

SUPERVISION OF MINORS

Summary/Purpose: To provide the minimum standard for appropriate supervision of Minors on campus and Minors who are involved in University-sponsored programs, programs held at the University, or programs housed in or through the University.

Policy:

1. **One-on-One Contact:** No person 18 years of age or older shall have One-On-One Contact with Minors.
2. **Duty to Report:** If any person has reason to suspect that a Minor has been subject to neglect or abuse, he or she must:
 - Inform the Mississippi Department of Human Services by calling the Abuse hotline (800-222-8000 or 601-359-4991) and provide written notification to the Department of Human Services as soon thereafter as possible, which may be done on their website at www.msabusehotline.mdhs.ms.gov. See Miss. Code Ann. § 43-21-353
 - Inform the University Police Department (662-915-7234) or other appropriate law enforcement agency, and if the suspected assault or abuse presents an imminent danger to a Minor, contact should occur immediately.
 - If the Minor is a participant in a Program, inform the Program Director immediately. The Program Director will immediately notify the University Police Department and the Title IX Coordinator or designee. If the Program Director may be involved in the suspected assault or abuse the person should report the suspected assault or abuse to the University's Title IX Coordinator or designee (662-915-7045).
3. **“See Something, Say Something”:** If any person witnesses a violation of this policy, such as One-on-One Contact, or anything that gives rise to concern for the health or safety of a Minor, that person shall immediately notify the University's Title IX Coordinator or designee (662-915-7045).
4. **Email, Text, or Other Messaging with Minors:** Staff, Program Staff, and Faculty must comply with the IT Appropriate Use Policy when communicating with students, including Minors. The entire policy is available on the University website in the Policy Directory. The “olemiss.edu” addresses are the only email addresses that should be used when communicating with students, including students who may be Minors. When teaching a class or online class with students who are Minors and the contains a synchronous component, such as Skype or Adobe WebConnect, this should only be used for official communications and should not be conducted with Minors without first notifying parents, guardians, and the University.

The University of Mississippi

The following are examples of violations of the laws of the State of Mississippi which may be related to online and text communications:

- Enticement of a child through computer or other means is a crime under Mississippi Code Section 97-5-33.
- Public display of sexually oriented materials in a venue likely to be visited by minors in the normal course of business is a crime under Mississippi Code Section 97-5-29.
- Profane or indecent language in a public place is a crime under Mississippi Code Section 97-29-47. A web page which resides on a University server is a public place.
- Publishing or exhibiting obscene materials to a Minor is a crime under Mississippi Code Section 97-5-27.

The University may examine, at any time, anything that is stored on or transmitted by University-owned equipment.

5. **All Sponsoring Units** offering or approving a Program which involves Minors shall:
 - a. Follow all University policies and other laws or regulations applicable to Program activities.
 - b. Require all Authorized Adults to undergo and pass a current, University-approved background check before beginning work with Minors. To be considered “current” the background check must have occurred within the previous three (3) years, though background checks may be conducted more frequently (e.g.: bi-annually, annually, semi-annually, etc.) at the Program Director’s discretion. Results of background checks must be reviewed and approved by the University’s Title IX Coordinator or designee prior to being hired and/or interacting with Minors in a Program. Payment for the background check is the responsibility of the individual unless specifically authorized for processing and/or payment by the Sponsoring Unit. Authorized Adults are under a duty to disclose to the Program Director any arrest that occurs after a background check is performed within 72 hours of its occurrence or immediately if such occurs while working as Program Staff. The Program Director will then consult with the Title IX Coordinator and Human Resources to determine the appropriate action.
 - c. Require all Authorized Adults and encourage all other Program Staff to participate in annual, mandatory Supervision of Minors training approved by the Title IX Coordinator or designee.
 - d. Require Sponsoring Units to train Program Staff concerning the requirements of this Policy.

