



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO

Operating Policy and Procedure

HSCEP OP: 70.59, **Youth Camps (SB1414)**

PURPOSE: The purpose of this Texas Tech University Health Sciences Center El Paso (TTUHSCEP) Operating Policy and Procedure (HSCEP OP) is to establish policy and procedures to protect and enhance the well-being and safety of minors who participate in TTUHSCEP campus programs for minors (Youth Camps) as defined in this policy and by state law.

The TTUHSCEP operates Youth Camps to provide minors with opportunities to experience educational, athletic or recreational activities with the TTUHSCEP and to provide TTUHSCEP students, faculty, staff, and volunteers with opportunities to interact with and learn from minor age participants in its Youth Camps.

REVIEW: This HSCEP OP will be reviewed on February 1 of each even-numbered year (ENY) by the Executive Director for Human Resources, with recommendations for revision submitted to the Chief Financial Officer and Administration by March 1.

POLICY/PROCEDURE:

1. It is the policy of the TTUHSCEP to operate its Youth Camps in a safe and lawful manner, free of any form of child abuse or molestation including physical, mental, or sexual and in such a manner to earn and maintain the public's trust by the attentive administration of its Youth Camps.

The TTUHSCEP operates its Youth Camps in compliance with applicable laws including the Senate Bill 1414, Texas Education Code, Chapter 51, Subchapter Z, Section 51.976, Training and Examination Program for Employees of Campus Programs for Minors on Warning Signs of Sexual Abuse and Child Molestation and the Texas Administrative Code, Title 25, Part 1, Chapter 265, Subchapter N, Campus Programs for Minors, Rules 265.401, 265.402, 265.403, 265.404 and 265.405 and certain statutes in the Texas Penal Code and Texas Health and Safety Code.

2. Definitions:

- a. A **Youth Camp** is defined as an educational, athletic, and recreational or other activity or event operated or sponsored by the TTUHSCEP at any location or by a third party on TTUHSCEP campuses or facilities in which one or more minors participate for all of or part of more than one day or an event with an overnight stay.
- b. A **Minor**, for the purpose of this policy, is an individual who is under the age of 18 years and who is not supervised directly by his or her parent(s) or guardian during the Youth Camp and who is not enrolled in the TTUHSCEP as a student.
- c. A **Camper** is a Minor who is attending a Youth Camp.
- d. A **Camp Counselor** is a TTUHSCEP student, faculty, staff, or volunteer who:
 - 1) is 18 years of age or older,
 - 2) has been designated by the Camp Operator to serve as a Camp Counselor,
 - 3) has successfully completed the TTUHSCEP Child Protection Training and the training certificate has not been revoked or become expired,
 - 4) has completed the TTUHSCEP background check requirements,
 - 5) has more than incidental direct contact with Campers, and
 - 6) has not been suspended, restricted, or dismissed from serving as a Camp Counselor.

- e. A **Sponsoring Official** is a TTUHSC vice-president, dean, chair, department director or other official who is operating or sponsoring a Youth Camp and who has the authority to allocate resources, to make decisions and to take actions to ensure the safe, compliant and lawful operation of the Youth Camp.
- f. A **Camp Operator** is a TTUHSCEP faculty or staff member to whom the Sponsoring Official has delegated direct supervision and coordination of the Youth Camp including those operated by a third party on or in a TTUHSCEP campus or facility.
- g. **Child Protection Training** is a formal training and certification program on child sexual abuse and molestation approved by the Texas Department of State Health Services (DSHS) and administered by the Human Resources Department, Workforce Education & Development and required for all Camp Counselors, Camp Operators and third party operators and their camp counselors while on the TTUHSCEP campus or in TTUHSCEP facilities.
- h. **Child Abuse** is an act or omission that endangers a child's physical, mental or emotional health or development including;
 - 1) mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development or psychological functioning; causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development or psychological functioning;
 - 2) physical injury that results in substantial harm to the child or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian or managing or possessory conservator that does not expose the child to a substantial risk of harm;
 - 3) failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;
 - 4) sexual conduct harmful to a child's mental, emotional or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of a young child or children under Section 21.02, Penal Code, indecency with a child under Section 21.11, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code; failure to make a reasonable effort to prevent sexual conduct harmful to a child; Family Code, Section 261.001(G); compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code, including conduct that constitutes an offense of trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code, prostitution under Section 43.02(a)(2), Penal Code, or compelling prostitution under Section 43.05(a)(2), Penal Code;
 - 5) causing, permitting, encouraging, engaging in or allowing the photographing, filming or depicting of the child if the person knew or should have known that the resulting photograph, film or depiction of the child is obscene as defined by Section 43.21, Penal Code, or pornographic;
 - 6) the current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical, mental or emotional injury to a child or causing, expressly permitting or encouraging a child to use a controlled substance;
 - 7) causing, permitting, encouraging, engaging in or allowing a sexual performance by a child as defined by Section 43.25, Penal Code or knowingly causing, permitting,

encouraging, engaging in or allowing a child to be trafficked in a manner punishable as an offense under Section 20A.02(a)(5), (6), (7) or (8), Penal Code, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections.

