



Clergy Privacy FAQs

Mississippi



Chaplains and campus ministers can often provide confidential support for people in campus communities who have experienced sexual and domestic violence. Because of mandatory reporting laws and Title IX reporting requirements on campus, privileged communications may provide the most privacy protection for these survivors. Privileged communications may be possible with victim advocates and medical staff on campuses in certain jurisdictions, but sometimes chaplains and campus ministers are the only privileged professionals on campus who are not required to report a disclosed sexual assault.¹ Office on Violence Against Women (OVW)-funded victim service providers (VSPs) who work on campuses need to be able to explain to the people they serve how private any communication with chaplains or campus ministers will be and when these clergy may be required to report abuse, neglect, or sexual assault. These FAQs are meant to help VSPs understand the legal parameters for these communications.

These FAQs describe the clergy-penitent privilege and the mandatory reporting laws in the identified jurisdiction. We include legal citations so that you can read more about the laws and make sure they are current. None of the information in these FAQs is legal advice and you should always check with an attorney about how these laws work in your jurisdiction. The FAQs are a part of our Campus Privacy Toolkit. To receive an electronic copy of the Toolkit, or to ask privacy questions related to your OVW-funded work, please email us at TA@victimrights.org.

1 **What is the clergy-penitent privilege in Mississippi?** “A person has a privilege to refuse to disclose and to prevent another from disclosing a confidential communication by the person to a clergyman in his professional character as spiritual adviser.” Miss. Code Ann. § 13-1-22(2); see also Miss. R. Evid. 505(b).

2 **Who is “clergy”?** A “clergyman” “is a minister, priest, rabbi, or other similar functionary of a church, religious organization, or religious denomination.” Miss. Code Ann. § 13-1-22(1)(a); see also Miss. R. Evid. 505(b). The privilege also extends to a clergyman’s secretary, stenographer, or clerk; this person cannot be “examined without the consent of the clergyman concerning any fact, the knowledge of which was acquired in such capacity.” Miss. Code Ann. § 13-1-22(1)(a). See also Miss. R. Evid. 505(b).

3 **What is a “confidential communication”?** A communication is “confidential” if made privately and not intended for further disclosure except in furtherance of the purpose of the communication. Miss. Code Ann. § 13-1-22(1)(b); see also Miss. R. Evid. 505(a)(2).

¹ Even if a communication is protected from campus reporting by clergy privilege, jurisdictions may require clergy to report abuse of minors, elders, and persons with disabilities.

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Who may claim the privilege? “The privilege may be claimed by the person making the communication, by their guardian or conservator, or by their personal representative if they are deceased. The clergyman shall claim the privilege on behalf of the person unless the privilege is waived.” Miss. Code Ann. § 13-1-22(3); see also Miss. R. Evid. 505(c).

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How are clergy excepted from, or included in, Mississippi’s mandatory reporting laws? (This is not necessarily an exhaustive list of the abuse, neglect, or injuries that must be reported in this jurisdiction.)

Type of abuse or neglect	Rule and exceptions
Child abuse	Any “minister . . . or other person having reasonable cause to suspect that a child is a neglected child or an abused child” shall report. Miss. Code Ann. § 43-21-353(1).
Abuse of vulnerable adults	Members of the clergy are not expressly identified as reporters of the abuse of vulnerable adults; however, the statute provides that “any person” may report and does not limit reporting to those enumerated in the statute. Miss. Code Ann. § 43-47-7(1)(a).

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