

# THE CAMPLINE

Providing Camp-Specific Knowledge on Legal, Legislative, and Risk Management Issues

FALL 2018 / VOLUME XXIX / NUMBER 2

A parent asks you to cover medical expenses for an injury that supposedly happened at camp.

## CASE STUDIES AND LESSONS LEARNED

An adult female staff member reported that she was raped by an adult, male staff member on the leadership team.

A camper disclosed to you that he has researched how to kill his parents. This camper has access to weapons in his home.

You were made aware of an armed gunman loose near your camp.

A parent is insisting on a copy of the camp's accident/incident report from their child's broken ankle.

## ACA CAMP CRISIS HOTLINE ANNUAL REVIEW 2018

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### Case Studies and Lessons Learned



These are just a few of the actual situations faced by camps this year. These examples and many others were fielded by ACA's Camp Crisis Hotline team. The Hotline serves as third-party support for camps in crisis. While the Hotline team does not provide medical nor legal advice, they do help camps talk through their crisis and consider options for next steps. Hotline team members also provide callers with resources, strategies that have been successful in other camps experiencing similar crises, and sometimes simply a "listening ear" of support.

Since 1985, ACA's 33 years of providing resources to camps has

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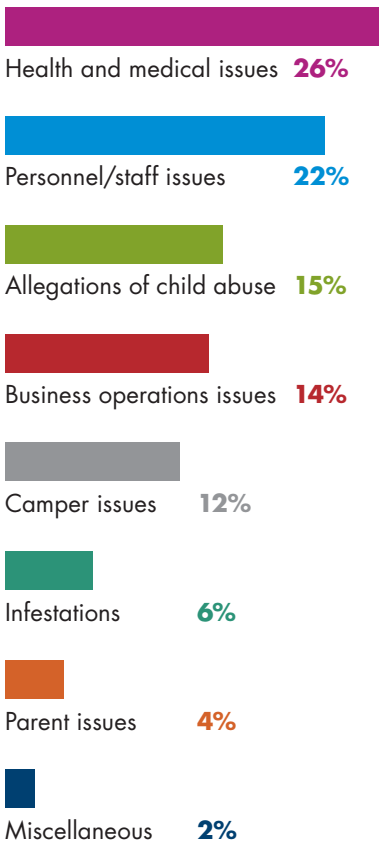


helped create a service providing the information, tips, strategies, and other resources to those who phone the Hotline.

Annually, ACA provides a review of lessons learned based on Hotline calls received that year, case studies for you to use with your staff, and links to the resources that were found most useful. Previous years' annual reviews and other helpful resources are available on the ACA website's Hotline resource page ([ACAacamps.org/resource-library/camp-crisis-hotline](http://ACAacamps.org/resource-library/camp-crisis-hotline)).

We hope you will use this review as a training tool for your staff and as a resource to help you prepare your own crisis management plans.

Each year, we receive approximately 125 to 135 calls to the Hotline. This year, the calls fell into the following categories:



# TOP TRENDS 2018

1. For ten years, health and medical issues have ranked as the top trend. Many camps seem to have difficulty obtaining the healthcare expertise that is needed in the camp environment. Difficulties ranged from medication management mishaps, to lack of familiarity with childhood illnesses, to struggles supporting campers and staff with mental health issues.
2. There was a significant increase in calls related to personnel and staff issues. Many of the staff issues had roots in actions and decisions occurring during staff time off impacting their camp jobs.
3. For a third year, mental health issues for campers and staff remained high.
4. Calls related to infestations such as bedbugs, lice, or scabies decreased in number.

# ANNUAL REVIEW

## HEALTH AND MEDICAL ISSUES — 26% of calls

This year there was an increase in calls about medication administration mishaps by healthcare and camp staff. For the third year in a row we received a high number of calls from camps needing assistance for mental health issues such as talk of suicide, cutting, eating disorders, and anxiety for both campers and staff. Many of the remaining health and medical calls ranged from questions about common childhood illnesses (whooping cough, chicken pox, etc.) and flu outbreaks to a few accidents with injury. In many of these calls, the camp did not have the healthcare expertise needed in the camp environment on staff or easy access to resources. Tragically, ACA was notified of two deaths through Hotline calls this summer.

While the ACA Hotline team is not comprised of legal or medical experts, we do have the experience to direct camps to the best information available. In addition, we partner with organizations such as the Centers for Disease Control and Prevention (CDC), the American Academy of Pediatrics, and the Association of Camp Nursing (ACN) to provide education and resources for the camp environment.









ACA Health and Wellness resources: [ACAacamps.org/staff-professionals/events-professional-development/core-competencies/health-wellness](http://ACAacamps.org/staff-professionals/events-professional-development/core-competencies/health-wellness)

### Lessons Learned — Health and Medical Issues

**1** *Trained healthcare staff is critical to the health and well-being of your campers and staff.* The Association of Camp Nursing ([ACN.org](http://ACN.org)) provides excellent resources and training for camp healthcare staff. In addition, consider having your healthcare staff review ACA's Hotline resource pages on health issues ([ACAacamps.org/camp-crisis-hotline](http://ACAacamps.org/camp-crisis-hotline)) and participate in health-related online courses and webinars through ACA's Professional Development Center ([ACAacamps.org/professional-development-center](http://ACAacamps.org/professional-development-center)).

### Icon Key

The icons below correspond to article topic areas. Use them to find the articles that best match your interests!

-  EDUCATION
-  POSITION STATEMENT
-  ISSUES
-  PUBLIC POLICY AGENDA DEVELOPMENT
-  LEGISLATIVE
-  REGULATORY ADVOCACY
-  MOBILIZATION
-  RELATIONSHIPS

**2 All staff need to understand the issues regarding distribution of medication.** As more people bring prescription medication to camp, and more camps want to provide out-of-camp adventure experiences (such as overnights away from camp), the issues related to the distribution of medication become complex. The answer to the question of who can manage, administer, and distribute medication varies by state.

Resource: [ACAamps.org/staff-professionals/core-competencies/health-wellness/medication-management](http://ACAamps.org/staff-professionals/core-competencies/health-wellness/medication-management)

**3 Prepare for mental health concerns for campers and staff.** The number of calls to the Hotline on mental health concerns appears to mirror a societal trend. Camps need to have a mental health support system in place and should add mental health resources and experts to the team and healthcare plan.

**4 In the event of a serious accident, injury, or infestation, an excellent communications plan is critical.** Many callers just want help crafting messages about an incident that they can share with families, the media, and others.

Resource: Crisis Communications Toolkit — [ACAamps.org/members/toolkit/crisiscomm](http://ACAamps.org/members/toolkit/crisiscomm)

**5 Gather and bookmark resources before your season begins.** Bookmark pages that provide camp-specific information on common health issues, such as the Hotline web page ([ACAamps.org/camp-crisis-hotline](http://ACAamps.org/camp-crisis-hotline)) and the Centers for Disease Control and Prevention ([CDC.gov](http://CDC.gov)). The CDC offers the very best information available on virtually every disease and illness you may encounter. Among the diseases, illnesses, and afflictions included are Lyme disease, pink eye, scabies, whooping cough, norovirus, MRSA, head lice, pinworms, chicken pox, bedbugs, and Hepatitis B.

**6 Have a health/medical support system in place.** Before camp even starts, identify health and medical resources you can call at a moment's notice to assist you in whatever challenges come your way. This plan includes not just your on-site healthcare staff, but the list of contacts you would phone in the event of the unexpected. (e.g., mental health professionals, dentists, etc.)

