

IMPLEMENTING PROCEDURES FOR MINOR PROTECTION POLICY

To effectively fulfill the requirements of Mississippi State University Operating Policy 01.29 (the "Policy"), these procedures have been created 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 register through the on-line portal provided for this purpose by the Office of Compliance and Risk Management ("OCRM"). Information on how to access the portal is available at <https://www.ocrm.msstate.edu/focus-areas/children-youth>. Once registered, a determination will be made with respect to whether the activity is a Covered Program under the Policy.

If an activity or program is not a Covered Program under the Policy, the requirements of the Policy related to identification of Authorized Adults, completion of background checks, and completion of training shall not apply. However, OCRM may impose reasonable requirements on the activity or program. Additionally, the activity or program may elect to operate under the terms of the Policy.

III. Requirements for Covered Programs

All Covered Programs must comply with the following:

- a. **Information Submission.** The Program Director or appropriate designee, shall, prior to the beginning of the Covered Program, provide all information required by the on-line portal provided by the OCRM. To comply with the requirements of the Policy and these Procedures, this information should be submitted as early as possible to allow time for any required background checks and for the completion of the required training. The information that shall be submitted will include, but might not be limited to, the following:
 - 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. The names of all Authorized Adults who will participate in the Program, including the classification of all Authorized Adults during

the program (i.e., volunteer, current employee, new employee, student worker, paid by stipend).

- 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. **Information Submission for On-going Covered Programs.** In the case of on-going activities, such as lessons, tutoring or activities hosted by County 4-H offices, this submission of information shall be completed annually and not on an event-by-event basis. Once the initial information has been submitted, the Program Director is responsible for updating the information in a timely manner. Additionally, the Program Director, or an appropriate designee is responsible for monitoring the compliance status of Authorized Adults and maintaining any records necessary to reflect which adults worked at events occurring during the year. 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 the addition of the Authorized Adult to the Covered Program's information.

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 OCRM 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. It is the responsibility of the Program Director to ensure that no Authorized Adult participates in a Covered Program until this background examination is complete.

To satisfy this requirement, the Program Director and/or Sponsoring Unit shall submit through the on-line portal the information necessary to allow OCRM to obtain a background examination. The Program Director or Sponsoring Unit will be responsible for the cost of background checks procured by OCRM but may elect to pass that cost on to the Authorized Adult. This election must be made at the time the Authorized Adult is added to the on-line portal.

For new hires, the background check will be obtained through the Office of Human Resources Management as part of the initial hiring paperwork.

If a background examination reveals any information related to criminal behavior, the report shall be referred to the Office of General Counsel, which will determine whether that information should prevent the applicant from working with the Covered Program. If an Authorized Adult is deemed not an acceptable participant in a Covered Program, that information will be conveyed to the Authorized Adult and the Program Director, while maintaining required levels of confidentiality. The decision of the Office of General Counsel shall be final with respect to whether an Authorized Adult may be involved in a Covered Program.

The requirement of background checks may be waived by OCRM for certain programs that, because of their specific characteristics, do not pose significant risks that are likely to be addressed by a background check. Ordinarily, these programs will be single, short-lived events at which participants and Authorized Adults are in common areas for the entirety of the program. A request for a waiver under this paragraph must be submitted to minors@msstate.edu. The decision on a request for a waiver will be made by OCRM based on the totality of the information available to the office. All other requirements of the Policy and the Procedures shall remain in force.

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. This acknowledgment shall be submitted in the on-line portal prior to the Authorized Adult being allowed to participate in the Covered Program.

- d. Training.** Each Authorized Adult, prior to the start of the Covered Program, must complete all training identified in the on-line portal. Completion of the required training will be reflected in the portal and shall be monitored by the Program Director to confirm completion prior to participation in the Program.

In addition to the required training identified in the portal, each program or activity shall provide training on any safety procedures and guidelines made necessary because of the nature of the activity or program. For laboratory safety and related matters, Program Directors may reach out to EH&S for assistance.

- 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 provided here for reference only:
 - i. **Standards for residential camps:**
 - a. One staff member for every four 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 Primary Contact for the Program.** 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. This person should be identified in the on-line portal.
 - 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 (if 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 General Counsel and which include appropriate information

regarding allergies, immunizations, medical history, and authorization for MSU to release medical information pursuant to HIPAA and to 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. A photo/media release, which has been approved by the Office of General Counsel, 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 the residence hall and shall only occur during established times.

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 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 by OCRM.