

THE CAMPLINE

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

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Photo courtesy of Camp Scatico, New York, NY

STAFF TRAINING AND PREPARATION — UPDATED

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I. Introduction

A camp's overarching goal should be running a mission-aligned, safe, and quality program in all facets. This includes the selection, hiring, training, and conduct of its staff. In this article, we will focus on staff working directly with campers — leading, supervising, and teaching.

Staff are the front line in advancing the mission of the camp, protecting the camp, and, most importantly, protecting the campers from harm. Issues arising from staff conduct or judgment can and do lead directly to injury or loss to campers, and inevitably, to injury or loss to the camp — loss of money, loss of reputation, and loss of business.

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If staff fail, the camp fails. A complaint that the camp has not protected a child or has failed to meet expectations reflects on staff competency or judgment. Staff competency and judgment depend in large part on proper training, supervision, and the camp's policies.

This article focuses on the preparation and training of staff for perhaps the most important job of their lives. We refer to training issues from past articles and discuss staff training and policies that best prepare staff for their jobs — and their related legal implications. What follows pertains to all staff — including independent contractors, seasonal and full-time, volunteers¹, trainees and veterans of past sessions, adults, and minors.² At issue is the camp's staff training in the instruction and supervision of campers in specific activities and in the life of the camp, generally. We will not revisit wage and hour issues or Occupational Safety and Health laws, and encourage camp managers to seek assistance in that area from employment law specialists.³

II. Staffing Issues

We will refer readers to our past articles discussing staff policies and training. We will revisit some of those issues and identify other evolving and significant issues, based on changing laws and case law and evolving culture and technology.

A. Legal Implications

If a camp is sued, the allegations of wrongdoing will implicate all factors that credibly might have contributed to the loss. Staff performance will certainly be included in those factors. And, behind what staff did or didn't do, are a bundle of issues including hiring, retention, training and supervision, and related camp policies. The camp, as a defendant in a lawsuit, is vulnerable in all these areas. So, while camp managers must not be obsessed with the prospect of a lawsuit, they should be aware of staff issues and act reasonably in the development and monitoring of staff, including adherence, as required or appropriate, to ACA standards and prevailing practices.

Lawsuits might (but usually do not) name staff members as defendants (that is, parties from whom a plaintiff seeks compensation). Except in cases of an independent contractor, a camp is vicariously liable for the acts of its staff, committed in the course of employment. However, a camp can be liable for hiring a clearly unqualified independent contractor, or a contractor or anyone else causing harm, whom a court finds is legally acting as an employee or agent of the camp.⁴ Consider this example: if a camper is injured as a result of the alleged carelessness, inexperience, or inattentiveness of a camp employee, a camper (plaintiff) lawsuit might claim that the camp was negligent in hiring or training the employee (direct liability). Alternatively, the plaintiff may claim that the camp is responsible for the employee's negligent instruction or supervision of the injured camper, committed in the course of his/her employment (vicarious liability). This vicarious liability commonly

extends to a camp's volunteer leaders or interns. The notion is that the employee or other representative is a logical extension of the camp and that the camp should therefore be responsible for its employees' acts or omissions occurring in the course of their work.

A camp has a duty to exercise reasonable care to protect campers from unreasonable risks of harm. Families rightfully expect the camp to manage the risks of camp life by identifying the risks and taking steps, as appropriate, to reduce the frequency and severity of losses arising from them. This can be tricky business, for, in most jurisdictions, a camp has no duty to eliminate the risks inherent in the camp experience, and has no liability for injuries resulting from those risks. The rationale for this inherent risk doctrine is that imposing liability for injuries resulting from these risks would discourage vigorous participation and reduce opportunities for learning and growth. Nonetheless, while camp families should expect and welcome the exposure of campers to new experiences, they have a low level of tolerance for injuries — and even disappointments to a child. The challenge to camp management is to manage those inherent and any other risks by sound operating policies and a well-trained staff.

