in the presence of a Minor.
- Do not be alone in a vehicle with a Minor at any time.

- Do not have direct electronic contact with a Minor without another worker or volunteer included in the communication.
- Do not make harmful materials in any form available to Minors or assist them in any way in gaining access to such materials. “Harmful materials” are those whose dominant theme taken as a whole appeals to the prurient interest of a Minor, in sex, nudity, or excretion; is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and is utterly without redeeming social value for Minors.

#### 9. Exclusions

- Events or programs offered by College personnel that are open to the general public to which Minors are invited to participate and the expectation is the Minor is accompanied by their parent/guardian(s) during the event or program and the College is not accepting care, custody, or control for the Minor(s) (e.g., athletics events, educational or entertainment events or activities, field trips, concerts).
- Student recruitment activities, including admissions events and campus tours, which involve Minors (considered to be prospective students) visiting campus.
- Kindergarten through 12th grade school groups (accompanied by teachers and/or chaperones) visiting campus as members of a campus tour, field trip, or event.
- Activities and programs subject to regulations that already provide for the protection of Minors or participants.
- College employees or volunteers who may have incidental contact with minors but do not work directly with minors in a youth program. All College employees will be required to comply with mandatory reporting requirements under this policy and any implementing procedures under the law.

#### 10. Non-Compliance

Individuals violating this policy and procedure will be held accountable for their actions and are subject to corrective action, up to and including termination of employment. Additionally, failure to comply with the requirements set forth in this policy may lead to revocation of permission to use College premises. The College may take necessary interim actions before determining whether a violation has occurred. The College may terminate relationships or take other appropriate actions against third-party entities that violate this policy. The Texas Department of State Health Services may also impose civil penalties and/or injunctive relief for persons in violation.

**Internal Campus Programs with Minors:** The following items must occur prior to any Campus Program with Minors being conducted by San Jacinto College employees on or off-campus:

1. At least 21 days before the program occurs, the Program Operator will send a spreadsheet to the campus Provost office or appropriate SLT member that lists the following information for the program:
  - Program name
  - Type of program
  - Description of the program
  - Department sponsoring the program
  - Location of the program
  - Dates of the program

- Number of expected participants of the program
  - Approximate ages of the participants
  - Full names of all individuals who will be working or volunteering at the program, the title of such individuals, and whether such individuals are employed by the College.
2. The Program Operator must obtain written approval from the campus Provost or appropriate SLT member to conduct the Campus Program with Minors.
  3. The Program Operator must reserve the intended space via the internal room reservation process through Campus Services and ensure that it is indicated that Minors will be present on campus. This will ensure that all Campus Programs with Minors can be captured and tracked through Banner.
  4. Before the program occurs, the Program Operator will make certain that individuals working or volunteering for the program have completed the Sexual Abuse and Child Molestation Training. San Jacinto College currently has a training and examination program account that is approved by TDSHS. Please refer to the Summer Camp Guidelines to find the appropriate campus contact that can register individuals for the training and examination.
  5. Before the program occurs, the Program Operator will make certain that individuals working or volunteering for the program have been background checked through Human Resources and are cleared to participate.
  6. Before the program occurs, the Program Operator will make certain that individuals volunteering for the program have completed a waiver of liability and hold harmless agreement.

**External Campus Programs with Minors:** The following items must occur prior to any Campus Program with Minors being conducted by a third party (any vendor, individual, or group not employed by the College) on a campus of San Jacinto College.

1. The third party must identify a Program Operator, reserve the intended space via the room reservation process through Campus Services, and ensure that it is indicated that Minors will be present on campus.
2. The College must enter into a contract with the third party, which contains, at a minimum, the following terms:
  - The third party must, by no later than 21 days before the program, submit to the College, a form that indicates everyone 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>).
  - The third party must certify to the College that no individual who will be working or volunteering at the program has any felony criminal convictions or any conviction for any crime related to abuse, neglect, exploitation, assault, sexual offense, or any offense involving a Minor. The certified background check must be conducted by an accredited organization.
  - The third party must agree to indemnify and hold harmless the College from all liability and claims arising from the program.

- The third party must agree to maintain insurance acceptable to the College, including listing the College as an additional insured and providing a certificate of insurance before the program occurs.
  - The conditions necessary to engage additional employees or volunteers after the program begins.
3. Campus Services shall send copies of the executed contract and the supporting documentation to the appropriate host campus administration and the Contracts and Purchasing Services department prior to the program occurring.

**Definitions**

**Campus Program with Minors:** Any program lasting for all or part of at least four days or any summer camp regardless of the duration (including, but not limited to, recreational, athletic, or academic programs) conducted by San Jacinto College or on a campus of San Jacinto College where any individual in attendance is a Minor who is not enrolled as a student at the College.

**Minor:** Any individual who is under 18 years of age.

**Program Operator:** A person, including an employee, corporation, organization, government or governmental subdivision or agency, association, and any other legal entity, who owns, operates, or supervises a campus program for minors, regardless of whether it is operated on a for-profit or non-profit basis.

**Sexual Abuse and Child Molestation Training:** A training and examination program on sexual abuse and child molestation that is approved by the Texas Department of State Health Services (TDSHS). For a list of training programs that have been approved by TDSHS, see <https://www.dshs.texas.gov/campus-program-minors>.

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Associated Policy	Policy III.3006.H, Campus Program with Minors
Primary Owner of Policy Associated with the Procedure	Provosts
Secondary Owner of Policy Associated with the Procedure	Deputy Chancellor & President