



## MINORS POLICY

<b>Responsible Unit:</b>	Student Life
<b>Responsible Administrator:</b>	Vice President of Student Life
<b>Effective Date:</b>	October 2013
<b>Reviewed Date:</b>	January 2018
<b>Date of Scheduled Review:</b>	January 2021

### I. Purpose

To provide for appropriate supervision of minors involved in ACU sponsored programs, programs held at ACU, or programs in ACU facilities.

### II. Scope

The reporting portion of the policy (Section III) applies to all ACU employees, while the remainder of this policy applies to Programs involving Minors as defined below.

### III. STATE REPORTING

Any ACU employees or Authorized Adults (as defined below) having cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect must immediately report the case to state or local law enforcement agency or the Texas Department of Family and Protective Services (1-800-252-2000). Failure to report suspected child abuse or neglect is a misdemeanor punishable by imprisonment of up to 180 days and/or a fine of up to \$2,000. A report should also be made to the Office of General Counsel. However, reporting to the Office of General Counsel does not relieve you of reporting to the state. Your report of child abuse or neglect is confidential and immune from civil or criminal liability as long as the report is made in "good faith" and "without malice."

### IV. PROGRAMS INVOLVING MINORS

#### A. Definitions

- Minor:** A person under the age of eighteen (18). Minors are also referred to as a "participant" in this policy. Despite this definition, this policy does not apply to the following minors:
  - Minors who are enrolled or accepted for enrollment at ACU. Students considered to be "dually enrolled" in ACU programs while also enrolled in high school are not included in this policy unless such enrollment includes overnight housing in University facilities.
  - Minors employed by ACU or by an employer using ACU's facilities; and
  - Minors receiving services from a licensed professional.
- Programs:** An ACU-sponsored event or activities or an event or activity sponsored by a non-ACU group using ACU facilities with ACU's permission. This includes but is not limited to tutoring/lessons, recognized student organization activities, camps, conferences, theater productions and similar activities whether occurring

on or off ACU's campus. Despite this definition, this policy does not apply to the following Programs:

- a. Events and activities where parents/guardians are expected to provide supervision of minors in their care (e.g., graduation, chapel, private banquets or parties, use of the Student Recreation and Wellness Center, sporting events).
- b. Activities related directly to recruiting prospective students including pre-enrollment visits and contacting prospects via social media or in person.
- c. Other requests for exceptions should be made in writing to the Responsible Administrator.

3. University facilities: Facilities owned by, or under the control of, ACU. This includes all university property and buildings.
4. Responsible Unit: The academic or administrative unit or office of ACU that offers a Program or gives approval for use of university facilities for such a Program. For student organizations, the Responsible Unit is the Office of Student Organizations and Programs.
5. Authorized Adults: Individuals, age 18 or older, paid or unpaid, who interact with, supervise, chaperone, or otherwise oversee minors in university programs or facilities. This includes but is not limited to faculty, staff, volunteers, graduate and undergraduate students, interns, and independent contractors/consultants. Roles of Authorized Adults may include positions as counselors, chaperones, coaches, instructors, etc.
6. Direct Contact: Positions with the possibility of care, supervision, guidance or control of minors and/or routine interaction with minors.
7. One-On-One Contact: Personal, unsupervised interaction between any Authorized Adult and a participant without at least one other Authorized Adult, parents or legal guardian being present. This includes direct electronic contact with minors without another Authorized Adult being included in the communications.

**B. All Programs** - For all Programs involving Minors, the Responsible Unit shall do, or require the non-ACU group to do, the following:

1. Permission/Waiver Form – For ACU programs, ensure that a parent/guardian of each participant completes a Permission/Waiver Form ([see Appendix A](#)). Any alternative forms must be approved by the Office of General Counsel. Non-ACU groups should also use a similar form.
2. Emergency Notification - Establish a procedure to notify the minor's parent/legal guardian in case of an emergency, including medical or behavioral problem, natural disasters, or other significant program disruptions.
3. Screening and Background Checks – Ensure that all Authorized Adults who have direct contact with minors as part of an ACU-sponsored program will complete an application, self-report and background check as required by ACU's Screening, Background Check and Self-Reporting Policy. This must be reviewed and

approved by the program director prior to the Authorized Adult being hired and/or working with minors.

4. Adequate Supervision - Provide adequate supervision of minors. At a minimum, all activities involving minors must be supervised by at least two or more Authorized Adults. Some of the factors to consider in determining “adequate supervision” are the number and age of participants, the activity(ies) involved, ages and experience of the Authorized Adults, and recommended ratios developed by relevant associations and accrediting bodies.
5. Program Rules – Develop rules applicable to the Program for both participants and Authorized Adults. If Authorized Adults or participants do not abide by applicable Program and University regulations, they may be removed from the Program. The following must be included:
  - a. One-on-One Contact with minors in the Program is prohibited.
  - b. No one should strike, hit, administer corporal punishment to, or touch in an inappropriate or illegal manner another person. Harassment and bullying, including verbal, physical and cyber-bullying, are also prohibited.
  - c. The possession or use of tobacco, alcohol and other drugs, fireworks, guns and other weapons is prohibited.
  - d. The parking of staff and participant vehicles must be in accordance with ACU parking regulations. Do not pick up minors or drop off minors at their homes, other than the driver’s child(ren), except as specifically authorized in writing by the minor’s parent or legal guardian and with at least two Authorized Adults. The operation of a motor vehicle by minors is prohibited.
  - e. Misuse or damage of ACU property is prohibited. Charges will be assessed against participants or non-ACU programs who damage or misuse ACU property.
  - f. The inappropriate use of cameras, imaging, and digital devices is prohibited including use of such devices in showers, restrooms, or other areas where privacy is expected by participants.

