

# Guidelines for the Protection of Minors in Youth Programs on Campus

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## 1. Policy Statement

It is the policy of the University to comply with Texas mandatory reporting regulations. <sup>1</sup>

SMU believes that all members of our community have a moral and legal responsibility to protect the safety and welfare of non-enrolled Minors participating in Youth Programs and activities held on or off campus. To promote the protection of Minors, the following guidelines:

- Describe the requirements of administrators, faculty, staff, students, volunteers, and others who interact with Minors and
- Inform all members of the university community of their obligation to report any instances of known (observed or disclosed) or suspected abuse or neglect of Minors.

## 2. Purpose

SMU recognizes both its institutional and legal obligations to promote the safety of SMU-related interactions with Minors on or off campus. Texas law requires anyone with knowledge of suspected child abuse or neglect to report it to the appropriate authorities. These guidelines follow both state and federal laws, including the [Texas Education Code § 51.976](#) as well as the [Texas Youth Camps Administrative Code Rule 265.12](#). All Youth Programs or activities with minor participants will be subject to these guidelines. Parents or guardians should not leave their Minors unsupervised on University property unless their child is a minor participant as part of a covered Youth Program or activity.

## 3. Applicability

These guidelines are applicable to all individuals, including permanent and temporary full-time and part-time faculty, staff, student employees, volunteers, contractors, and consultants. They pertain to those who are involved in Youth Programs operated by the University or those who work in campus areas supporting Youth Programs where minors are supervised by the University or its representatives.

Mandatory reporting applies to everyone, and it is not limited to teachers or healthcare professionals. The law extends to individuals whose personal communications may normally be considered privileged, such as attorneys, clergy members, and healthcare professionals. Therefore, it is essential for all University employees to be familiar with Texas law regarding reporting suspected child abuse or neglect.

These guidelines are relevant to any youth programs, activities, or events on campus. This includes those sponsored by the University, student organizations, members of the University community, or third parties, and that are expected to involve one or more minors as part of the program or activity. The Youth Programs covered by these guidelines encompass but are not limited to, university-sponsored programs and activities, university academic activities, university-related events, university co-sponsored events, and third-party programs, camps, or events administered by an external entity on behalf of SMU, except as explained in the Exclusions section.

In addition, these guidelines apply to youth programs, activities, or events off Campus, that are sponsored by the University or facilitated by SMU faculty or staff.

### a. One-on-One Contact

- i. For activities that require private One-on-One Contact such as, but not limited to, tutoring, auditions, or lessons when the parent or guardian is not present, the activity shall be subject to specifically tailored additional guidelines that are established by the coordinator of the

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<sup>1</sup> The current SMU Human Resources Policy 7.26 focuses on **REPORTING: [Duty to Report Suspected Child Abuse and Mandatory Training & Examination Program for Employees of Campus Programs for Minors on Warning Signs of Sexual Abuse and Child Molestation](#)**

activity, and such person shall obtain signed waivers and consents for One-on-One Contact from the parents or guardian and maintain those records.

**b. Official Athletics Visits**

- i. These guidelines are applicable to official athletic visits when there is the possibility of a Prospective Student-Athlete (PSA) being under the supervision of the University or its representatives.
  - 1. All hosts for PSA official visits must meet both the criminal background check and youth protection training requirements.

**c. Registered Student Organizations**

- i. Student organizations registered with the university, which collaborate with outreach and community service partners off-campus and engage in Direct Contact with Minor participants as part of a service learning activity or in alignment with a University mission or academic program, are obligated to adhere to all the stipulations outlined in these guidelines. The Program Director bears the responsibility of ensuring that all University students taking part in these activities meet this requirement.

**d. Minors in University Laboratories**

- i. Pursuant to the University's [Policy 11.2 Environmental Health and Safety](#) program, Program Directors are required to contact the Office of Risk Management for questions related to non-enrolled Minors entering University teaching and research labs where hazardous chemical, biological, and/or radiological materials are present and/or hazardous activities are occurring.

