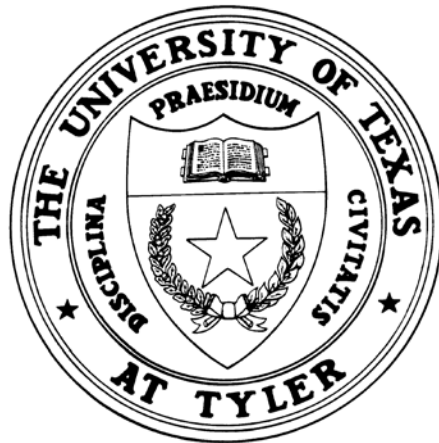


**The University of Texas at Tyler**

**Campus Programs for Minors**



**March 2018**

THE UNIVERSITY OF TEXAS AT TYLER  
OFFICE OF AUDIT AND CONSULTING SERVICES  
3900 UNIVERSITY BOULEVARD  
TYLER, TEXAS 75799

**The University of Texas at Tyler**  
**Campus Programs for Minors**  
**Fiscal Year 2018**

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**BACKGROUND**

The University of Texas at Tyler (UT Tyler) hosts “Campus Programs for Minors” including athletic and recreational sports camps, engineering camps, reading programs, and activities at the Discovery Science Place. There are multiple regulations and policies that require background checks, training, and reporting for these programs including:

- Senate Bill 1414 (SB 1414);
- Texas Education Code (TEC) Section 51.976: “*Training and Examination Program for Employees of Campus Programs for Minors on Warning Signs of Sexual Abuse and Child Molestation*”;
- Texas Administrative Code (TAC) Chapter 265, Subchapter N: *Department of State Health Services (DSHS), Campus Programs for Minors*; and
- University of Texas System (UT System) Policy UTS 124: “*Criminal Background Checks*”.

Campus Programs for Minors was considered a high risk; therefore, an audit was included in the Annual Audit Plan and approved by the Institutional Audit Committee.

**AUDIT OBJECTIVE**

The objective of the audit was to determine if UT Tyler was in compliance with requirements related to Campus Programs for Minors and to determine the adequacy UT Tyler’s monitoring of compliance with the requirements.

**STANDARDS**

The audit was conducted in accordance with guidelines set forth in *The Institute of Internal Auditors’ Standards for the Professional Practice of Internal Auditing* and *Generally Accepted Government Auditing Standards*.

**SCOPE AND METHODOLOGY**

The scope of the audit included the time period of May 1, 2016 through April 30, 2017. To accomplish the objectives noted above, the following procedures were conducted:

- Reviewed Senate Bill 1414, TEC §51.976, TAC §265, UTS 124, and UT Tyler training material;
- Created a list of qualified programs using PeopleSoft transactions and inquiry of Vice Presidents and Deans;
- Selected a sample of programs from each department and obtained a list of employees and volunteers who worked in the programs from the Program Operator;
- Verified training was completed timely and that a certificate of completion was on file;
- Verified that DSHS forms were accurately completed and submitted timely; and
- Verified that background checks were completed by the Office of Human Resources.

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**AUDIT RESULTS**

According to The University of Texas System (UT System) Audit Office, “A *Priority Finding* is defined as an issue identified by an internal audit that, if not addressed timely, could directly impact achievement of a strategic or important operational objective of a UT institution or the UT System as a whole. *Non-Priority Findings* are ranked as *High, Medium, or Low*, with the level of significance based on an assessment of applicable *Qualitative, Operational Control, and Quantitative risk factors and probability of a negative outcome occurring if the risk is not adequately mitigated.*

<b>Finding Level Legend</b>	
<b>Priority</b>	<i>A finding is defined as an issue that if not addressed immediately, has a high probability to directly impact achievement of a strategic or important operational objective of UT Tyler.</i>
<b>High</b>	<i>A finding that is considered to have a <u>medium to high probability</u> of adverse effects to UT Tyler as a whole or to a significant college or department.</i>
<b>Medium</b>	<i>A finding that is considered to have a <u>low to medium probability</u> of adverse effects to UT Tyler as a whole or to a college or department.</i>
<b>Low</b>	<i>A finding that is considered to have a <u>minimal probability</u> of adverse effects to UT Tyler as a whole or to a college or department.</i>

This audit resulted in two Medium-level findings.

