

## **IMPLEMENTING PROCEDURES FOR MINOR PROTECTION POLICY**

In order to effectively fulfill the requirements of Mississippi State University Operating Policy 01.29 (the "Policy"), these procedures have been created in order to set forth specific guidelines for Sponsoring Units to follow while implementing Covered Programs, with the stated goal of increasing educational opportunities while protecting Minors and MSU.

### **I. Definitions**

The Definitions set forth in the Minor Protection Policy shall apply equally here.

### **II. Requirements for Programs Involving Minors**

All programs involving Minors shall consult with the Office of Compliance and Integrity to determine whether the program is a Covered Program. This request shall be submitted on the Covered Program Determination Form, which is available on the Office of Compliance and Integrity website.

If the Office of Compliance and Integrity determines that an activity or program is not a Covered Program, then it shall notify the Program Director of that determination. The Office of Compliance and Integrity may impose requirements on the activity or program but the terms and obligations of the Policy and these Implementing Procedures shall not be applicable.

### **III. Requirements for Covered Programs**

All Covered Programs must comply with the following:

- a. **Registration.** The Program Director or appropriate designee, shall, as soon as practicable but not later than 21 days prior to the start of the Covered Program, register the Covered Program with the Office of Compliance and Integrity. Registration shall be completed using the Covered Program Information Form, available on the Office of Compliance and Integrity website, and shall include the following information:
  - i. Dates and location of Covered Program,
  - ii. Approximate number and ages of Minors expected to participate,
  - iii. Necessary facilities (Housing, Sanderson Center, dining halls, Longest Health Center, etc.),
  - iv. The name and contact information for the Program Director, and
  - v. To the extent possible, the names of all Authorized Adults who will participate in the Program, whether those Authorized Adults will be MSU employees during the Covered Program, and whether those Authorized Adults have current background checks on file with MSU. If an Authorized Adult does not have a current background check on file, it is the responsibility of the Program Director to

coordinate with the Office of Compliance and Integrity and/or the Office of Human Resources Management to ensure that this requirement is satisfied in advance of the commencement of the Covered Program.

- vi. This information must be updated in a timely fashion and shall be supplemented as necessary through the conclusion of the Covered Program to include all Authorized Adults who work with the Covered Program.
  
- b. **Registration of On-going Covered Programs.** In the case of on-going activities, such as lessons or tutoring, registration shall be completed annually and not on an event-by-event basis. Once registered, the Program Director is not required to complete the registration process again for 12 calendar months; however, any updated or supplemental information related to changes in the Covered Program or Authorized Adults shall be made in a timely fashion. All other requirements of the Policy and these Procedures shall apply.
  
- c. **Background Examinations.** A background examination, dated within the three years prior to the Authorized Adult's date of involvement with the Covered Program, is required of all Authorized Adults participating in a Covered Program. The determination of whether a background examination is dated within three years of the involvement in a Covered Program shall be made each year prior to the commencement of the Covered Program or, in the event of an on-going program, annually upon registration of the Covered Program.

The background examination must be completed by a vendor approved by MSU and submitted directly to MSU by the vendor for review or must be provided in a format that is consistent with an agreement approved in advance by the Office of Compliance and Integrity for the purpose of satisfying this requirement. The examination shall be completed prior to the commencement of the Authorized Adult's participation in the Covered Program. In the event an Authorized Adult does not have a valid background examination, or other proof of satisfaction of this requirement, on record with MSU, the Program Director and/or Sponsoring Unit shall obtain from the Authorized Adult the information and documents necessary to allow the Office of Compliance and Integrity or the Office of Human Resources Management to obtain a background examination. The Program Director or Sponsoring Unit will be responsible for the cost of such background checks but may elect to pass that cost on to the Authorized Adult.

If a background examination reveals any information that warrants additional review or investigation, the Office of Compliance and Integrity will work with Human Resources Management to conduct the necessary

investigation and to follow up with the Program Director as necessary. In the event that an Authorized Adult is deemed not an acceptable participant in a Covered Program, the Office of Compliance and Integrity and/or Human Resources Management will convey that decision to the Authorized Adult and the Program Director, while maintaining required levels of confidentiality. The decision of the Office of Compliance and Integrity shall be final with respect to whether an Authorized Adult may be involved in a Covered Program.

