



OP 01.29: MINOR PROTECTION

I. PURPOSE

Mississippi State University (MSU) is committed to providing and maintaining a safe and secure environment for all individuals. Because additional measures may be required to promote the safety of minors, and because MSU sponsors and/or hosts numerous programs, camps, and activities involving minors, the university has adopted this Minor Protection Policy. By developing and implementing this policy and the accompanying procedures, MSU seeks to safeguard these minor guests and enhance educational opportunities for the entire university community.

II. DEFINITIONS

For the purposes of this Policy and the implementing Procedures, the following definitions shall apply:

Adult: Any person eighteen (18) years of age or older.

Authorized Adult and/or Program Staff: Individuals, paid or unpaid, including volunteers, who interact with, supervise, chaperone, or otherwise oversee minors in program activities, recreational activities, and/or residential facilities. This includes but is not limited to faculty, staff, volunteers, graduate and undergraduate students, interns, employees of temporary employment agencies, and independent contractors/consultants. The Authorized Adults' roles may include positions as counselors, chaperones, coaches, instructors, etc. For the purposes of this policy the term "Program Staff" is also assigned this definition. This definition does not include guest speakers, presenters, judges, or other individuals who have no direct contact with program participants other than short term activities supervised by Program Staff.

Covered Program: A Covered Program is a program and/or group or individual activity designed for or marketed to Minors and/or that includes Minors as participants. Covered Programs may be offered by MSU, MSU employees or MSU students or by non-MSU groups using MSU's facilities. Covered Programs include private lessons, tutoring, mentoring or other instruction or assistance offered by individuals using MSU facilities and any research involving Minor subjects or in which Minors are participating as researchers or assistants. All programs or activities that involve Minors should contact the Office of Compliance and Integrity to determine whether they are a Covered Program and such decisions shall be made based on the totality of the circumstances. By way of example only, the following activities would NOT, as a general rule, be deemed to be Covered Programs:

- activities or events on campus that are open to the general public and at which a parent/guardian/chaperone is reasonably expected to be present at all times or to otherwise provide appropriate supervision of the Minors (e.g., athletic events, concerts, theater productions, Halloween carnival or activities, open house events);
- campus visits as part of a field trip or event hosted by a childcare facility, elementary or secondary school, community college, religious organization or other group where supervision would reasonably be expected to be provided by such group (e.g., departmental visits by elementary schools, library visits, Wood Magic, Farmtastic);
- athletic, academic, musical or other competitions that involve no significant, substantive programming beyond the competition itself (e.g., high school football games, science fair, ACT testing, choral or band competitions);
- campus tours to prospective students, including prospective athletes, including overnight campus visits;
- services provided by The Longest Student Health Center, the TK Martin Center, the University Counseling Center, any licensed childcare facility housed on campus or under MSU's oversight, or any entity that provides counseling or other medical or mental health treatment to Minors;
- off-campus activities, including clinical placements or student teaching experiences;
- off-campus activities undertaken by MSU students or employees that are not part of an off-campus program sponsored by MSU, even if these activities are undertaken in order to satisfy service or volunteer hour requirements (e.g., tutoring, coaching or mentoring Minors as an individual activity, working with Boys Club or Girls Club); and
- private, personal events that occur on campus (e.g., birthday parties, weddings).

Minor: Any person under the age of eighteen (18), unless that person is:

- an enrolled student at MSU;
- an MSU employee under the age of 18; or
- recipient of healthcare or mental health services at MSU.

Program Director: The individual responsible for the administration of any Covered Program. In the case of private or semi-private lessons, tutoring, mentoring, etc., the Program Director shall be the MSU employee or student providing such services.

Sponsoring Unit: The academic department, administrative unit, or other organization of the University which offers a program or gives approval for housing or use of facilities.

III. REPORTING ABUSE

No form of child abuse, as defined by Mississippi law, or abuse of a Minor, whether physical, emotional, or sexual will be permitted or tolerated under any circumstances, whether occurring within a Covered Program or in any other context. Harm or threatened harm to a Minor's health or welfare can occur through non-accidental physical or mental injury, sexual misconduct or attempted sexual misconduct. It can also occur through negligent treatment or maltreatment of a Minor, which could include the failure to provide adequate nourishment, medical treatment, supervision, clothing, or shelter.

State law provides that anyone having reasonable cause to suspect that a minor is neglected or abused must immediately report the activity to the Department of Human Services (DHS). *See* Miss. Code Ann. § 43-21-353 (as amended 2012).

For purposes of this reporting obligation, a neglected child is a child:

- (i) Whose parent, guardian or custodian or any person responsible for his care or support, neglects or refuses, when able so to do, to provide for him proper and necessary care or support, or education as required by law, or medical, surgical, or other care necessary for his well-being; however, a parent who withholds medical treatment from any child who in good faith is under treatment by spiritual means alone through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall not, for that reason alone, be considered to be neglectful under any provision of this chapter; or
- (ii) Who is otherwise without proper care, custody, supervision or support; or
- (iii) Who, for any reason, lacks the special care made necessary for him by reason of his mental condition, whether the mental condition is having mental illness or having an intellectual disability; or
- (iv) Who, for any reason, lacks the care necessary for his health, morals or well-being.