Factors considered by the courts in deciding whether or not a camp or its staff has breached a duty of care include the existing laws, standards, prevailing practices, and, if they exist, the camp's in-house guidance (including policies or rules; collectively here, sometimes "guidance" or "policies"). A camp, therefore, should thoughtfully develop its policies — refreshing them regularly to promote the well-being of the campers; and train staff to understand and follow those policies. Importantly, camp management should articulate in its policies (and train staff) in how they can justify a deviation from camp guidance — in appropriate circumstances. A camp's (or its staff members') violation of the camp's policies is embarrassing

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

and difficult to explain, and frequently moves the needle toward negligence.

B. Screening and Hiring

Applicants for staff positions will have a variety of skills and life experiences. Camp management's task is to carefully screen job applicants and strategically place, within its work force, those individuals most compatible with the camp mission, activities, and population. To achieve this compatibility, applicants and the camp must exchange information, so each can know what to expect and what is expected of them. Screening may include personal interviews, references, and background checks.

An important and current issue, particularly for camps working with minors, includes an aggressive effort to identify (and absent some unique circumstance, screen out) individuals whose records reflect misconduct, including, crucially, evidence of sexual misconduct (particularly targeted to minors). Interpersonal relationships — staff to staff, staff to camper, and camper to camper are among some of the most challenging issues facing camp management today.

As part of the screening process, an applicant should study (and perhaps be interviewed regarding) materials pertinent to the camp's history, goals, and traditions, which they are expected to protect and extend. The camp must be very clear with staff (and with camper families) on what it stands for and what it intends families to expect from the experience.

C. Staff Policies and Commitments

Hired staff should receive and learn camp policies. There are typically three vehicles for delivering this information to camps (whether delivered to staff electronically, or manually, in printed form). These include: 1) an employment agreement, 2) an employee handbook or manual, and 3) a staff training manual. Staff policies should be informed by applicable federal and state laws (wage and hour, labor, etc.) and reviewed by legal counsel well versed in applicable employment law.



Photo courtesy of Camp Howe, Goshen, MA

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Photo courtesy of Asphalt Green Summer Day Camp, New York, NY

[**Note:** Camps should consult with legal counsel regarding the laws of their particular jurisdictions that might allow “employment at will” — that is, an employment relationship that may be terminated at any time, for any reason, without legal consequences (with the exception, of course, of laws that may stand in the way, such as applicable state or federal anti-discrimination laws that prohibit termination based upon age, sex, race, or disability). Skilled employment counsel will explore these issues with camp management. It may be challenging under the laws of certain states to set out tasks and expectations, and the consequences of failing to perform satisfactorily (whether in an employment agreement, staff handbook, or otherwise), and, at the same time, maintain an employment-at-will relationship with the staff person. In states where this doctrine applies, a common practice is for the employee handbook, at least, to contain a statement articulating the at-will doctrine, and defining

the intent of the handbook in light of that doctrine.]⁵

A camp typically utilizes an employment agreement to set out the term of employment, including dates of services, employment duties, and compensation. [**Note:** minors are not legally competent (with rare exceptions) to enter into an employment agreement (or any other binding contract) but they can, nevertheless, be called upon to adhere to and accept rules and a code of conduct, acknowledge that they have read and understood written materials and viewed videos. A careful camp will require some level of parental involvement in these arrangements with minor staff members].

The employee handbook customarily addresses policies that relate to the status of the employee (full time, part time, seasonal, or otherwise); vacation, sick, or other leave; workers’ compensation or other insurance; background checks; drug testing; staff evaluations and

employment discipline or termination; searches; and those entitled (or not) to benefits. Other issues include working hours and free time (including, during that free time, rules about leaving the camp premises, and, if permitted, the use of camp equipment and facilities).

In the handbook or a staff training manual, the camp should address what is required of staff in terms of appropriate relationships and conduct with other staff and campers (including after-camp contacts) and other matters pertinent to their services. These include policies regarding the delivery of camp services, curriculum, or activities (cabin and meal time, camping, horseback riding, backpacking, mountain bike riding, swimming) and associated instruction and supervision. Additional issues include the camp’s policies regarding staff responsibility for documenting certain matters, incident response and other issues discussed later in this article.

D. Important Considerations in Crafting Camp Guidance

Because written policies (or other guidance) can have both legal and practical ramifications, it is important that whatever is written be carefully drafted, flexible (to the extent appropriate), and adhered to by staff in the way intended. It should be practical and easy to access. Further, particularly in today's "Millennial" culture, if written information is overwhelming, unrealistic, cumbersome, or unorganized, staff may simply not read (or ignore) it and end up not following the written guidance.