In addition to a background examination, each Authorized Adult shall be required to acknowledge that he/she (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 of a crime related to the abuse or neglect of a Minor, and (3) is not currently under investigation for any claim or charge related to the abuse or neglect of a Minor.

- d. Training.** Each Authorized Adult, prior to the start of the Covered Program, must complete training that has been approved by the Office of Compliance and Integrity. A summary of the training and proof of each Authorized Adult's completion of the training shall be submitted to the Office of Compliance and Integrity. The Training and Policy Acknowledgment Form, available on the Office of Compliance and Integrity's website can be used for this purpose. In addition to any training and instruction specific to the conduct of the Covered Program, all training should include the following topics:
- i. Reporting responsibility.** Each Authorized Adult should be instructed on his/her responsibility to report any suspected abuse or neglect, in keeping with Mississippi State law and MSU policies. Further, each Authorized Adult is expected to report any violation of MSU's Minor Protection Policy or these procedures, whether by another Authorized Adult, a Program Director, or other MSU employee.
  - ii. Signs of possible abuse.** In keeping with the reporting responsibility, training shall include an overview of possible signs of abuse, including emotional abuse, sexual abuse, and neglect.
  - iii. Appropriate behaviors.** Training should include behavioral expectations for Authorized Adults, as set forth in (e)(iv) below, and as appropriate to the specific Covered Program.
  - iv. Safety.** Training should include safety procedures and guidelines appropriate for the Covered Program, including, as necessary, laboratory safety, safety rules specific to athletic equipment, etc.
  - v. Emergency Procedures.** Training should provide an overview of the proper response to possible emergency situations, including a

medical emergency for a Minor or Authorized Adult and parental notification policies, a threat to safety, a weather emergency, etc.

vi. **Relevant MSU Policies.** Any MSU policies which govern the conduct or subject of the particular Covered Program should be discussed during training.

e. **Conduct of Program.** Each Covered Program must establish and follow guidelines addressing, at a minimum, the following matters:

i. **Ratio of Authorized Adults to Minors, including by gender as appropriate.** While Program Directors and Sponsoring Units have limited discretion in choosing an appropriate ratio, the following guidelines are set forth by the American Camp Association and are provided here for reference only:

i. **Standards for residential camps:**

- a. One staff member for every five campers ages 4-5
- b. One staff member for every six campers ages 6-8
- c. One staff member for every eight campers ages 9-14
- d. One staff member for every ten campers ages 15-17

ii. **Standards for day camps:**

- a. One staff member for every six campers ages 4-5
- b. One staff member for every eight campers ages 6-8
- c. One staff member for every ten campers ages 9-14
- d. One staff member for every twelve campers ages 15-17

ii. **Establishing an MSU employee as a point of contact for Authorized Adults.** An MSU employee should be identified to supervise the Authorized Adults serving with the Covered Program. This may be a graduate assistant or student worker if that graduate assistant or student worker has the ability to reach the Program Director (or appropriate designee), who must be on call at all times during the operation of the Covered Program.

iii. **Maintaining information regarding the Minors, including medical information and authorization forms and notification information for the Minor's parent/guardian in the event of an emergency.** Each Covered Program should obtain and maintain the following documentation (where applicable):

- i. A list of all Minors and other participants, including room assignment as applicable, age, home address, and the name and contact information for a parent/guardian of each Minor.
- ii. Medical information forms and medical authorization forms for all Minors, which have been approved by the Office of Compliance and Integrity and the Office of General Counsel

and which include appropriate information regarding allergies, immunizations, medical history, and authorization for MSU to release medical information pursuant to HIPAA and obtain medical treatment where necessary. Such authorizations shall state that medical treatment is the financial responsibility of the individual participant and that MSU does not provide medical insurance to cover the Minor. These forms should also include information related to insurance coverage carried on the Minor and information regarding payment of out-of-pocket expenses incurred by the Minor as the result of any injury or illness occurring during the Covered Program.