Similarly, for purposes of reporting, an abused child is a child whose parent, guardian or custodian or any person responsible for his care or support, whether legally obligated to do so or not, has caused or allowed to be caused, upon the child, sexual abuse, sexual exploitation, emotional abuse, mental injury, nonaccidental physical injury or other maltreatment. However, physical discipline, including spanking, performed on a child by a parent, guardian or custodian in a reasonable manner shall not be deemed abuse under this section. (Miss. Code Ann. § 43-21-105).

Additionally, under Miss. Code Ann. § 97-5-51, health care practitioners, clergy members, teaching or child care providers, law enforcement officers and commercial image processors, who are performing their occupational duties, are required to report a reasonable belief that an adult has committed a "sex crime against a minor" under the age of 16. The report under this statute should be made immediately to the law enforcement agency in the jurisdiction in which the sex crime is believed to have occurred, to DHS, or in accordance with any applicable licensing requirement.

Any questions or concerns related to whether a report is mandated should be directed to the Office of Compliance and Integrity or the Office of General Counsel for consideration.

In addition to the legal requirements set forth above, MSU requires anyone who has reasonable cause to suspect that a Minor has been injured, harmed, abused or neglected, even if not meeting the definitions set forth above, to immediately report the matter to the Program Director (if occurring as part of a Covered Program) and/or the Office of Compliance and Integrity, the Office of General Counsel, Human Resources Management, the Office of Internal Audit, or the Dean of Students. Reports may also be made anonymously through MSU's Ethics Line (https://secure.ethicspoint.com/domain/en/report_company.asp?clientid=25520&override=yes&agreement=no). This requirement applies to all MSU employees, volunteers, students, Authorized Adults, or anyone otherwise affiliated with MSU. Covered Programs may also be subject to the reporting requirements of Title IX; therefore, any report involving sexual assault, sexual misconduct or sexual harassment should be reported to MSU's Director of Title IX at 662-325-8124 or titelx@msstate.edu. If the situation presents imminent danger to a Minor, contact should be made with the University Police Department either in person or by telephone at 662-325-2121 or with other appropriate law enforcement.

In deciding whether or not to report an incident or situation of suspected abuse or neglect, it is not required that you have proof that abuse or neglect has occurred. Any uncertainty in deciding to report suspected abuse or neglect should be resolved in favor of making a good faith report as outlined above.

IV. REQUIREMENTS FOR COVERED PROGRAMS

The requirements listed herein are in addition to any requirements of other MSU Policies and Procedures, including any obligations imposed in connection with research involving Minor subjects. All Covered Programs are required to comply with the below requirements, which are set forth more fully in the Implementing Procedures:

- a. **Registration.** The Program Director, or other appropriate person or designee, of the Covered Program must register the program with the Office of Compliance and Integrity.
- b. **Background examinations.** All Authorized Adults must have a background examination or acceptable proof of such examination on file with MSU prior to the commencement of the Covered Program. The background examination must be made in accordance with the Implementing Procedures and must be renewed as necessary so that no longer than three years has elapsed since the background examination and

the commencement of Covered Program each year. It is the responsibility of the Sponsoring Unit, the Program Director, and the Authorized Adult to insure that this requirement is satisfied prior to the commencement of the Covered Program.

- c. **Training.** The Sponsoring Unit and/or Program Director shall be responsible for ensuring that all Authorized Adults working in a Covered Program have completed training prior to the commencement of the Covered Program. The training materials shall be approved in advance by the Office of Compliance and Integrity and evidence of completion of the training shall be provided to the Office of Compliance and Integrity upon completion of the training. In the event of continuing programs, training must be completed annually and evidence of completion of the training shall be provided to the Office of Compliance and Integrity upon completion of the training. Training must be renewed annually by all Authorized Adults.
- d. **Conduct of Program.** Each Covered Program must establish and follow guidelines that comply with the requirements of the Implementing Procedures, including requirements related to medical information of minors, emergency plans, and behavioral expectations for Minors and Authorized Adults.
- e. **Acknowledgement Required.** All Authorized Adults must acknowledge this policy and the Implementing Procedures and agree to abide by all requirements imposed therein prior to participating in a Covered Program. This acknowledgment shall also include a representation that the Authorized Adult (1) has not been convicted of any crime related to the abuse or neglect of a Minor, (2) has not entered a guilty plea, a no contest plea or any other plea other than not guilty in response to a charge related to the abuse or neglect of a Minor, and (3) is not currently under investigation for any claim related to the abuse or neglect of a Minor. This Acknowledgement may be completed as part of the training set forth above.

V. NON-UNIVERSITY ENTITIES

Any entity using MSU's facilities for the conduct of an event or program that would be a Covered Program if under the oversight of MSU shall sign a Protection of Minors Addendum that obligates the third-party sponsor to comply with this Policy and the Implementing Procedures and that contains any additional terms that MSU deems necessary for the protection of Minors. The Addendum shall also require the third-party sponsor to provide proof of compliance to MSU upon request.

VI. REVIEW

This policy shall be reviewed every four years (or whenever circumstances require an earlier review) by the Office of Compliance and Integrity.

REVIEWED BY:

/s/ Joy Graves
University Compliance Officer

01/19/2016
Date

/s/ Timothy N. Chamblee
Assistant Vice President & Director
Institutional Research & Effectiveness

01/19/2016
Date

/s/ Joan Lucas
General Counsel

01/19/2016
Date

APPROVED BY:

/s/ Julia Hodges
Interim Provost and Executive
Vice President

01/19/2016
Date

/s/ Mark Keenum
President

01/25/2016
Date

THIS POLICY HAS BEEN SUPERSEDED