The University of Mississippi

- e. Require that all Minors age 4 or under are accompanied by the Minor's Guardian, unless the Program is a licensed day care facility.
- f. Ensure that no Minor age 8 or under participates in a Residential Program.
- g. Ensure adequate supervision of Minors while they participate in any Program. All Program activities involving Minors must be supervised by at least two or more Authorized Adults. Some factors to consider in determining "adequate supervision" are the number, age, and gender of participants, the activities involved, and age, gender, and experience of the Authorized Adult. An appointment as a Program Staff member is not equivalent to an appointment as an Authorized Adult. Program Staff may not supervise Minors, unless the Program Staff members are also Authorized Adults.

Consistent with American Association of Camps ("ACA") staffing ratios, the ratio of Authorized Adults supervising Day Program participants shall meet the following during any Program activities:

- i. One Authorized Adult for every 6 Minors ages 4-5;
- ii. One Authorized Adult for every 8 Minors ages 6-8;
- iii. One Authorized Adult for every 10 Minors ages 9-14; and
- iv. One Authorized Adult for every 12 Minors ages 15-17.

For Residential Programs, during those times the Program participants are not engaged in Day Program activities, including at night, the minimum ratio of Authorized Adults supervising Program participants are:

- v. The University does not sponsor residential programs for any Minors age 8 or under;
- vi. One Authorized Adult for every 8 Minors ages 9-14; and
- vii. One Authorized Adult for every 10 Minors ages 15-17.

These ratios shall not be required for non-residential Programs when Minors are brought to and supervised on campus by a representative of the school the Minors attend.

These ratios shall not be required for classes that are offered for credit by an accredited educational institution in University classrooms located in academic buildings during normal business hours.

- h. Require Sponsoring Units offering or approving a Program to, at all times, designate an Authorized Adult at least 21 years of age to be on-call and accessible to Program participants at all times.

The University of Mississippi

- i. Programs which include a RESIDENTIAL component must adopt and implement policies for proper supervision of Minors in University housing, including policies requiring the following:
 - i) Written permission signed by the parent or legal guardian for the Minor to reside in University housing;
 - ii) An age-appropriate curfew for the participants, but in no case later than midnight;
 - iii) In-room visitation restricted to participants of the same gender;
 - iv) Guests of participants (other than a parent/legal guardian and other Program participants) restricted to visitation in the building lobby and/or floor lounges, and only during approved hours specified by the Program;
 - v) Compliance with all security measures and procedures specified by the UM Department of Student Housing and the University Police Department; and
 - vi) Separate sleeping accommodations for adults and Minors other than the Minors' parents, legal guardians, or other members of Minors' immediate family.

- j. RESIDENTIAL Programs and Programs which involve AQUATIC ACTIVITY (such as swimming) OR OTHER STRENUOUS PHYSICAL ACTIVITY shall:
 - i) Establish a procedure for the notification of the Minor's parent or legal guardian in case of emergency, including medical or behavioral problems, natural disasters, or other significant Program disruptions. Authorized Adults with the Program as well as participants and their parent or legal guardians must be advised of this procedure in writing prior to the Program.

 - ii) Require the Program participant to provide the Sponsoring Unit a Medical Treatment Authorization form. All forms must include the following:
 - a) A statement informing the parent/legal guardian that the University does not provide medical insurance to cover medical care for the Minor (unless the Program provides such insurance).
 - b) A statement authorizing the release of medical information (HIPAA) and authorizing emergency treatment in case the parent/legal guardian cannot be reached for permission.
 - c) A list of any physical, mental or medical conditions the Minor may have, including any allergies that could impact his/her participation in the Program.