## 4. Exclusions

Exclusions to these guidelines include:

- a. Minors as employees working for the university as employees, volunteers, or interns. University employees and volunteers will be required to comply with the university requirements when working with minors.
- b. Undergraduate or graduate academic programs, classes, or activities in which all individuals under the age of 18 are enrolled students or students admitted for enrollment.
- c. Events or programs offered by University 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 university is not accepting care, custody, or control for the Minor(s) (e.g., athletics events, educational or entertainment events or activities, field trips, concerts).
- d. Student recruitment activities, including admissions events and campus tours, which involve Minors (considered to be prospective students) visiting campus with a parent, legal guardian, or any other adult acting as a guardian for the activity or a recruitment activity that is scheduled to last no longer than one day and does not include an overnight stay.
- e. Kindergarten through 12th grade school groups (accompanied by teachers and/or chaperones) visiting campus as members of a campus tour or field trip.
- f. Activities and programs subject to regulations that already provide for the protection of minors or participants.
- g. Institutional review board (IRB)-approved research involving Minors as human subjects.
- h. Individuals engaged as volunteers at the SMU Child Care Center.
- i. Multi-year grant activities specific to Youth Programs on Campus (such as Federal Trio Programs).
- j. Clinical services provided to Minors in the Center for Family Counseling or the W.W. Caruth, Jr. Child Advocacy Clinic or other university clinical or client-care setting.

- k. University employees or volunteers who may have incidental contact with minors but do not work directly with minors in a youth program. All university employees will be required to comply with mandatory reporting requirements under these guidelines and any implementing procedures and under the law.
- l. Programs expressly granted an exemption by the Office of Risk Management

## 5. Standards to Protect Minors

SMU expects its faculty, staff, students, volunteers, contractors, and guests to exhibit exemplary behavior at all times. These guidelines outline the requirements for conducting any Program involving Minors as participants. These requirements, established in accordance with state and federal law, serve as safeguards to protect Minors participating in such programs and activities.

### a. Registration of Minors on Campus

- i. The Program Director must register the Program at least 15 days before the scheduled start date with the Office of Conference Services.
- ii. Registration shall be completed via the Application on the Office of the Conference Services website.
- iii. Registration should include Program Logistics, Emergency Response Plan, Reunification Plan, and Standard Operating Procedures.
- iv. Program roster should be provided to the Offices of Conference Services and Risk Management before the Program start date.
- v. Recurring Programs must register annually.

### b. Authorized Adults

- i. Only Authorized Adults may interact with, supervise, chaperone, or otherwise oversee Minors as a part of a Program. This includes but is not limited to faculty, staff, volunteers, graduate and undergraduate students, interns, employees of temporary employment agencies, independent contractors/consultants, and on-campus vendors as well as third parties who interact with Minors as a part of third-party programs, camps, or events. To become an Authorized Adult, an individual must satisfy the following requirements:

### c. Training Requirements

- i. A list of state-approved sexual abuse and child molestation awareness training and examination courses is available on the Texas Department of State Health Services (TDSHS) website.
- ii. The Program Director must submit the Campus Program for Minors Information Form to the TDHS, listing the names of the proposed Authorized Adults who have successfully an approved sexual abuse and child molestation awareness training and examination course.
- iii. As required by [Texas Education Code 51.976](#), the TDSHS-approved [Campus Program for Minors Information Form](#) must be submitted **prior** to the start of the Program.
- iv. **Authorized Adults (non-affiliated with SMU)**
  - 1. All Authorized Adults must successfully complete a state-approved training and examination program on sexual abuse and child molestation awareness within 365 days prior to participation.
  - 2. The Program Director shall be responsible for ensuring and documenting that all Authorized Adults have completed the required training prior to commencement of the Program.
- v. Additionally, the [Campus Program for Minors Information Form](#) must be submitted to Conference Services **prior** to the scheduled start date of the program
- vi. Individuals are prohibited from serving in the role of an Authorized Adult if they have not successfully fulfilled the training requirement as reflected on the Campus Program for

Minors Information Form submitted by the Program Director to Conference Services (and/or Office of Risk Management).

**vii. SMU Faculty and Staff as Program Staff**

1. SMU faculty and staff are automatically assigned to an online, state-approved Protecting Youth: Preventing Abuse and Neglect training through Human Resources every two (2) years.
2. Assignment notifications are sent via smu.edu email.
3. Successful completion fulfills the training requirement outlined by the state requirements.
4. Verification of successful course completions can be found in my.SMU.