Particularly when crafting policies that involve a staff member's judgment, a camp should provide enough information to give staff guidance — but avoid making the policies so restrictive that staff are unnecessarily "boxed in." Consider that staff should understand the importance of following the camp's guidance, particularly its "zero-tolerance" policies, but should also understand (and receive training on) the reality that their judgment may justify a deviation from the camp's guidance, in appropriate cases, as allowed by (and articulated in) the policies. In addition, staff (particularly seasoned staff) should have the opportunity to comment on the camp's guidance. If staff believe they have no voice or opportunity to influence a camp's guidance, their actions may ultimately undermine that guidance. Consider that staff are often an excellent judge of some of the specifics contained in a staff manual or other document, particularly program- or activity-specific information, and can provide input in the continued evolution of this guidance.

E. Pre-Camp Training⁶

Before campers arrive, the camp should, preferably, conduct an on-site camp training session (as an alternative or supplement, consider online opportunities — perhaps via a mobile app). This is an excellent opportunity for staff to meet each other, and their supervisors, and to learn the hierarchy of authority at the

camp, including sources of assistance or guidance. As well, staff should learn about the camp's incident and emergency response procedures for incidents occurring on or off the camp's premises. Staff should learn the importance of the camp's documentation policies, directing the staff to complete logs, incident report forms, and other information regarding day-to-day camp matters, or specific incidents involving campers. Staff will also learn the process for reporting matters of interest and concern directly to camp management.

Staff must also understand what is expected of them in the area of supervision and instruction in various aspects of camp life — structured and unstructured activities and otherwise. Staff may require orientation to not only existing, but new activities and facilities — climbing walls, ziplines, and waterfront inflatables for example. Incoming staff should become familiar with the camp facilities and the surrounding environment — noting hazards and routes on the premises and its perimeter. Certainly, the training will include study of the camp policies, perhaps with opportunities to act out scenarios to understand application of the policies under various circumstances, or to be quizzed on content. Training should continue during the camp season, with intermittent opportunities to stress particular issues, address specific camper challenges, or to brush up on certain policies. Pre- and in-camp training curricula should be in writing, understood by staff and refreshed from time to time based on experiences and other learning. Training and policies put before staff will vary by age and assigned tasks, but all prioritize the campers' well-being.

F. Other Pre-Camp Preparation

Before the formal session begins, staff should become familiar with their assigned activities and develop rapport with others in their activity areas. Importantly, staff should review information collected on campers with whom they will be interacting to become familiar with

specific behavior issues, health or medical needs, and related issues. Staff, including returning staff, should be alert to characteristics of today's camper — a bit immature in interpersonal relationships including with the opposite sex, perhaps not familiar with the outdoors, and carrying an array of allergy and behavior-modifying drugs.

G. Emerging Challenges

So what has recently emerged as significant in the area of camp policies? A few come to mind that we highlight below.

Consider developing guidance and training regarding the following:

- The camp's position regarding staff members' use of social media (including the camp's sites) before, during, and after camp — in interactions with campers, or in comments regarding the staff member's experiences at (or thoughts about) camp⁷;
- Camper "after-camp" contacts, including planned events (camp slide shows, informal gatherings), as well as staff-to-camper interaction outside the employment relationship⁸;
- All aspects of camper and staff interactions, particularly proactive training on issues involving sexual misconduct or bullying staff to staff, staff to camper, and camper to camper (including development of a code of conduct, understanding of the state in which the camp is located and the camp's reporting requirements (regarding abuse of minors) and other important issues)⁹;
- Staff taking photos or other images of campers¹⁰;
- Staff members' use of marijuana on or off duty, in light of a number of states' legalization of marijuana¹¹;
- A camp's policies regarding a search of a camper's or staff member's belongings¹²;

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- Staff off-duty time, including issues such as: where a staff member may go and with whom; and whether (and according to what rules/restrictions) staff members may use camp premises, vehicles and equipment during off-duty time.¹³

H. Consequences for a Staff Member's Violation of the Camp's Guidance

A camp should be clear with staff regarding the consequences for violating the camp's rules and policies, including the prospect of immediate termination with no prospect of re-hire. Management should encourage staff to ask questions to avoid later misunderstandings. Again, the issue is the health and welfare of the campers in structured, supervised activities, and otherwise.