The University of Mississippi

- iii) Provide a list of all Program participants and a directory of Program Staff (which will include Authorized Adults) to the University Police Department's Crime Prevention Coordinator. This list shall include: participant's name; local room assignment (if applicable); gender, age, address, and phone number(s) of parent or legal guardian, as well as emergency contact information. This list must also include contact information for the Program Director, and must be submitted in the manner and form as the sample list attached to this policy.
- iv) Adopt a written policy with delineated procedures concerning first aid, medication, inhalers, and epinephrine ("epi") pens. Medicine may be administered by a properly licensed healthcare professional or distributed by Program Staff for self-administration by the Minor under the following conditions:
 - a The Minor's parent or legal guardian must provide written authorization for the administration or self-administration of any medicine.
 - b The Minor's parent or legal guardian must provide the medicine in its original pharmacy container labeled with the participant's name, medicine name, dosage and timing of consumption. Over-the-counter medications must be provided in their manufacturers' container.
 - c Medicine should be kept in an appropriate and secure location.
 - d A record showing the date, time, and signature of the person who administered or witnessed each self-administration of medicine must be kept for 90 days.
 - e Any medicine the participant cannot self-administer must be stored and administered by a licensed healthcare professional associated with the campus, or if no one is available, arrangements must be made with another healthcare professional in advance of the participant's arrival.
 - f Personal "epi" pens and inhalers may be carried by the participant during activities.
- k. If Program Staff is suspected of assault or abuse against a Minor, he or she shall immediately discontinue any further Program participation until such allegation has been satisfactorily resolved.
- l. Program Directors must use the Policy on Supervision of Minors Checklist attached to this policy to ensure compliance and should maintain the checklist for audit purposes.

Definitions:

1. **Authorized Adult** - Program Staff members who are eighteen (18) years or older who supervise, chaperone, or otherwise oversee Minors in Programs. This may include but is not limited to, faculty, staff, volunteers, graduate and undergraduate

The University of Mississippi

students, interns, employees of temporary employment agencies, and independent contractors/consultants.

2. **Guardian** - A Minor's parent, legal guardian, or other person over the age of 18 who has been designated by a Minor's parent or legal guardian to be responsible for the Minor.
3. **Minor** - A person under the age of eighteen (18) who is not enrolled at the University. Students who are "dually enrolled" in University Programs while also enrolled in elementary, middle and/or high school are not included in this policy unless such enrollment is a Residential Program.
4. **Non-Public Area(s)** - Places that are not common areas, cannot be observed from common areas, and which are not monitored by video surveillance equipment approved by the University Police Department. For purposes of this definition, a "common area" is an area where one would normally anticipate others are present but only during business hours or such other times one would reasonably anticipate others would be present.
5. **One-on-One Contact** - Private, unsupervised, face-to-face interaction, either on University property or during a Program, in a Non-Public Area between any Minor and any person 18 years of age or older who is not the Minor's Guardian. One-on-One Contact includes the transportation of a Minor by an agent or employee of the University in the course and scope of performing university duties or as a part of a Program, whether in a personal or university vehicle.

This definition does not include contact between a Minor and licensed health care providers while performing the duties for which they are licensed, contact between University students and visiting high school students when the University student(s) are hosting the visiting high school student(s), or contact between visiting high school students.

6. **Program(s)** - Programs and/or group activities designed for, marketed for, and which include Minors as participants whether offered by various academic or other units of the University or by non-University groups using University facilities.

Program(s) do not include:

- private lessons or other instruction offered by individuals using University facilities;
- activities that require a Guardian to be present at all times;
- on-campus events and activities sponsored by an accredited educational institution which has its own policies to supervise and protect Minors;
- athletics competitions which involve no significant, substantive programming beyond the competition itself;

The University of Mississippi

- interaction with Minors in the context of curricular, practical training supervised by university faculty;
 - off-campus clinical or practicum experiences supervised by a third party entity;
 - research involving Minors using research protocols approved by the University's Institutional Review Board;
 - Mass Transit provided by the University; and
 - attendance by Minors at events open to the general public and other similar ticketed events (though this exception does not include Minors' participation in preparation, rehearsals, and backstage work for plays, concerts, and other such events, which shall be considered Programs included within the protections of this policy).
- 7. Program Director** - The individual employed by the Sponsoring Unit responsible for the administration of any University-sponsored or University-affiliated Program.
- 8. Program Staff** - All persons who participate in conducting a Program, whether they are Authorized Adults, employees providing temporary or clerical support, or healthcare professionals. Program Staff members may not supervise Minors, unless the Program Staff members are also Authorized Adults.
- 9. Residential Program(s)** - Any University offered or University sponsored Program that involves housing Minors overnight.
- 10. Sponsoring Unit** - The academic or administrative unit of the University that offers a Program, partners with a non-University group to offer a Program, or approves a Program's use of University facilities.