**viii. SMU Students as Program Staff**

1. Enrolled students may request access to the online, state-approved Protecting Youth: Preventing Abuse and Neglect by contacting the Office of Risk Management at riskmanagement@smu.edu.

**d. Background Checks**

According to the [Texas Youth Camps provision in Administrative Code Rule §265.12f](#), prior to the scheduled start date of the Program, the Program Director must attest that each individual listed by the Program Director on the Texas DSHS [Campus Program for Minors Information Form](#) has also satisfied the background check requirements described in this section.

Each Authorized Adult must have passed a criminal conviction and sex offender background check **within the previous 365 days** before participating in any Program.

**i. SMU-Owned Programs**

1. SMU HR will conduct the checks.
2. The cost of the background checks will be the responsibility of the department, activity, program, or external third-party accountable for the program.

**ii. Third Party Programs**

1. Program Directors are responsible for selecting a verified provider to conduct the checks.
2. The cost of the background checks will be the responsibility of the department, activity, program, or external third-party accountable for the program.
3. Additionally, the background checks must meet University standards and criteria, including:
4. a national sex offender registry check,
5. a search of federal and state or county databases for criminal history, and
6. a social security number trace and alias search.

**iii. [Texas Youth Camps provision in Administrative Code Rule §265.12g](#) provides details on “Persons whose presence at a youth camp should be precluded.”**

1. Any criminal convictions or deferred adjudications of the named offenses, or other adverse information revealed by a credible source, disqualify them automatically.

**iv. Before submitting the [Certification of Compliance Form](#), the Program Director must confirm with each potential Authorized Adult whether, since their last background check:**

1. Any criminal convictions or deferred adjudications outside of the named offenses, or other adverse information has been revealed by a credible source.
  - a. If so, the Program Director should not approve them on the [Certificate of Compliance Form](#).
  - b. The background check results do not need to be sent to the Office of Conference Services or the Office of Risk Management.
2. Others convictions do not automatically disqualify an individual.

- a. If the Program Director wishes to seek approval for an Authorized Adult with such convictions, they must:
      - i. share the information with the SMU Office of Risk Management.
      - ii. The Office of Risk Management will then collaborate with the SMU Protection of Minors Oversight Team to conduct a case-by-case assessment to determine potential risks to Minors.
    - b. If approved by the SMU Protection of Minors Oversight Team, the Program Director can include them on the [Certificate of Compliance Form](#).
  3. The Program Director should inform each Authorized Adult of their ongoing responsibility to report if they are:
    - a. Arrested, convicted, or charged with a crime related to child abuse or neglect, sexual offenses, sexual exploitation, domestic violence, or other violent acts, or
    - b. Served with a protective order, restraining order, or injunction due to allegations of stalking.
    - c. If an Authorized Adult discloses such information to the Program Director, the Program Director must suspend their participation in the Program until the SMU Protection of Minors Oversight Team clears them for participation.

#### **e. Standard Operating Procedures**

- i. The Texas Youth Camps provision in Texas Administrative Code Rule 265.12 mandates that Youth Programs have Standard Operating Procedures that support a safe and protective environment for minor participants.
- ii. Program Directors should have program-specific Standard Operating Procedures available to program staff prior to staff assuming responsibility for minor participants.

#### **f. Standards of Behavior**

Authorized Adults working in a Program must not engage in any behavior that could cause harm or be misinterpreted as possibly causing harm. Prohibited conduct for Authorized Adults includes, but is not limited to:

- i. No Authorized Adult who is not the parent or guardian of the Minor may be alone with a Minor in a private area (behind closed doors in an area that cannot be observed by others). Approved one-on-one interactions may only take place in open and well-illuminated areas or rooms observable by another Authorized Adult from the Program.
- ii. No Authorized Adult may be alone in a vehicle with a Minor at any time.
- iii. Contact between an Authorized Adult and Minor is restricted to Program-sanctioned activities and times. Authorized Adults should not contact Minors outside of Program activities or Program specific needs.
- iv. No Authorized Adult may have direct electronic contact with a Minor without another Authorized Adult included in the communication.
- v. No Authorized Adult may touch a Minor in a manner that a reasonable person would interpret as inappropriate.
- vi. No Authorized Adult may use or be under the influence of alcohol or illegal drugs in the presence of a Minor.