- iii. A general liability waiver and release specific to the Covered Program, which has been approved by the Office of General Counsel.
- iv. If desired, the Covered Program should also obtain a photo/media release, authorizing MSU and the Covered Program to use images of the Minor for promotional purposes.

**iv. Behavioral expectations for all Authorized Adults.** The Covered Program shall instruct all Authorized Adults of the expectations regarding behavior, including:

- i. Do not engage in any sexual activity, sexual comments, or sharing of sexual material with minors.
- ii. Do not allow yourself to be alone with a Minor, unless you are their parent or legal guardian. If the Covered Program necessarily involves one-on-one contact, for example, private lessons or tutoring, the following guidelines should be followed:
  - a. Covered Program should, to the greatest extent possible, occur in an area visible to others, for example, in a common area, in a room adjacent to a common area with a door that shall remain open throughout the Covered Program.
  - b. If at any time it is necessary to operate the Covered Program behind a closed door, the door should have an unobstructed window and remain unlocked.
- iii. Do not engage in any activity which may be considered abusive to a reasonable observer, including spanking, restraining, verbal comments, etc.
- iv. Do not give or receive a gift, other than one of nominal value, to or from a Minor.
- v. Do not engage in physical play (tickling, roughhousing, wrestling), other than as part of a group activity or sport.

- vi. Do not use or be under the influence of alcohol or illegal drugs while on duty with the Covered Program or while engaging with the Minors.
  - vii. When transporting any Minors as part of a Covered Program, efforts should be undertaken to avoid situations where an Authorized Adult is transporting a single Minor. Avoid personal vehicles where possible.
  - viii. Do not possess any type of weapon, explosive device or other dangerous article while participating in a Covered Program, except where such an item is related to the Covered Program and is expected to be used to fulfill the purpose of the program. In instances where weapons, explosive devices or other dangerous articles are involved in the Covered Program, safety precautions should be in place and observed to protect from unintended use of such items.
  - ix. Any Authorized Adult reasonably suspected of non-compliance with MSU Policy, including the Minor Protection Policy, and these Implementing Procedures, may be asked to cease participation in the Covered Program and may face disciplinary action, up to and including termination and/or expulsion or dismissal from MSU.
- v. **For residential programs, establishing an appropriate curfew and guest visitation policies as well as policies addressing the adult/minor interaction as part of the residential program.** The Covered Program may establish other appropriate regulations, but at minimum the Minors and Authorized Adults should comply with the following guidelines:
- i. In-room visitation is limited to Minors of the same gender.
  - ii. Authorized Adults should not enter Minor's rooms. If necessary to enter, another Authorized Adult should be present.
  - iii. Guest visitation, other than a parent/legal guardian, is limited to the lobby area of dormitory, and shall only occur during established times.
  - iv. Separate sleeping and bathing areas shall be provided for Minors and adult program participants, other than a Minor's parent. If separate areas cannot be provided for bathing, separate times should be established for Minors/Authorized Adults to use the bathing areas.
- vi. **Behavioral expectations for Minors.** Covered Programs should also set forth regulations for Minors on behavior that is expected throughout the duration of the Covered Program. These may include many of the prohibited behaviors in II(d)(4), including a prohibition on alcohol and drugs, sexual material and references,

abuse, etc. The behavioral expectations for Minors should make clear that failure to adhere to the expectations could result in dismissal from the program.

- IV. Programs Run by Non-MSU 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 MSU's Minor Protection Policy and these Implementing Procedures. The Addendum shall also require the third-party sponsor to provide proof of compliance to MSU upon request.
- V. Modifications/Updates to Implementing Procedures.** These Implementing Procedures may be updated from time to time in order to enhance the protection provided to Minors participating in programs on the MSU campus or sponsored by MSU. Reasonable notice of any such changes shall be communicated to all registered programs and shall be generally communicated through the Office of Compliance and Integrity.