If an allegation of inappropriate conduct is made against an Authorized Adult participating in the program, s/he must discontinue any further participation in programs and activities covered by this Policy until such allegation has been satisfactorily resolved.

6. Informing Parents and Participants – Ensure that parents/guardians and participants (to the extent possible based on their age) are informed regarding applicable procedures and rules. This may take the form of a program handbook, FAQs, or handout.
7. Evidence of Compliance for Non-ACU Groups - Authorized personnel/signatories for non-ACU groups using ACU facilities must provide to the Responsible Unit satisfactory evidence of compliance with all of the requirements of this Policy at least seven (7) days prior to the scheduled use of ACU facilities, as well as sign an approved agreement for use of ACU facilities containing applicable terms.

**C. Programs Lasting More than One Day or Overnight** – In addition to the above, for all Programs involving Minors lasting more than one day or overnight, the Responsible Unit shall do, or require the non-ACU group to do, the following:

1. List of Participants and Staff – Maintain list of all program participants and a directory of program staff. This list must include participant's name, local room assignment (if applicable); gender, age, address and phone number(s) of parents or legal guardian, as well as emergency contact information.
2. Drop Off and Pick Up – Develop rules and procedures governing how, when and under what circumstances participants may leave ACU property during the program. This includes proper drop off and pick up verified by a photo ID when necessary.
3. Medical Treatment Authorizations and Emergency Care - Maintain a Medical Treatment Authorization form ([see Appendix B](#)) for every Minor. Arrange for access to emergency medical services appropriate for the nature of the events, expected attendance and other variables.
4. Medications - Authorized Adults may not provide prescription drugs or any medication to any minor unless specifically authorized in writing by the parent or legal guardian as required for the minor's care or the minor's emergency treatment. If permission is given, participants' medication may be provided under the following conditions:
  - i. Prescription medicines must be provided by the participant's family in its original pharmacy container labeled with the participant's name, dosage and timing of consumption. Non-prescription and over-the-counter medications must be provided in the manufacturer's container. Staff must keep the medicine in a secure location.
  - ii. The staff member must allow the participant to self-administer the appropriate dose as shown on the container.
  - iii. Any medicine that the participant cannot self-administer must be stored and administered by a licensed health care professional associated with the campus or, if no one is available, arrangements must be made with another health care professional in advance of the participant's arrival.
  - iv. Personal "epi" pens and inhalers may be carried by the participant during activities.
5. Supervision – For overnight Programs, an Authorized Adult who is at least 21 years of age must reside in the same facility/location as the minor. Additional Authorized Adults must be assigned to ensure one-on-one contact with minors does not occur and that appropriate levels of supervision are implemented. This prohibits one-on-one contact in the minor's room, bathroom facilities, and similar areas without another Authorized Adult. Separate accommodations for adults and minors are required other than the minor's parent or guardian.
6. Housing Rules - If applicable, the program must also adopt and implement rules and regulations for proper supervision of minors in ACU housing. The following must be included:
  - i. A curfew time that is age-appropriate for the participants, but in no case later than midnight.

- ii. In-room visitation to be restricted to participants of the same gender.
  - iii. Guests of participants (other than parents/legal guardian and other program participants) are restricted to visitation in the building lobby, and only during approved hours specified by the program.
  - iv. The program must comply with all applicable security measures and procedures specified by Residence Life and ACU Police.
7. General Training - Ensure that all Authorized Adults who have direct contact with minors as a part of a program receive training on the conduct requirements of this Policy, emergency response, and on appropriate or required reporting of incidents of improper conduct to the proper authorities including, but not limited to, appropriate law enforcement authorities.

**D. Programs Lasting For All or Part of At Least Four Days** – In addition to the above requirement, for all Programs involving minors that last more than four days, the Responsible Unit must do, or require the non-ACU group to do, the following:

1. State Required Training – If the Program involved 20 minors or more, the Responsible Unit or non-ACU group will not employ an individual in a position involving contact with minors unless the individual submits to the program operator documentation that verifies successful completion of a [State-approved training and examination program](#) on sexual abuse and child molestation in the previous two years. This does not include an employee acting as a guest speaker, an entertainer, or fulfilling any other role who visits for a limited purpose or a limited time assuming the employee has no direct and unsupervised contact with minors.

The responsible unit or non-ACU group must also submit to the Department of State Health Services at the address shown below the [form provided 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 above requirements.

Public Health Sanitation & Consumer Safety/PSQA MC 1987  
Texas Department of State Health Services  
P. O. Box 149347  
Austin, Texas 78714-9347  
Fax: 512-834-6614

They must also retain in their records a copy of the documentation required for each employee until the second anniversary of the examination date.

2. Background Checks – Any non-ACU group must conduct (or have conducted) a criminal background check on each and every adult employee or volunteer accompanying the participants to the event. This check must include, at a minimum, the following: sex-offender registry in all states of residence for the last fifteen years and a seven-year multi-county felony and related misdemeanor criminal records search. If the check discloses adverse information as to any adult employee or volunteer (other than misdemeanor traffic violations), the group will not permit that individual to participate. Any exceptions to this provision must be approved by the Office of General Counsel at ACU.