#### **g. Consent for Participation/Release of Liability/Emergency Medical Treatment**

The Program Director shall obtain written consent from the Minor's parent or legal guardian for the Minor's participation in any Program. Such consent shall include a process for contacting a parent or legal guardian in case of an emergency.

The release must be specific to the date and activity and be prepared by the Office of Legal Affairs for each experience individually based on the program information provided.

Program Directors should contact the Office of Legal Affairs at least two weeks prior to the event and at least a week before the day the waivers are needed (not the date of the event) in order to draft them in a timely manner.

The Office of Legal Affairs can be contacted at 214-768-3233 or [ola@smu.edu](mailto:ola@smu.edu).

## 6. Mandatory Requirements for Reporting of Child Abuse and Neglect

Every member of the University community (not limited to individuals who interact with Minors) is required by law to report known or suspected instances of the abuse or neglect of Minors. Members making a report in good faith will be protected from criminal and civil liability for making the report. Additional policy requirements include the internal reporting of abuse or maltreatment of or inappropriate interactions with (including conduct code violations) a Minor in an SMU program or at an event. It is important to understand that every member is required to report any type of suspected abuse, neglect, or inadequate care rather than just child sexual abuse. These guidelines include disclosures of abuse which may or may not involve SMU personnel.

All persons are required to make the report immediately, and individuals who are licensed or certified by the state or who work for an agency or facility licensed or certified by the state and have contact with children as a result of their normal duties, such as teachers, nurses, doctors, and day-care employees, must report the abuse or neglect within 48 hours.

Under Texas law, the [Texas Education Code - Chapter 51.9761](#) and [Section 261.101 of the Texas Family Code](#) mandates that anyone who suspects child abuse or neglect must report it **immediately**.

**If you suspect that a child has been abused or neglected, you are required by law to submit an external report immediately to the Department of Family and Protective Services (DFPS) at 1-800-252-5400 or any local law enforcement agency.**

### a. Internal Reporting (On Campus Incidents)

- i. When an emergency involving an injury or accident occurs ON CAMPUS during your event, Program Directors MUST contact the SMU Police Department at 8-3333 or 214-768-3333;
- ii. Non-emergency incidents should be reported online to the Office of Risk Management at [www.smu.edu/risk](http://www.smu.edu/risk).
- iii. In addition to the above required actions pertaining to child abuse or neglect, any individual may also file a report by calling the SMU EthicsPoint Hotline at 1-844-995-4895, making an online report at [smu.ethicspoint.com](http://smu.ethicspoint.com) or a mobile report at [smumobile.ethicspoint.com](http://smumobile.ethicspoint.com). The hotline enables individuals to communicate issues and concerns with unethical, illegal, or otherwise inappropriate activity while maintaining anonymity and confidentiality.

### b. External Reporting (Off Campus Incidents)

- i. For an emergency off campus, call 911. If the incident occurred off campus, the reporter can contact the SMU Police Department at 8-3333 or 214-768-3333 and they will assist with connecting the reporter to the local law enforcement agency responsible for investigating the allegations.
- ii. Reminder: A report of child abuse or neglect shall be made to the Texas Department of Family and Protective Services at 1-800-252-5400 or any local law enforcement agency. The law provides immunity for those who make a good faith report since we are not responsible for verifying whether suspected or alleged abuse has actually occurred. Failure to make a report is a crime in Texas, punishable by up to one (1) year in prison and a fine of up to \$4,000.

## 7. Compliance and Administration Responsibility

The Protection of Minors Oversight Team which consists of representatives from the SMU Police Department, Office of Risk Management, Department of Human Resources, and Office of Legal Affairs are responsible for administering and interpreting these guidelines and requirements.

[SMU Policy 11.2, Environmental Health and Safety](#), requires in part, "...that University operations are conducted in compliance with accepted health, safety, and environmental regulations where appropriate." Policy 11.2 applies "to all campuses owned and operated by the SMU and all locations where SMU may be conducting programs of any kind including research, student programs, and engagement programs or other work or programs on behalf of SMU. All faculty, staff, students, volunteers, contractors, and visitors are expected to comply with these guidelines."

Program site visits and audits are conducted randomly for assurance of compliance.

