

System Regulation 24.01.06, *Programs for Minors*

Definitions

Abuse – includes the following acts or omissions by a person:

- (a) mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development or psychological functioning;
- (b) 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;
- (c) 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;
- (d) 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;
- (e) 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;
- (f) failure to make a reasonable effort to prevent sexual conduct harmful to a child;
- (g) compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code, including compelling or encouraging the child in a manner that constitutes an offense of trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code, prostitution under Section 43.02(b), Penal Code, or compelling prostitution under Section 43.05(a)(2), Penal Code;
- (h) 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;
- (i) 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;
- (j) causing, expressly permitting or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code;
- (k) causing, permitting, encouraging, engaging in or allowing a sexual performance by a child as defined by Section 43.25, Penal Code; or
- (l) 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.

Contact with minor(s) – interaction(s) and or engagement with minor(s) that is direct and reasonably anticipated. The term does not include interaction that is merely incidental.

Program Staff – a Texas A&M University System employee or volunteer of a program for minors who is 18 years of age or older and is responsible for the immediate supervision of minors.

Dedicated program director – a person who is responsible for the development and management of a program for minors to include human resources, financial, marketing and strategic operations.

Full supervisory duties – when program staff of a member program, using member facilities or not, or a third-party program using member facilities, are given direct and full care, custody and control of a minor for the purposes of attending and participating in a program for minors.

Minor – an individual under the age of 18. Individuals who are currently enrolled or employed at a member institution and who are under the age of 18 are not included in this definition.

Neglect includes:

- (a) the leaving of a child in a situation where the child would be exposed to a substantial risk of physical or mental harm, without arranging for necessary care for the child and the demonstration of an intent not to return by a parent, guardian or managing or possessory conservator of the child;
- (b) the following acts or omissions by a person:
 - (1) placing a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child;
 - (2) failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child;
 - (3) the failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused;
 - (4) placing a child in or failing to remove the child from a situation in which the child would be exposed to a substantial risk of sexual conduct harmful to the child; or
 - (5) placing a child in or failing to remove the child from a situation in which the child would be exposed to acts or omissions that constitute abuse under the above “Abuse” clauses (e), (f), (g), (h) or (k) committed against another child; or
- (c) the failure by the person responsible for a child's care, custody or welfare to permit the child to return to the child's home without arranging for the necessary care for the child after the child has been absent from the home for any reason, including having been in residential placement or having run away.

Programs for minors – member or third-party programs whose participants are minors.

Member programs – programs that are sponsored and/or operated by system members where the full supervisory duties of the minor(s) are the system member's responsibility.

Third-party programs – programs of an individual or entity not affiliated with a system member, or under the member's administrative control, that utilize system property/facilities._

For the purposes of this regulation, this definition does NOT include programs:

- (a) exclusively for Texas A&M University System enrolled student(s) or employee(s) under the age of 18.
- (b) where fully supervisory duties of the minor(s) are the responsibility of the minor(s) parents, legal guardians, teachers or official chaperones who are not member employees (examples: campus tours, school field trips, UIL competitions).
- (c) where the minor(s) involvement is ancillary to the intended purpose of the activity.