

Background

The Mississippi High School Activities Association (MHSAA) was incorporated as a not-for-profit organization in 1956. MHSAA's constitution states that its purpose is to "promote the general welfare of member schools in their relations with each other." The MHSAA regulates sixteen sports and six activities in its member schools.

MHSAA has a full-time staff of eleven employees, including its Executive Director. The association has a multi-level governance structure to represent its member schools that includes activity districts and district executive committees at the local level, a Legislative Council, and an Executive Committee. MHSAA sustains its operations primarily through regular payments to the association in the form of annual membership dues from its member schools.

PEER Authority to Conduct Review

MISS. CODE ANN. Section 5-3-57 (b) (1972) provides PEER with comprehensive authority to review the files and functions of agencies and also extends the authority to cover the independent contractors of such agencies when necessary. For the purposes of the statutes addressing PEER's authority, the term "agency" embraces not only those components of state government commonly thought of as agencies, but also local government entities (see MISS. CODE ANN. Section 5-3-53 [1972]).

Overview of Concerns

PEER reviewed matters related to a disciplinary action taken by MHSAA, during the 2023-2024 school year, against a Tupelo High School student athlete involving participation in track and field. Specifically, PEER reviewed MHSAA rules and policies that prohibit athletes from participating in out-of-state events as an unattached contestant (i.e., an athlete who is not representing his or her team or school when participating in a competition) and policies or practices relating to a parent or child's legal representation before MHSAA or any subcommittee thereof dealing with a sanction. Through its review, PEER determined that MHSAA:

- has the potential for inconsistency in enforcement of its bylaws since it relies on its member schools or its members to self-report violations or provide information about infractions;
- lacks clarity and contains contradictory language in some of its bylaws (e.g., prohibited events and activities are not clearly defined); and,
- provides limited options for resolution (e.g., MHSAA is not required to ensure procedural due process).

Recommendations

MHSAA should:

- amend its bylaws to provide written definitions of events and activities listed within its bylaws, formalize and clarify its approval process for participation in defined events and activities, and eliminate contradictory language (i.e., Bylaws 6.2.4 and 7.1.3);
- establish a formal process to ensure that its member schools and coaches have read and understand MHSAA bylaws and any amendments (e.g., attestation form) where they can then educate students and parents on participating in defined events;
- ensure its staff proactively monitors Mississippi student participation in defined events and activities instead of waiting on formal complaints reported by member schools in order to allow for more consistent enforcement of its bylaws;
- create a uniform complaint form that would serve as the official record of the complaint's origin, which should be maintained in one file, along with the notice of penalty and/or other documented resolution;
- retain and log formal and informal complaint information in order to be more transparent, provide useful management information, and to ensure consistency in the enforcement of its bylaws; and,
- implement the proposed modification to its appeals hearing process that would enable legal counsel to present arguments to the Executive Committee on their client's behalf.

If the Mississippi Legislature deems MHSAA's changes to its appeals process inadequate, it could consider establishing a property interest in interscholastic athletics and outlining procedural requirements through statute. This would allow for a student or parent to have a right to be represented by an attorney in a hearing before MHSAA.