### Staff Training Questions — Health and Medical Issues

- What would you do if you were notified that a camper due to arrive has tested positive for Hepatitis B?
- What if you had parents who sent their child to camp with serious medications with no indication of why the camper is taking said drugs, and this camper ends up having behavioral issues?
- Do you know who is allowed — by law — to administer medications to campers in your state?
- Where would you turn for mental health support for a staff person who disclosed to a peer that they were thinking about committing suicide?
- What if you had a camper who was continuously making themselves throw up? You were unable to get this self-harming behavior to stop and decided to send the child home, but the family refused to come and pick up the child.
- What if your camp nurse realized that seven pills from a camper's prescription bottle were missing? The missing pills are considered a Schedule II-controlled substance with high potential for abuse.
- What would you do if a camper told his counselor that he was going to kill himself when he got home from camp with one of his father's guns?
- What if a camper had a mild reaction to ingesting hemp seeds after an "Iron Chef"-type activity? The hemp seeds extremely upset the child's father.

Resource: Yes, Eating Hemp Seeds Is Legal — [seriouseats.com/2011/05/hemp-seeds-oils-baking-eating-is-legal.html](http://seriouseats.com/2011/05/hemp-seeds-oils-baking-eating-is-legal.html)

- What would you do with a staff member who cries excessively and pulls out their hair whenever constructive criticism is given?
- What would you do if a camper disclosed that she is struggling emotionally and has been cutting and thinking about suicide — and that her parents don't know anything about her struggles?

Resource: [ACAamps.org/sites/default/files/resource\\_library/Notes\\_Cutting.pdf](http://ACAamps.org/sites/default/files/resource_library/Notes_Cutting.pdf)



Photo courtesy of International Sports Training Camp, Pocono Mountains, PA

## PERSONNEL/STAFF ISSUES — 22% of calls

This year saw an increase in the number of calls related to staff and personnel issues, up from 13 percent of calls in 2017. There seemed to be more calls related to issues that happened on staff time off and away from camp that interfered with staff members' jobs at camp, and more calls related to staff behaving inappropriately. Additionally, camps were searching for resources to help them make legal decisions regarding the hiring or release of a staff person.

### Lessons Learned — Personnel/Staff Issues

#### 1 Set and enforce clear policies about acceptable relationships between staff while at camp.

Numerous callers wanted to discuss sexual relationships between staff, including consensual as well as allegations of force. Understand that where adults are concerned, if an allegation of force is made, that is a police matter and the alleged victim should contact the authorities. The authorities will help navigate what happens next with both the alleged victim and the alleged perpetrator.

#### 2 Identify an employment attorney to provide you with legal counsel.

Identify this resource before you begin your hiring cycle. An attorney with experience in labor laws, contracts, and employment issues who you can contact for help at any time is an invaluable resource for any camp.

Resource: [aw.cornell.edu/topics/Table\\_Labor.htm](http://aw.cornell.edu/topics/Table_Labor.htm)

#### 3 Enforce your personnel policies.

It's not enough to simply have personnel policies — you must share, review, and enforce them as well. Establish a clear understanding of what the consequences are (reprimand, suspension, dismissal, and so on) for the violation of the policies. If you don't enforce your own policies, you leave yourself open to a variety of risks — including lawsuits — especially if you do not enforce consistently (i.e., treating one staff member differently than another when they

have both ignored one of your policies).

#### 4 Have a back-up plan for staff coverage in an emergency or unexpected loss of staff.

Supervision ratios are critical to ensuring the safety of your campers. What will you do if you have a policy against alcohol on property and you catch numerous staff drinking? Before the season begins, identify short-term options that you can turn to for staff coverage in an emergency.

#### 5 Take any threat of suicide very seriously.

As previously discussed in the health and medical section, suicide threats are a serious mental health issue. It is imperative to seek the help of mental health professionals and get the necessary help for the staff member.

Resource: [ACAcamps.org/resource-library/suicide-prevention](http://ACAcamps.org/resource-library/suicide-prevention)

### Staff Training Questions — Personnel/Staff Issues

- Do you have a plan thought out for on-site logistics and security in regard to the termination of a staff person?
- Would you recognize the signs of depression or other mental health challenges in your staff? If so, how would you support these staff members?
- What would you do about a staff person who knew a camper could not ride a bike and took the camper on a bike trip anyway? The camper fell, was injured, and was hospitalized. Should there be repercussions for the staff person?
- Is it okay for a female counselor to sleep in a cabin with six- to seven-year-old male campers because camp is short on male counselors?
- What roles would you assign a staff person who has disclosed that they are gender non-binary regarding staffing and supervision of campers?

- What would you do if a staff member shared that she is ten weeks pregnant, has little to no family support at home, and is in denial about the reality of her situation?
- What if one of your international male staff members was arrested/jailed for alleged rape of a 19-year-old female (nonstaff) while at a party held at another staff member's parents' house in town? He has no legal counsel. There was underage drinking, and the female indicated the rape occurred while she was passed out from being drunk.

Resource: [ACAcamps.org/sites/default/files/page\\_documents/publicpolicy/BestPracticesArrestofInternationalStaffMember.pdf](http://ACAcamps.org/sites/default/files/page_documents/publicpolicy/BestPracticesArrestofInternationalStaffMember.pdf)

- How would you address an unsubstantiated rumor going around that a camper and a staff person "hooked up" during the off-season?
- What if one staff person reported that another staff person was seen using marijuana during time off and off-site?

ACA personnel resources: [ACAcamps.org/staff-professionals/events-professional-development/core-competencies/human-resources-management](http://ACAcamps.org/staff-professionals/events-professional-development/core-competencies/human-resources-management)



Photo courtesy of Rolling River Day Camp, East Rockaway, NJ

## ALLEGATIONS OF CHILD ABUSE — 15% of calls

Fifteen percent of our calls involved allegations of child abuse. This number has decreased from 21 percent of calls last year. Often calls in this category are about clarifying mandated reporter responsibilities and whether to call the authorities. Unfortunately, calls in this category also include allegations of abuse at home, allegations of camper-to-camper inappropriate touching, allegations of camper sexual abuse by another camper/campers, and allegations of abuse of a camper by a staffer.

Resource: [ACAamps.org/resource-library/child-abuse-prevention-resources](http://ACAamps.org/resource-library/child-abuse-prevention-resources)

### Lessons Learned — Allegations of Abuse

**1 The law is clear. You must contact authorities if there is an allegation of abuse. All camps fall into the category of a mandated reporter.** While state laws vary, camp professionals generally serve *in loco parentis* (in place of the parent) and must call the proper authorities in their state when allegations of abuse are revealed. Camps have a very clear focus and responsibility to protect the children in their care. Camp professionals can be arrested for disregarding these laws. It does not matter whether the allegation is that the abuse occurred at camp by another camper, by a staff member, or at home. Make the call to authorities if you suspect that a child is the victim of abuse. If the child lives in another state, you may be asked by your state to contact authorities in the other state as well.

Resource: [childwelfare.gov/organizations/?CWIGFunctionsaction=rols:main.dsplist&rolType=Custom&RS\\_ID=5](http://childwelfare.gov/organizations/?CWIGFunctionsaction=rols:main.dsplist&rolType=Custom&RS_ID=5)

**2 Don't try to investigate.** It is critical that you contact the authorities promptly so experts who are trained on these issues can begin their processes immediately. Resist the temptation to start your own "investigation" prior to contacting the authorities, even if you think it is possible that the

child is making it up. The camp should rely on the legal authorities to step in and take over the matter.

**3 Don't be surprised when a child discloses an allegation of abuse at home.** It has been our experience that children who are the victims of abuse or neglect at home (or some other place outside of camp), once experiencing the safe environment of camp, can sometimes — for the first time — reveal their abusive situation to a caring adult at camp.