Questions regarding these guidelines should be directed to [riskmanagement@smu.edu](mailto:riskmanagement@smu.edu).

For additional information, please visit

<https://www.smu.edu/BusinessFinance/Risk-Management/Risk-Management-Insurance/Protection-of-Minors>.

## 8. Records Retention

All applications, background checks, training, and other required personnel documentation shall be maintained with the Youth Program in hard copy or electronic format for a minimum of two years following a person's last day of service. Criminal background check records (for SMU faculty and staff) are maintained by Human Resources in compliance with the University's record retention policy.

## 9. Periodic Review

These guidelines are maintained by the Office of Risk Management. The University will review these guidelines periodically to capture evolving legal requirements and opportunities for enhancement of the Protection of Minors framework.

## 10. Resources and References

### a. SMU

- i. [Certification of Compliance Form for Youth Programs on Campus](#)
- ii. [Conference Services Forms \(including Conference Organizer/Program Director Manual](#)
- iii. [Standard Operating Procedures](#)
- iv. [University Policy 11.2. Environmental Health and Safety](#)
- v. [University Policy 7.26 Duty to Report, Mandatory Training](#)
- vi. Youth Programs Planning Guide for SMU-Sponsored Program – still being finalized with OCS
- vii. [Youth Programs Planning Guide for Third Parties – still being finalized with OCS](#)

### b. STATE OF TEXAS

- i. [Texas Education Code § 51.976](#)
- ii. [Texas Education Code - Chapter 51.9761](#)
- iii. [Texas Family Code 261.101](#)
- iv. [Texas Youth Camps Administrative Code Rule 265.12](#)
- v. [Texas Mandatory Reporting Law](#)
- vi. [Report Abuse, Neglect, or Exploitation to State of Texas \(Poster\)](#)
- vii. [Campus Program for Minors Information Form](#) (Texas Department of State Health Services - TDSHS)



## 11. Definitions

These definitions apply to terms as they are used in these guidelines.

|                                    |  |
|------------------------------------|--|
| <b>Authorized Adult:</b>           | Individuals 18 years of age or older, paid or unpaid, who interact with, supervise, chaperone, or otherwise oversee Minors as a part of a Program and who have satisfied the training and background check requirements outlined in these guidelines.  |
| <b>Campus:</b>                     | All buildings, facilities, and properties that are owned, operated, managed, or controlled by the University.  |
| <b>Child Abuse and/or neglect:</b> | Endangerment of a Minor’s physical or mental health due to acts of commission (physical, sexual or psychological abuse) or omission (child neglect). Texas law broadly defines “abuse” and “neglect” so that every action in which a child’s physical or mental health or welfare has been or may be adversely affected is potentially covered. For more information, individuals can refer to <a href="#">Texas Family Code, Title 5, Subtitle E, Subchapter A, Section 261.001</a>   |
| <b>Direct Contact</b>              | Contact with Minor participants, whether intentional or unintentional, as part of a Youth Program.   |
| <b>Minor:</b>                      | Any individual under the age of 18. For purposes of these guidelines, this definition does not include persons under the age of 18 who are enrolled for academic credit, have been accepted for enrollment and are attending new student orientation sessions, or are working for the university as employees.   |
| <b>One on One Contact</b>          | Personal, unsupervised interaction with a single Minor participant without at least one other Authorized Adult, parent, or legal guardian being present.   |
| <b>Program Director:</b>           | Individual responsible for the operation of a Program and have primary care (unsupervised access) of Minor participants.   |
| <b>Program Staff:</b>              | Individuals who have non-primary care (supervised access) of Minor participants.   |
| <b>Third-Party</b>                 | An external organization, approved by a University department, operating a Youth Program or activity on campus.  |
| <b>Youth Programs:</b>             | <p>Any event or activity on Campus to which these guidelines applies (See Scope Section II above).</p> <p>All events, operations, endeavors, or activities designed for participation by minors and organized by SMU in which university employees, volunteers, or approved Third Parties are responsible for the care, custody, or control of minors.</p> <p>Typical youth programs include, but are not limited to, a planned and/or regular event that includes Minors such as instructional programs, laboratory experience or internship, campus visit, club, workshop, tour, day camps, overnight camps, and sports camps.</p> |