- 8) physical abuse is any non-accidental bodily harm or injury to a child including those caused by physical force including hitting, kicking, slapping, shaking, burning, shoving, and whipping.
 - 9) emotional or psychological abuse is any attitude or behavior that interferes with a child's mental health, social development or psychological functioning including making fun, name calling, shaming, rejecting, threatening and attacking a child's self-image through labels or ridicule.
 - 10) neglect is the failure to ensure a child's physical, medical, emotional and safety needs. Lack of supervision, inadequate provision of food and water, inappropriate clothing and shelter for the season or weather, abandonment, denial of medical care and inadequate hygiene are examples of neglect.
3. Any TTUHSCEP student, faculty, staff or volunteer, Camp Counselor, Camp Operator or Sponsoring Official who has reasonable suspicion or knowledge of abuse, molestation or neglect of a Camper shall immediately take action to prevent further harm or abuse to the Camper and shall immediately contact local law enforcement and the HSC Sponsoring Official or other official within TTUHSCEP. In such cases, the Sponsoring Official or the TTUHSCEP official must file an online report with the Texas Department of Family and Protective Services at the following link: <http://www.txabusehotline.org/Login/Default.aspx>
 4. The Sponsoring Official is responsible for ensuring that the Youth Camp he or she is sponsoring is operated in full compliance with this and other policies of the TTUHSCEP and with state laws including those governing Campus Programs for Minors as originally established by Senate Bill 1414. The Sponsoring Official will ensure that all entrusted with the care of Campers in the Youth Camp are properly trained and certified (2. g. above), oriented (this policy) and supervised.
 5. The Human Resources Department, Workforce Education & Development administers the Child Protection Training and certification program and the documentation requirements of the DSHS, communicates with the DSHS regarding TTUHSCEP Youth Camps, conducts internal compliance assessments of this policy and provides guidance and support to Sponsoring Officials, Camp Operators, and third parties in their operation of TTUHSCEP Youth Camps.
 6. **A Youth Camps (SB1414) Compliance Acknowledgement and Notification** will be sent by the Human Resources Department during the first quarter of the calendar year to department directors. Each department director, whether or not the department plans to operate a Youth Camp, shall complete and return the Acknowledgement to the Human Resources Department by the due date.
 - a. Department directors with campus programs for minors or Youth Camps should complete the **Notification** portion of the Compliance Acknowledgement and Notification form as well. The Human Resources Department will review the information provided, determine if the program is a Youth Camp, and provide follow-up to the department.
 7. Only Camp Counselors and Camp Operators who have successfully completed the TTUHSCEP Child Protection Training and who have been issued a Certificate of Completion within twenty four (24) months preceding the last day of the Youth Camp and whose certificate has not been revoked or expired may have direct contact with Campers.
 8. Only Camp Counselors and Camp Operators who have on file criminal conviction and sex offender background checks conducted by the institution may have direct contact with Campers. The Executive Director of the Human Resources Department or his or her designee has the authority to suspend, restrict, or deny assignment of any Camp Counselor based on the review and

determination of findings of the institution's criminal convictions and sex offender background checks.

9. The Sponsoring Official has the authority to suspend, restrict, or deny access to any Camp Counselor or any person to a TTUHSCEP Youth Camp for which he or she is sponsoring. In cases where a Camp Counselor is prohibited from participating in a Youth Camp the Sponsoring Official shall notify the Human Resources Department.
10. Each Sponsoring Official shall adopt and administer procedures for the safe and compliant operations of each Youth Camp he or she is sponsoring, including, but not limited to the following;
 - a. designation of a Camp Operator for each Youth Camp,
 - b. a written plan outlining the operations of the Youth Camp including staffing ratios, job descriptions with age specific competencies for each distinct role, program activities, and standards of operations, food, hydration, equipment, and supply requirements, and communications with parents, guardians, or officials,
 - c. a risk assessment process to identify and mitigate risks associated with the operation of the Youth Camp,
 - d. measures for intervention to protect Campers from suspected or actual abuse or molestation, dangers, hazards, or risks,
 - e. procedures and contact information for reporting suspected or actual abuse or molestation of Campers,
 - f. prohibition of communication, including by social media, between Camp Counselors or Camp Operators and Campers, other than approved official communications required for the proper enrollment and participation of Campers,
 - g. procedures for assisting Campers with special needs including management of medications and Personal Health Information.

The procedures will be submitted to the Dean or Vice President of the department or school operating the Youth Camp who shall review and approve the procedures prior to the start date of the Camp.

11. Students, faculty, and staff who violate this policy or state regulations related to Campus Programs for Minors and child abuse may be subject to corrective action up to and including dismissal or termination.
12. The TTUHSCEP reserves the right to interpret, change, modify or amend or rescind this policy in whole or in part at any time without the prior review or consent of any party including students, faculty or staff.

References to related Texas statutes: Texas Senate Bill 1414,
Texas Education Code, Section 51.976,
Texas Administrative Code, Title 25, Part I, Chapter 265, Subchapter N, Rules 265.401 – 265.405, Texas
Family Code, Chapter 261, Sections 261.001 – 261.410,
Texas Health and Safety Code, Chapter 481,
Texas Penal Code, sections; 15.031, 20A.02 (a) (5), (6), (7), (8), 21.02, 21.11, 22.011, 22.021, 43.01, 43.02
(a)(2), 43.05 (a)(2), 43.21, 43.25.