**4 Attentive, active, and involved staff supervision is the key to keeping campers from harming, bullying, or abusing each other.** Allegations of camper-to-camper abuse often happen in those brief moments in time when staff were not directly engaged with campers — shower time, trips to the restroom, changing for the pool, the time between program and mealtime, just prior to bedtime, etc. It is imperative that your staff be trained to be even more watchful during these vulnerable times. If your camp does not have staff sleeping in the same room with campers, you must consider what you are doing to ensure there is no inappropriate behavior in the middle of the night.

**5 See something, say something — teach your staff and campers to be ever vigilant and question what they see.** It takes just one person to step up and question when they see something not right about the way an adult is interacting with a child. You may be the one who is able to free a child from serial abuse. Always have the best interest of the child in mind.

**6 One staff person should never be alone (out of the sight of others) with a camper.** Period. If nursing/healthcare staff are concerned about the privacy of a camper when they are being medically examined, be sure you have established procedures that still avoid a situation where a staff person could abuse (or be accused of abusing) a child. Your staff

training and supervision policies must support this principle.

**7 One in four girls and one in six boys are the victim of abuse before they reach age 18 — thus, many children may be arriving at your camp already victims of abuse.** The US Department of Health and Human Services has excellent resources to help you recognize the signs of abuse. Become knowledgeable.

Resource: [ACAamps.org/child-health-safety/child-abuse](http://ACAamps.org/child-health-safety/child-abuse)

**8 Establish clear policies about appropriate physical interaction between staff and campers.** Be very clear where you draw the line. Does your camp allow hugging, back-patting, lap-sitting, etc.? If so, be sure that your staff understands what is appropriate and what is not. Use role-playing in staff training to crystallize your policies.

**9 Documentation is important.** As with any important issue at camp, documenting everything is key to ensuring that the authorities have what they need to proceed with their investigation. Remember, your job is not to investigate, but to record the details of what was said by the child, who they said it to, etc.

**10 Allegations of camper-to-camper abuse must be reported.** Mandated reporter laws are clear. If you suspect that a camper has abused another camper, you must call the authorities. The authorities may choose not to investigate if both parties are minors, but you still must report. The safety of children in your care must be your number-one priority!

Resource: [stopitnow.org/sites/default/files/documents/files/do\\_children\\_sexually\\_abuse\\_other\\_children\\_0.pdf](http://stopitnow.org/sites/default/files/documents/files/do_children_sexually_abuse_other_children_0.pdf)

## Staff Training Questions — Allegations of Abuse

- What would you do if a mom called to report that her daughter was approached by another camper in the middle of the night who touched her inappropriately and tried to force her daughter to touch the other camper back?
- What if you were given a picture of a staff member in an inappropriate position on a couch with a sleeping camper?
- How would you handle a situation where a 14-year-old female camper shared that there was abuse at home where you know this has already been reported yet you file a second report? The issue seems to be that dad is the abuser, and while he doesn't live with the camper and her mom, the mom continues to invite dad to the house, to family outings, etc. Mom also invited the dad to come to the "parents' day" at camp (this weekend) and the camper is scared.
- What if a staff member learned from a nine-year-old female camper that the camper had been sexually assaulted at some point outside of camp (perhaps during the school year, perhaps at school)?
- What would you do if you just learned that a camper who had been sent home from camp due to disciplinary issues had been sexually assaulting another camper while he was still at camp?
- Do you know who to contact if an international camper reports abuse at home?

## BUSINESS OPERATIONS ISSUES — 14% of calls

The percentage of calls related to business operations doubled over the last year. While many of these calls were not what we would describe as a "crisis" in nature, the Hotline team recognizes that in the moment the camp director makes the call to us, they are stressed and looking for resources. Business operations questions included a broad range of topics such as the use of applicable laws, international campers and staff issues, rental group issues, handling disgruntled former staff, incident and accident reports, and insurance questions.

See ACA's Business Management and Practices Toolkit: [ACAcampers.org/staff-professionals/events-professional-development/core-competencies/business-management-practices](http://ACAcampers.org/staff-professionals/events-professional-development/core-competencies/business-management-practices)

### Lessons Learned — Business Operations Issues

- 1 Camp is a business and operating a business is complex — seek and retain legal counsel.** While ACA cannot provide legal advice, we do help callers consider the questions to discuss with legal counsel. Good businesses also see the importance of having a solid relationship with their insurance agent, their local emergency response officials to include medical services, and a human resource professional.
- 2 Understand the laws applicable to your camp — state, federal, and local.** Who is ensuring that your camp is compliant with all relevant laws and regulations? Camp owners/directors should be aware of the local, state, and federal laws and regulations that govern their operation.
- 3 It's all about relationships.** Time spent during the year building contacts and creating relationships with local officials, fire and rescue, medical services, health department, police department, merchants, etc., will serve your camp well into the future.

## Staff Training Questions — Business Operations Issues

- Do you fully understand the coverages afforded your camp by your various insurance policies?
- What would you do if a parent asked the camp to cover medical expenses for an injury that occurred at camp?
- What is your camp's policy on providing copies of accident and incident reports to parents as requested?
- What if you were asked to serve as an expert witness?
- When multiple organizations are on one site and staff are sharing responsibilities, who has the ultimate authority, and how do sticky situations play out?
- What would you do if a parent or member of the community wrote a false review online about your camp?
- What if you were considering delaying and/or canceling the remainder of your season due to poor air quality, because of widespread wildfires nearby, but your insurance company tells you that unless you are under mandatory evacuation, there is no basis for a claim. What are the financial impacts of this decision?

See Wildfire Evacuations: [ACAcampers.org/resource-library/wildfire-evacuations](http://ACAcampers.org/resource-library/wildfire-evacuations)

## CAMPER ISSUES — 12% of calls

Camper issues represented 12 percent of our Hotline calls this year, which is slightly lower than last year's 17 percent. Different from camper-to-camper abuse, this group of calls mainly focuses on an individual camper's behavior in general and not toward another specific camper. This category also includes concerns with campers who identify as gender diverse.

### Lessons Learned — Camper Issues

**1** *Ensure that parents and campers understand your camper behavior and related policies and their consequences.* If, for example, your camp has a policy that campers cannot have cell phones while at camp, be sure campers and parents understand what specific consequence you will render if a cell phone is found.

**2** *Strict and well-enforced staff supervision policies are key in decreasing camper behavior issues.* Ensure that your procedures and staff training are designed not only to protect the safety of campers, but also to identify situations where campers could be tempted to behave inappropriately.

Resource: [ACAcampers.org/resource-library/camping-magazine/confessions-disciplinarian-how-managing-camper-behavior-can-save-summer](http://ACAcampers.org/resource-library/camping-magazine/confessions-disciplinarian-how-managing-camper-behavior-can-save-summer).

**3** *Take all comments about suicide very seriously.* We continue to receive calls from camps regarding campers making suicidal comments. Unless you are a trained mental health professional, assume the threat is serious. Educate staff on the indicators and symptoms of mental health problems. Information breaks down the stigma surrounding mental health issues and enables people to recognize when to seek help.

Resource: [ACAcampers.org/resource-library/suicide-prevention](http://ACAcampers.org/resource-library/suicide-prevention)

**4** *Plan for individuals who identify as gender diverse.* ACA continues to field calls regarding the issues of inclusion and accommodation of people who identify as gender diverse. Formulate a plan. Even if you haven't been approached by a camper family with a transgender or gender-diverse child, chances are increasing that you will be at some point in the future. Be prepared, as this decision will likely involve many parties, and it will take some time to formulate a plan of action that works for your camp. Educate yourself and your staff. Train yourself and your staff to understand and be aware of gender identity issues.