<b>Audit Findings</b>		
	<b>Level</b>	<b>Summary of Finding</b>
1	<b>Medium</b>	<i>Training and Reporting not completed / submitted timely</i>
2	<b>Medium</b>	<i>Background Checks not conducted</i>

**#1: Required Training and Reporting**

SB 1414 and TEC §51.976 require employees working with minors to complete a state approved sexual abuse and child molestation awareness training. The training is required to be reported to DSHS on a specified form within five days of the start of the program. The training and reporting are required for programs that meet the following:

- ✓ Located on the UT Tyler campus or off campus if UT Tyler is managing the program;
- ✓ Are four days or more - including partial days (does not have to be consecutive days);
- ✓ Are offered to at least 20 attendees, and
- ✓ The attendees are under 18 years of age and not enrolled at the university.

Failure to comply could result in civil penalty of not less than \$50 or more than \$1,000 for each act of violation per TAC § 265.405.

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In April 2012, UT System provided documents to each UT System institution to assist them in meeting the SB 1414 requirements including:

- ✓ Child Protection Training PowerPoint,
- ✓ Child Protection Training Exam,
- ✓ Child Protection Training Exam Key,
- ✓ Child Protection Training Certificate, and
- ✓ Department of State Health Services Reporting Form.

During the scope of this audit, employee training was provided by the Compliance Office and the DSHS forms were submitted by the Program Operators with copies provided to the Compliance Office for monitoring. The results of Training and DSHS forms testing are as follows:

Results of Training and Reporting Testing					
Programs Tested	DSHS Form not Submitted Timely or Documented.		Employees Tested	Training not Completed Timely or Documented.	
15	9	60%	36	6	17%

Lack of documented training and reporting could result in employees not properly trained prior to working with minors, financial penalties, and reputation damage to the programs and UT Tyler.

**Recommendation:** UT Tyler should communicate the training and DSHS reporting requirements to Program Operators and monitor completion of the training and submission of the DSHS reports.

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**#2: Background Checks**

The UT System Policy 124 "Criminal Background Checks", Section 2.5 (c), states: *"Youth camps shall ensure that for all employees and final applicants who will work at the camp, and all volunteers and student observers, who will regularly or frequently be at the camp are subject to a criminal background check each year. The check shall be conducted prior to permitting an individual to work, volunteer, or be present. Further, volunteers and student observers who are not subject to a check must not have unsupervised access to campers."* The Compliance Department maintained a schedule of Background Checks for employees working in Campus Programs for Minors. The results of Background Check testing are as follows:

Results of Background Testing		
Employees Tested	Background Check not Completed Timely or Documented	
36	6	16%

The lack of timely background checks was caused by the Program Operator not notifying Human Resources in a timely manner. Failure to conduct timely Background Checks could allow employees with criminal backgrounds access to children enrolled in the programs. This could also damage the reputation of the programs and UT Tyler.

**Recommendation:** UT Tyler should communicate the Background Check requirements to Program Operators and monitor timely completion Background Checks.

**Institutional Compliance Officer Response and Implementation Date:** *The campus will strive to increase communication and awareness for the requirements related to these programs. Through the increased communication efforts, the campus hopes that departments will plan ahead more to ensure that all background checks, training and reporting can be completed before the start of their programs. As one step in this effort, a communication about these requirements will be sent out to key executives and those known to have programs involving minors to ensure they know the requirements. March is a good time of year for the communication as most of these programs are in the summer. Monitoring will also be developed to review compliance with the training, reporting and background check requirements by May 31, 2018.*

**CONCLUSION**

UT Tyler has current policies and procedures in place for training, reporting, and background check requirements on the Compliance Office webpage. However, communications and monitoring should be strengthened to assure compliance with the requirements.