Resource: [ACAcampers.org/staff-professionals/events-professional-development/core-competencies/lgbtq](http://ACAcampers.org/staff-professionals/events-professional-development/core-competencies/lgbtq)

**5** *Make bullying prevention a priority from the first day of camp, and let all campers and staff know that bullying behavior is unacceptable.* All campers need to feel safe both emotionally and physically. One person's description of bullying is another person's description of abuse. Set bunk and group rules with explicit examples of acceptable and unacceptable behaviors regarding bullying. Post these rules and have staff and campers review them together.

Resource: [ACAcampers.org/staff-professionals/core-competencies/youth-adult-growth-development/bully-prevention](http://ACAcampers.org/staff-professionals/core-competencies/youth-adult-growth-development/bully-prevention)

**6** *Campers' belongings can be searched if you suspect illegal or unsafe activities.* Unless the camp is owned by a public entity (e.g., the city recreation department), there are no constitutional issues in having a policy to search belongings of campers. Invasion of privacy issues may be superseded by safety concerns. Ensure that parents are aware of your policies.

Resource: [ACAcampers.org/campline/fall-2014/camps-right-to-search](http://ACAcampers.org/campline/fall-2014/camps-right-to-search)

### Staff Training Questions — Camper Issues

- Do you have interruption of business insurance and, if so, what "activates" this coverage?
- What would you do if two high school campers kissed in a cabin late-night game of truth or dare and someone captured it on a cell phone video?
- What if you caught two boys masturbating after lights out in their cabin. A third boy was aware of the other two and was talking about girls with them while they were "busy?"
- What would you do if a camper parent reported to you that two campers in their child's group were participating in make-believe play? While playing, they set up a storefront, wrapped large, toy building blocks white and/or green and pretended they were bricks of cocaine and weed. Then, they proceeded to sell it to other kids and describe how they could use it.
- How would you handle a prank that resulted in one camper urinating in another's water bottle and the camper unknowingly taking a sip from the bottle?
- How would you handle a report of sexual activity between campers or staff of the same sex/gender? Would your reaction vary if you ran an all-girls or all-boys camp?



## INFESTATIONS — 6% of calls

Bedbugs, bats, lice, scabies, pinworms, spiders, and ticks, oh my! Infestations is a new category of calls this year. In the past, this topic was part of the health and wellness category; however, as the occurrence of calls of this subject matter was often a significant portion of the category, we separated them.

Communicable Diseases and Infestations Resource: [ACAcamps.org/staff-professionals/core-competencies/health-wellness/communicable-diseases-infestations](https://www.acacamps.org/staff-professionals/core-competencies/health-wellness/communicable-diseases-infestations)

### Lessons Learned — Infestations

**1** Ensure that all staff are trained to identify signs of common infestations and illnesses.

Many times, it is your frontline counseling staff who will witness

firsthand changes in campers and their surroundings. Ensure that your camp staff know the basics of identifying infestations such as lice and bedbugs, are trained to perform regular tick checks, and are vigilant to notice any changes in the health of those in their cabin. Frontline staff — while no replacement for trained healthcare staff — play an important role in the prevention of injuries and the spread of illnesses and infestations.

Consider having all your staff watch the ACA online course, "Ticks, Tears, and Toothpaste: The Counselor's Role in Healthcare": [ACAcamps.org/staff-professionals/events-professional-development/online-course/counselors-role-healthcare](https://www.acacamps.org/staff-professionals/events-professional-development/online-course/counselors-role-healthcare).

### Staff Training Questions — Infestations

- What would you do if you found lice in a camper's hair as they were checking in to camp? What is your policy on lice? (Nits vs. no-nits? Send home vs. treat on site?)

Resource: [ACAcamps.org/resource-library/lice-tips-camps](https://www.acacamps.org/resource-library/lice-tips-camps)

- What would you do if you discovered bedbugs in five cabins? Campers are leaving, but a new group is coming in right away with not much of a break.



Photo courtesy of HealthBarn USA, Wycliff, NJ

## PARENT ISSUES — 4% of calls

Four percent of calls this year involved parent issues, which can be some of the most difficult issues for camps. Calls included both the actions of the parents of campers as well as the parents of camp staff. Sadly, we continue to have calls from camps where a parent refuses to pick up their misbehaving child who has been expelled from camp. As camps, you partner with parents, but sometimes it is the behavior of parents themselves that is the challenge.

### Lessons Learned — Parent Issues

**1** *Ensure that all families have a copy of and understand your camp's policies.* This includes refund policies and consequences for noncompliance with camp policies

**2** *You need not — and should not — be the private investigator, judge, or jury.* If you suspect a parent is neglecting or abusing their child, if you suspect parents to be driving drunk or high, if divorced parents are battling out custody issues, etc., then contact the authorities and/or legal advisors. You don't have the legal authority to investigate or judge, so let those who do handle these situations.

Resource: Who's in Charge? — [ACAacamps.org/resource-library/articles/whos-charge](http://ACAacamps.org/resource-library/articles/whos-charge)

**3** *Always have at least one — but preferably two — emergency contacts who are not the parents of the camper.* As mentioned above, we have had calls from camps regarding parents who are refusing to pick up their child early from camp when the camp has determined that they must expel the child. As shocking as it seems to the camp, there are parents who simply want the camp to handle everything until the scheduled end of camp. If the camp is unable to get a parent or other emergency contact to take custody of the child in cases of threatening behavior, sometimes the camp's only recourse is to call the authorities to take custody. Be sure that your camp families

understand your expectations and the parameters that might force you to determine that a child must be sent home — including any medical situations.

### 4 Communicate. Communicate.

**Communicate.** An informed parent is a partner. An uninformed parent can become an adversary — with their children caught in the middle.

Resource: ACA Communications Toolkit — [ACAacamps.org/resource-library/crisis-communications-toolkit](http://ACAacamps.org/resource-library/crisis-communications-toolkit)

### Staff Training Questions — Parent Issues

- What would you do if the parent of a child on the autism spectrum was requesting her child be allowed to bring a therapy dog to camp?
- How would you deal with a divorced parent issue where the parent who enrolled the camper does not want the other parent to access any of the paperwork supplied to the camp?
- What if you had two families embroiled in escalating marital drama who are creating issues for each other's children before they even arrive at camp — putting camp in the middle? Allegations of child-to-child abuse is the biggest issue.
- How would you handle a parent request for an incident report about their camper's behavior that resulted in the camper's dismissal from camp?
- What would you do if a father dropped off his son at camp and told the director that his mother is not allowed to pick him up? The father further described that there is a court case pending against the mother through the state. However, the mother registered the camper, and on the camp forms only the mother and grandmother are listed as legal guardians?

## MISCELLANEOUS ISSUES — 2% of calls

The remainder of the calls concerned varied issues. These ranged from responding to natural disasters such as fire, flood, and tornadoes to rental group contracts and requests for standards and leadership resources. Two calls were related to community threats near the camp location — escaped convicts and an armed gunman. One call was related to guidelines for having service animals in camp.



Photo courtesy of Rolling River Day Camp, East Rockaway, NJ

## Case Studies

All of the following case studies were actual calls to the ACA Camp Crisis Hotline that the Hotline team has identified for a more in-depth look. These cases serve as examples for other camps to use in staff training and the development of their own risk and crisis management plans. Our hope is that by understanding the actual crisis events encountered by other camps, your camp can learn and prepare. As a reminder, the Hotline is completely confidential, and consequently, some identifying facts about the camps in the case studies may be slightly changed to protect their identity.

### CASE STUDY 1 Camper Injured and Unsupervised — Parent Demands the Incident Report

A camper was alone near their cabin when they fell down a slope and injured their leg. The area was out of sight to other counselors and campers who were busy preparing to head to the next program activity. As the group gathered, they realized the camper was missing, but assumed the camper went to the health center. They proceeded to the program activity without checking in with the health center. Fifteen to 20 minutes later, a counselor heard calls for help and tracked the calls to the camper who had fallen and couldn't walk due to their injury. After the parents were notified and medical attention was provided, the parents made a request to see a copy of the camp's policies, staff manual, training, incident report, and documentation. The parents also asked for a full refund and that the counselors be terminated.

#### Questions and Considerations:

- What supervision policies and practices need to be developed, clarified, or retrained?
- When is a camper considered missing? What missing camper policies and practices need to be developed, clarified, or retrained?
- Do your incident reports include confidential information? What type of incident information do you share with parents?
- Do you have access to consult with

your insurance company and/or legal counsel?

- How do you communicate your policies to your parents/customers?
- How does your camp respond to a parent who demands you terminate an employee or volunteer?
- If your camp were to experience this situation, would you have a clear employee discipline policy that would guide your decision making?
- Does your refund policy give you the guidelines needed to make this decision?

#### Resources

Integrating Duty of Care into Your Organizational Camp Culture — [ACAacamps.org/resource-library/camp/line/integrating-duty-care-your-organizational-camp-culture](http://ACAacamps.org/resource-library/camp/line/integrating-duty-care-your-organizational-camp-culture)

Don't Let Them Stay Mad: Keeping Camp Parents on Your Side — [ACAacamps.org/resource-library/articles/dont-let-them-stay-mad-keeping-camp-parents-your-side](http://ACAacamps.org/resource-library/articles/dont-let-them-stay-mad-keeping-camp-parents-your-side)

### CASE STUDY 2 #MeToo and Camp: Navigating Accusations of Sexual Assault among Staff at Camp

During a break between sessions, a female staff member told the camp director about a nonconsensual sexual encounter between her and a male staff member. The director and the leadership team contacted law enforcement immediately, and then decided based on the details of the situation to let the male staff member go, but they were concerned about the effects of that decision on the victim (the female staff member) and the rest of the staff. The director called the Crisis Hotline to discuss strategies for supporting their staff through this difficult situation, especially because their staff happened to be on a mid-summer break and were engaged in on-site staff development activities.

In a follow-up call, the director shared that the male staff member left without incident, but immediately sent a text message to the rest of the staff to tell them that he had been wrongly

accused. The female staff member is now especially upset because she did not want anyone else to know.

#### Questions and Considerations

- What does consent mean to you as a staff? What is sexual assault?
- What can you do now, during staff training, to ensure a culture of consent amongst your staff? Do each of you feel safe reporting anything nonconsensual that you see or hear to the camp director?
- What is the process if a staff member accuses another staff member of sexual assault? Do you have policies in place to address the situation and document it appropriately? What outside resources might you need if a situation like this arises (i.e., law enforcement, legal counsel, mental health professionals)?
- What resources do you have available to support the mental and emotional well-being of all staff in a situation that involves accusations of sexual assault? Do you have access to mental health professionals, clergy, or representatives from a sexual assault response organization?
- What is the nature of privacy at your camp? How do you know what information is safe to share, and what is the process if you have concerns about an issue but don't want to impose on a person's privacy?

#### Resources

*I Respect That: Consent Education and Assault Prevention* — [ACAacamps.org/resource-library/camping-magazine/i-respect-consent-education-assault-prevention](http://ACAacamps.org/resource-library/camping-magazine/i-respect-consent-education-assault-prevention)

RAINN: Resources for Preventing and Addressing Sexual Assault, Plus a Confidential National Sexual Assault Hotline — [rainn.org](http://rainn.org)

Preventing Sexual Harassment in the Workplace — [nwlc.org/resources/10-ways-your-company-can-help-prevent-harassment-in-the-workplace/](http://nwlc.org/resources/10-ways-your-company-can-help-prevent-harassment-in-the-workplace/) and [nytimes.com/2017/12/11/upshot/sexual-harassment-workplace-prevention-effective.html](http://nytimes.com/2017/12/11/upshot/sexual-harassment-workplace-prevention-effective.html)

Resources for Bystander Training — [stepupprogram.org/topics/sexual-assault/](http://stepupprogram.org/topics/sexual-assault/)

US Department of Justice Resources on Dating Violence and Sexual Assault— [justice.gov/ovw/dating-violence](http://justice.gov/ovw/dating-violence)

### CASE STUDY 3 Parental Custody Comes to Camp

The father of a camper signed the child up for camp, filled out all the camp paperwork, and dropped the camper off on opening day. The camper's mother asked the camp to release (share) the medical paperwork and plans to pick the camper up at the end of the week. While her name is not on the form listing adults having permission to pick up or drop off the camper, she has a lawyer and argues that since she is a legal guardian of the child, she has legal permission to pick up the camper. Compounding the matter is that the mother, according to the father, is due to appear in court mid-week and possibly have her parental rights removed by the state. The father has warned the camp that the child's mother might, in anger from the court outcome, come to pick the camper up mid-week.

#### Questions and Considerations:

- What information does the camp share with non-custodial parents?
- May the camp release the camper to the non-custodial parent?

- How can the camp support the camper and make camp a safe place while the custody battle looms?
- If both parents have legal custody of the camper, what information collected from one parent may be shared with the other?

#### Resources

*Who's in Charge?* — [ACAacamps.org/resource-library/articles/whos-charge](http://ACAacamps.org/resource-library/articles/whos-charge)

*How Schools Should Protect Students from Child Custody Disputes* — [campussafetymagazine.com/safety/schools-child-custody-disputes/](http://campussafetymagazine.com/safety/schools-child-custody-disputes/)

*Summer and Custody: How to Avoid Conflicts* — [themarkslawfirm.com/summer-custody-avoid-conflicts/](http://themarkslawfirm.com/summer-custody-avoid-conflicts/)

### CASE STUDY 4 Service Animals at Camp

A camp director of a camp that primarily serves campers with special needs had a parent requesting to have her ten-year-old daughter's service animal attend camp. This was the first request of this sort for this camp, and while the camp director was fully aware that the American with Disabilities Act required the camp to allow for the service animal, she was wondering what all needed to be considered. She also shared that as necessary, they have a 1:1 camper/counselor ratio, and she questioned the need for the service animal. The director expressed concern about establishing a policy that would be in

line with ADA yet would not "open the door" for requests for emotional support animals to attend camp.

#### Questions and Considerations:

- Who will provide the care and feeding of the animal?
- Where will the animal sleep?
- Is the animal with the child at school?
- What if the animal were to become sick/injured?
- Where is the animal allowed to be?
- What is the necessary and proper language to be used regarding what types of animals are allowed at camp (service vs. emotional support)?
- What additional staff training would be required for this situation?

#### Resources

National Association of School Nurses: Service Animals in Schools — [nasn.org/advocacy/professional-practice-documents/position-statements/ps-animals](http://nasn.org/advocacy/professional-practice-documents/position-statements/ps-animals)

ADA National Network: Service Animals and Emotional Support Animals — [adata.org/publication/service-animals-booklet](http://adata.org/publication/service-animals-booklet)

USA Service Dog Blog — [usaservicedogs.org/blog/can-service-dogs-be-taken-to-school/doe.virginia.gov/special\\_ed/tech\\_asst\\_prof\\_dev/guidance\\_service\\_dog.pdf](http://usaservicedogs.org/blog/can-service-dogs-be-taken-to-school/doe.virginia.gov/special_ed/tech_asst_prof_dev/guidance_service_dog.pdf)



Photo courtesy of YMCA Camp Willson/YMCA of Central Ohio, Bellefontaine, OH

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## CASE STUDY 5

### Termination for Failure to Fulfill Mandatory Reporter Responsibilities

A camp had just discovered that a longtime staff person who has had a progression of leadership responsibilities, and is well-liked by the administration, campers, and their peers, failed to report an incident of child abuse the previous summer between a male counselor and a minor (junior counselor). The caller had already taken care of notifying CPS, the sheriff, and the parents of the junior counselor, the male counselor in the incident, and had made the decision to terminate the employment of the staffer who failed to report. The caller wanted to talk through dealing with the logistics of the imminent termination and anticipated fallout from staff and campers.

### Questions and Considerations:

- Does your camp have a plan for the logistics for the actual termination and physical exit from camp (packing belongings, moving out, etc.)?
- Does the camp have a key message that is succinct, respectful of the dignity of the staff person, and will protect the camp from any defamation regarding the termination of a staffer?
- Has the camp trained all administrative staff about adhering to the key message(s) and to anticipate some upset and even angry reactions?
- Has the camp run the specifics of the termination past an HR professional or legal counsel?
- Has camp staff been trained on the implications for failure to report an incident of child abuse?

### Resources

*Hiring, Firing, and Everything In Between: Business Practices You Need* — [ACAacamps.org/staff-professionals/events-professional-development/recorded-webinar/hiring-firing-everything-between-business-practices-you](https://ACAacamps.org/staff-professionals/events-professional-development/recorded-webinar/hiring-firing-everything-between-business-practices-you)

Child Abuse Prevention Resources — [ACAacamps.org/resource-library/child-abuse-prevention-resources](https://ACAacamps.org/resource-library/child-abuse-prevention-resources)

Child Abuse Recognition & Prevention Toolkit — [ACAacamps.org/staff-professionals/core-competencies/health-wellness/child-abuse-recognition-prevention](https://ACAacamps.org/staff-professionals/core-competencies/health-wellness/child-abuse-recognition-prevention)

Contributed by *Tori Barnes, Kim Brosnan, Laurie Browne, Abby Burbank, and Rhonda Mickelson*

## Complaints to ACA Continue to Increase

Complaints to the ACA Complaints Resolution team have more than doubled since 2016. Often these complaints concern issues over which ACA has no authority. Examples of 2018 complaints include:

- Homesick camper not being able to talk with a parent
- Animal (horse) abuse/neglect
- Allegations of bullying that result in abuse
- Mishandling of medication
- Condition of the facilities (unsafe, not clean, etc.)
- Staff not being appropriately and properly trained
- Pay inequity; staff paycheck bounced
- Bullying resulting in sexual activities
- Camp security — parents worried about child abductions
- Parents upset with how camp handled an accident at camp – child hurt playing with sticks/child getting diarrhea/child has bruises from mountain biking/etc.

When ACA receives a complaint, we evaluate the complaint to determine if an ACA-accredited camp may be in noncompliance with a standard (especially a mandatory standard) and to determine what, if any, action ACA should take. Often, no standards are involved, and ACA provides the complainant with the name and phone number of the agency that may have authority. This may be local law enforcement, Child Protective Services, or the health department. We also remind the complainant that as a 501(c)3 organization for educational purposes, ACA does not have any investigative authority. Finally, we encourage the complainant to engage in a conversation with the camp to share their concerns and determine if a resolution can be found.



Photo courtesy of Copley Family YMCA, San Diego, CA



## A NEW CHILD IN THE WILD?

By Charles R. Gregg and Catherine Hansen-Stamp ©2018\*

Every several years we reexamine the legal duty of care owed by a camp to its families. We do this for a variety of reasons. New laws are passed, and new court decisions are issued. New activities, gear, and amusements pose new challenges. Campers and their families, often reacting to current events, change their attitudes toward adventure and risk tolerance and their expectations of supervision and intervention.

This year's revisit has been stimulated in part by our rereading of a 2013 article by Dr. Tim Elmore, titled "Three Huge Mistakes We Make Leading Kids. . . and How to Correct Them."<sup>1</sup> Dr. Elmore describes today's young people (our campers) as products of home and school environments too often designed to minimize risk and maximize adult control and early intervention. Unfortunately,

the sanitizing of these young lives can delay their development into confident, resourceful adults, including their ability to identify and resolve problems, indoors and out.

**The mistakes described by Dr. Elmore's — the new three Rs in dealing with children — are these: we risk too little, we rescue too soon, and we rave too much.**

If Dr. Elmore is at least partially correct in his assessment of today's young people and their parents, what are the practical and legal implications of his new three Rs for a camp's overall risk management and consideration of its legal duty of care?

Camps may react or cater to camp parents' three Rs (risk, rescue, rave) behavior (or embrace it regardless of parental influence!) in different

ways. In their desire to increase enrollment, camps may use their website, Facebook, YouTube, or other marketing content to assure the safety and comfort of the camper, declare that everything is easy and that the camp hires only the best leaders in the industry. At the same time, the camp still promises the adventure of a lifetime.

In an effort to lessen the risks, camps may modify activities and ramp up leaders' responsibilities. Campers may be relieved of responsibility for their behavior, and not expected to take an active role in risk management for themselves and the group. As a result (or at least, camps may hope), parents will feel assured and more comfortable and choose *this* camp for their camper. Campers may come in dreaming of a great adventure, but believing they

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will be catered to, will not need to pay attention, and will be coddled<sup>2</sup> through the camp experience.

Camp parents may also be led to believe that the camp will keep their child safe and provide a grand vacation at the same time. The camper may feel disengaged and unchallenged, come in with unrealistic expectations of the experience, or simply get bored.

Not surprisingly, this approach can backfire on the camp. The camp may be compromising its mission, some part of which often includes the camp's intent to offer campers a chance to take and assist in managing risks, experience independence, grow and learn, accept failure, feel good about challenge and achievement, and generally just mature in life. If the child ends up getting hurt (getting bullied, breaking a leg, spraining a wrist, or worse), the parent is now inclined to be surprised and angry, considering expectations their child will experience a safe and exciting summer. Even if the child comes home unscathed, the child may complain that the camp experience wasn't exciting or fun. The parents may feel that the camp was untruthful in its promises and ask for their money back. In more serious cases, the parents may sue the camp or simply criticize the camp online or otherwise, damaging the camp's reputation — one of its most precious resources.

### Before addressing a better way to approach the **three Rs** of today, let's revisit the law in this area.

As we have explained previously, a camp's (and its staff members') legal duty of care is to exercise reasonable care to protect its campers from unreasonable risks of harm. The standard by which the camp will be measured — the question for a jury, for example — is whether the camp (including its staff members) acted as a reasonable camp/staff member would have acted in the same or similar circumstances.<sup>3</sup>

### Importantly, a variety of factors can reduce or eliminate the camp's duty of care, some of which are discussed below.

In many states, those (adults or minors) who voluntarily participate in adventure and experiential activities assume the inherent risks of those activities. As a result, the camp has no duty to protect a camper from injuries resulting from those risks and no resulting liability. In addition, courts in an increasing number of states will, in appropriate circumstances, tolerate simple carelessness by co-participants and staff in sports and recreation activities. These courts hold that this carelessness is integral to, and an inherent risk of, vigorous participation, and in the case of staff, in pushing the student to learn new skills.<sup>4</sup> The courts' rationale for these rulings is to avoid a "chilling effect" on vigorous participation and, in the teaching context, on the student's learning and growth.<sup>5</sup> Know the law in your jurisdiction, and have your camper forms and information reflect those realities.

In most states, camper families can agree to release the camp, in advance, from liability for its negligence. In some states, a parent can release these rights for their minor child. This provision is usually incorporated into a larger participant agreement that identifies camp activities and risks, and contains an acknowledgment and assumption of risks and other important provisions.<sup>6</sup> Again, understand the law in your jurisdiction, and work with your legal counsel to develop an agreement that is consistent with applicable law, and is one that the camp is comfortable with. A camp's duty to supervise children in its care is tempered by the law, which commonly recognizes that accidents will happen, and that inherent risks can cause injury. In other words, a recognition that the duty to supervise is not "constant" and that supervision can be deemed reasonable even if a child suffers injury.<sup>7</sup>

Campers, even minors, can be held legally responsible for their own negligence or other misconduct, and in fact, for the knowing assumption of other (non-inherent) risks. In any claim brought against the camp, the camper's percentage of responsibility (depending upon a state's particular law) can decrease or eliminate the camp's ultimate liability.

### Nonetheless, a camp's duty of care must be considered in all aspects of camp life, and is part of the camp's goal in running a quality camp including, as we see reflected in published legal cases, consideration of:

- The information exchange — that is, that critical information flowing between the camp and its camper families. If a camp fails to deliver accurate and appropriate information to its camper families, or obtains inaccurate or inadequate information from its camper families, it can increase the risk of injury and exposure to claims. Examples of healthy information exchange include the camp imparting accurate information to families regarding camp activities, inherent and other risks, and the camper and parents' responsibilities. Conversely, it involves the camp family providing the camp with requested information regarding a camper's health condition or other important considerations.
- Maintenance of camp premises, buildings, facilities, and equipment.
- Training, supervision, and instruction of campers and staff.
- The failure of a camp to meet its legal duty of care in these and other areas may expose it to, among other potential claims, a claim of negligence and, ultimately, potential liability for losses proven to result from its misconduct.

Returning to Dr. Elmore: How do we know if we are exposing our campers to too little — or even too much — risk? How do we know if and when to intervene in

a situation that may cause harm? Good camps will draw on years of experience (and experimentation) in answering these questions, among other considerations, balancing the risk of injury or other loss against a thoughtful approach to risk and risk management and the valuable rewards of personal achievement.

### **Camps should consider several factors in identifying an appropriate level of risk:**

Camps must understand and impart clearly to camper families that inherent risks, integral to the camp environment and associated activities, exist and cannot be eliminated. Be clear that a camp can identify and endeavor to manage these risks but cannot eliminate them. Importantly, camper families should understand they assume and accept these and other risks of the camp experience. This can be included in a balanced statement on the camp's website, which also provides information on the value and uniqueness of the camp, supported by objective facts (rather than unrealistic marketing excesses).

Activities must serve the mission of the camp. If the activity does not "move the ball down the field," don't do it. Your mission should guide the activities the camp consciously chooses to incorporate into the camp experience. Activities aligned with mission are more likely to be thoughtfully and reasonably considered and well delivered.

Don't be tempted by the newest activity, waterfront extravaganza, or other gear being used "down the river" to keep up with the camp next door. You will likely have enough on your plate already, and don't need additional, perhaps unfamiliar, challenges. Camp activities should be those that can be reasonably managed by camp staff or by thoughtfully selected third-party contractors.<sup>8</sup> If you don't believe your camp can reasonably manage the risks of an activity, don't offer it.

[Note: A number of years ago we

learned of a camp that allowed a (well meaning, certainly) parent of a camper to take campers on rides in his small airplane. The father was using a local landing strip that was not regularly maintained. Not all parents were aware of this extracurricular activity. No serious incidents were reported, but the exposure was considerable. And for what?]

The camp should exercise similar discretion in its selection of campers. If a child cannot, without reasonable modifications, successfully confront the risks of camp life, she or he should not be there. Consider and implement a thoughtful approach to assessing campers' ability to participate via requests for health information, development of Essential Eligibility Criteria, discussion with the campers' medical providers, assistance from the camp's consulting medical professionals and consideration of the requirements of the Americans with Disabilities Act (ADA), child licensing laws, or other applicable laws. The camp shares in the determination of a camper's suitability, and may be judged responsible for failure to comply with applicable laws or carelessness in the camp's suitability determination.<sup>9</sup>

Inform parents and campers regarding campers' personal responsibilities. Campers are and should be team players in the risk management equation. Whether on or off premises, the camp should expect and teach this (age-appropriate) engagement. Such an approach can be empowering and transformational for the camper, and act as a risk management tool.

Comply with all applicable laws and, whether or not your camp is accredited, pay attention to industry practices (including the American Camp Association accreditation standards). Pay attention to what is out there, and, if you are an accredited camp, what you may be required (under the standards) to deliver. This will likely increase the quality of your programming and assist you in the event of litigation.

Teach skills sequentially, allowing

campers to learn new skills at a logical "ramping up" rate consistent with industry practices (or applicable law). When campers are learning new skills, discuss the risks and how to manage or address those risks. Engage the camper.

### **Meet with your insurance professionals to confirm that camp activities (new or newly considered) will be covered under the camp's liability insurance policy.**

If the camp utilizes a participant agreement that includes an agreement by camper families to release the camp from liability for negligence, the camp should be clear about it and seek legal counsel to assist in crafting the agreement consistent with applicable law, and containing other important provisions including, for example, a discussion of activities, inherent and other risks, and assumption of risks.

## **Conclusion**

Adventure is at the heart of the camp experience. According to Helen Keller, "Life is an adventure or nothing at all" and John Bowlby, "A life well managed is a series of daring adventures from a solid base."

And, as already identified, the law favors vigorous participation in recreation and sporting activities. The law in many jurisdictions protects a service provider (including a camp) from the inherent risks of an activity — those risks that are such an integral part of the activity that, without them, the activity would lose its basic character and appeal. Importantly, fostering effective information exchange with campers and parents, including articulating camper and parent responsibilities and effective use of participant agreements, assists the camp in running a quality camp in line with its mission. The risk of legal liability should not be an excuse for denying campers full and enthusiastic participation in responsibly managed camp experiences — an experience that this new "child in the wild"



desperately needs.

Camp risk management does not lie simply in avoiding the risk (Dr. Elmore's "risk too little" observation); it includes embracing the value of risk and knowing if and when to intervene in a potentially dangerous situation (Dr. Elmore's "rescue too early" observation). Early rescue also delays a camper's willingness, and ability, to "just take it and deal with it."

Dr. Elmore's "rave too much" admonition includes, in its legal implications, raving for little or no real achievement (and consequently, little growth). On the flip side, it also includes the prospect of misjudging a child's performance, and potentially encouraging the child, improperly assessed, to go beyond his or

her competencies or abilities. As previously discussed, although the law in many jurisdictions allows room for a leader to push a child beyond his or her capabilities in learning new skills, there are limits, and this "pushing" should be done in a thoughtful and realistic manner.

If we agree with Dr. Elmore's charge that we leaders of children have an obligation to prepare them for a world that is not risk free, we owe it to our camp families to seriously consider the implications of the new three Rs in meeting our mission and in contemplating our risk management strategies and legal duty of care.

*\*This article contains general information only and is not intended to provide specific legal advice. Camps and related organizations should consult with a licensed attorney regarding application of relevant state and federal law as well as considerations regarding their specific business or operation.*

*Charles R. (Reb) Gregg is a practicing attorney in Houston, Texas, specializing in outdoor recreation matters and general litigation. He can be reached at 713-982-8415 or by email at [rgregg@gregglaw.net](mailto:rgregg@gregglaw.net); [rebgregg.com](http://rebgregg.com).*

*Catherine Hansen-Stamp is a practicing attorney in Golden, Colorado. She consults with and advises recreation and adventure program providers on legal liability and risk management issues. She can be reached at 303-232-7049 or by email at [reclaw@hansenstampattorney.com](mailto:reclaw@hansenstampattorney.com); [hansenstampattorney.com](http://hansenstampattorney.com).*

<sup>1</sup> Dr. Tim Elmore, ©2013; President and Founder of Growing Leaders at [growingleaders.com](http://growingleaders.com)

<sup>2</sup> Akin to "carried on a soft platter," *Happy Birthday to You!* By Dr. Seuss, ©1959

<sup>3</sup> "A Camp's Duty of Care — In Good Times and Bad," ©Catherine Hansen-Stamp and Charles R. Gregg, *The Campline*, Winter 2009

<sup>4</sup> See discussion in "The Law Says Yes to Adventure," ©Catherine Hansen-Stamp and Charles R. Gregg, *The Campline*, Winter 2014; [ACAamps.org/resource-library/articles/law-says-yes-adventure](http://ACAamps.org/resource-library/articles/law-says-yes-adventure)

<sup>5</sup> See, for example, the seminal case of *Kahn v. East Side Union High School, et al.*, 2003 Cal. Lexis 6373 (CA Supreme Ct., 2003).

<sup>6</sup> "Releases and Related Issues: Revisited," ©Charles R. Gregg and Catherine Hansen-Stamp, *The Campline*, Winter 2012; [ACAamps.org/resource-library/articles/releases-related-issues-revisited](http://ACAamps.org/resource-library/articles/releases-related-issues-revisited)

<sup>7</sup> "Reasonable Supervision and the 'Safe' Environment — What Are the Issues?" ©Charles R. Gregg and Catherine Hansen-Stamp, *The Campline*, Fall 2005

<sup>8</sup> "Camp Contracting with Service Providers — The Bigger Picture," ©Catherine Hansen-Stamp and Charles R. Gregg, *The Campline*, Spring 2017; [ACAamps.org/resource-library/campline/camp-contracting-service-providers-bigger-picture](http://ACAamps.org/resource-library/campline/camp-contracting-service-providers-bigger-picture)

<sup>9</sup> "The Americans with Disabilities Act. Revisited," ©Catherine Hansen-Stamp and Charles R. Gregg, *The Campline*, Winter 2016; [ACAamps.org/resource-library/campline/americans-disabilities-act-revisited](http://ACAamps.org/resource-library/campline/americans-disabilities-act-revisited)

## Two New Mandatory Standards for 2019

After thorough discussion and review, the ACA National Standards Commission felt it appropriate to change the status of two current accreditation standards to "mandatory" status. This means that all currently accredited camps will need to come into compliance with these standards for the 2019 season.

The two standards that have been moved to mandatory status are:

**SF.3 Contact with Local Officials.** The slightly revised standards states: *Does the camp make annual contact with all applicable local emergency officials to notify them of the camp's dates of operation and relevant scope of programming (including items such as clients served, significant elements of the program, and overview of the facilities)?*

As more camps are being impacted by severe weather and other natural disasters (such as forest fires), establishing the relationship with local officials becomes even more critical.

**HW.28 Health Information.** The following part has been added to this standard: *HW.28.2: Does the camp require short-term resident camps and/or advise rental group leaders to store and lock all medication (both prescription and over-the-counter) except when in the controlled possession of the person responsible for administering them?*

As more participants bring medication to camp, the potential of "sharing" medication or someone "borrowing" medication becomes greater. Locking of all medication can help prevent this from occurring to some extent.

"Pull and replace" pages that include the revisions and mandatory status for these two standards for the *Accreditation Process Guide, 2012 Edition* are available on the ACA website: [ACAamps.org/staff-professionals/accreditation-standards/tools-resources/standards-revisions-clarifications](http://ACAamps.org/staff-professionals/accreditation-standards/tools-resources/standards-revisions-clarifications). These two standards are part of the newly revised 2019 standards.



Photo courtesy of International Sports Training Camp, Pocono Mountains, PA

## J-1 VISAS — CAMP COUNSELOR AND SUMMER WORK TRAVEL PROGRAMS

The ACA Government Affairs team — consisting of ACA leadership, ACA volunteer leaders, an ACA consultant, and ACA hired lobbyists — continue to vigorously defend the need for and value of J-1 Visa participants at America's camps. They are collectively engaged at many levels of federal government.

This spring and summer, there were five distinctive engagements with top State Department officials and staff about the importance of quality cultural exchange for America's camps. This included a meeting with the new Assistant Secretary of State for Education and Cultural Affairs, Marie Royce. The quality cultural exchange experiences for camps are always a top priority

for State Department officials. They continue to share very complimentary assessments of their experiences with camps, camp directors, and the camp community as a whole.

ACA continues to forge relationships with top Trump Administration officials, including White House personnel in Vice President Pence's office and the Office of Legislative Affairs. There also was some new outreach in 2018 to the Office of Management and Budget regarding the importance of J-1 Visa Camp Counselor and Summer Work Travel programs.

ACA staff joined a group of YMCA camp directors for a series of Capitol Hill and State Department meetings in March. The YMCA camp directors told members of

Congress, congressional staff, and State Department officials about the importance of and need for J-1 participants at their summer camps.

In May, ACA partnered with YMCA-USA and the Foundation for Jewish Camp to conduct the second consecutive Camp Capitol Hill Day. It was a very successful series of meetings and discussions, with important members of Congress and congressional staff once again affirming their commitment to protecting J-1 Visa participants for America's camps. Collectively, we conducted more than 50 meetings in Washington, and this included discussions with the State Department and White House officials.

*continued on page 19 >>*

## Child Protection Improvements Act

The Child Protection Improvements Act (CPIA) was included in the final fiscal year 2018 omnibus spending bill, which enjoyed wide, bipartisan support in Congress. After more than a decade of attempting to pass CPIA, it has finally been advanced to become law. ACA worked very closely with YMCA-USA and the National Mentoring Partnership on CPIA advocacy.

During Camp Capitol Hill Day, ACA created and presented its first ever Champions for Camps Award to Speaker Paul Ryan (R-WI) and Senate Democratic Leader Charles Schumer (D-NY) for their leadership in Congress on behalf of America's summer camps. ACA volunteer leaders were instrumental in outreach directly to Speaker Ryan and Leader Schumer to have CPIA included in the final legislative package.

ACA will be working with the Department of Justice and the FBI, along with our partners YMCA and MENTOR, to advocate for the successful implementation of CPIA. We will stay engaged in the development of implementing regulations so that they meet the needs of our member camps.



## Federal Tax Issues — Impact on Camps

There are two new tax issues (as a result of the new tax package that advanced through Congress at the end of 2017) that could have a major impact on camps:

1. Employer-provided business meals are now only 50 percent deductible, whereas the employer-provided business meals were previously 100 percent deductible.
2. Travel and relocation expenses are now taxable compensation for camp employees and volunteers.

During Camp Capitol Hill Day, ACA made the two tax issues a top priority in their discussions with Members of Congress and congressional staff. ACA camp leaders were able to generate a great deal of support for the tax issues. In June, ACA leadership, staff, and lobbyists held a productive meeting at the Treasury Department to discuss the new tax issues. There's growing awareness about the new tax issues for camps, and ACA is having discussions throughout Washington seeking the best way to address these issues.

## Camps on Federal Lands — Minimum Wage

In May, President Trump signed into law as a new executive order (EO) that created an exemption from Executive Order 13658 for Recreational Services on Public Lands, which will greatly help camps that operate on federal lands. The new exemption, which specifically cites camping and youth camps as allowable seasonal recreation services, provides relief from the minimum wage requirements in the original 2014 EO. ACA staff, volunteer leadership, and many ACA members helped to lead ACA's advocacy efforts to have the EO overturned.

Learn more at [whitehouse.gov/presidential-actions/executive-order-exemption-executive-order-13658-recreational-services-federal-lands/](http://whitehouse.gov/presidential-actions/executive-order-exemption-executive-order-13658-recreational-services-federal-lands/)



Photo courtesy of Camp Hows, Cochen, MA



Photo courtesy of Girl Scout Camp Tanglefoot

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### **The Campline team:**

Kaley Belakovich, Kim Brosnan, Laurie Browne, Laura Foreman, Sam Hirt, Amy Katzenberger, Rhonda Mickelson

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