Also note that if a camp employs a strict "zero-tolerance" policy, but then ignores a staff member's violation of that policy, it sets the camp up for problems — both in the increased potential for incidents and injuries, and regarding its duty of care. A violation of the camp's own policies may, in the event of an injury or other loss, allow a plaintiff to successfully argue, without more, the violation of a duty of care owed to the injured person.

Further, if the camp has routinely failed to enforce consequences for staff members' violation of a camp's policy, and a serious injury occurs (say to a camper) resulting from a staff member's violation of that policy, it may subject the camp to findings of gross negligence or other more egregious misconduct (as the camp knew of the danger — clear from its own policy — and had a history of not enforcing it).

Lastly, if the camp is inconsistent in the enforcement of its policies (for example, if a camp terminates employment for one staff member's violation of a policy, but overlooks others' violation of the same policy), the camp may be more vulnerable to a staff member's claims of wrongdoing or wrongful termination, whether legitimate or not.

III. Relevant American Camp Association (ACA) Standards

For camps that are accredited (and pertinent, even, to those that are not), the ACA standards address various aspects of staff screening, hiring, training and other issues. Currently, all ACA-accredited camps are accredited under the 2012 version of the standards (as updated over the past several years). As camps are visited in the future, they will follow the 2019 version of ACA standards.

We will refer to select standards from the *ACA Accreditation Process Guide, 2012 Edition*, principally the HR (human resources), OM (operational management), and HW (health and wellness) sections, and identify the corresponding, or pertinent, sections of the *Accreditation Process Guide, 2019 Edition*, AD (administration), HW, and ST (staff qualification, training, and supervision). Also referenced are standards in the various program sections of standards. Camp managers must be familiar with the standards — these and others — for, in the event of an incident and claim, careful legal counsel, typically through a selected industry expert, will turn to those standards for evidence of a violation to support a claim of the camp or staff member's negligence or other wrongful conduct. Note that although ACA accreditation is voluntary, unaccredited camps are wise to review and comply, as appropriate, with the standards — and if not, to have a credible reason why not — should they be questioned by a plaintiff's expert about those standards in the context of litigation.¹⁴

Camp management should read, understand, and share these and other pertinent ACA standards (whether mandatory or not) — in conjunction with their Contextual Education comments (directly following each standard), with other staff, as appropriate.

2012 Key

SF — Site and Food Service
 TR — Transportation
 HW — Health and Wellness
 OM — Operational Management
 HR — Human Resources
 PD — Program Design and Activities
 PA — Program/Aquatics
 PT — Program Trip and Travel

2019 Key

CR — Core
 AD — Administration
 FA — Facilities
 HW — Health and Wellness
 ST — Staff and Supervision
 PD — Program Design and Activities
 PA — Program Aquatics

Hiring policies, including screening requirements (criminal background checks and references) and job descriptions for new and returning staff.

Accreditation Process Guide, 2012 Edition (APG v.2012): Standards HR.3, HR.4, HR.5, HR.6

Accreditation Process Guide, 2019 Edition (APG v.2019): Standards: AD.24, AD.25, AD.26, AD.27, AD.28

Training, including familiarizing staff with the camp's purpose, developmental needs of campers, the objectives, safety, and others issues of program activities, behavior management, recognition, prevention and reporting of abuse, and emergency procedures and staff roles in dealing with them.

APG v.2012: HR.12, HR.17, OM.8, OM.9, PD.1

APG v.2019: CR. 2, ST.25, ST.30, ST.40, AD.19, AD.20

Personnel policies, including time off, evaluations conditions for severance, work rules and personal conduct.

APG v.2012: Standards: HR.7

APG v.2019: Standards: AD.29

Staff/camper interaction, ratios and supervision matters.

APG v.2012: Standards: HR.8, HR.8B, HR.9, HR.16, PD.22, PD.39, PA.35, PT.4, PT.13, PT.17



Photo courtesy of Camp Surf, Imperial Beach, CA

APG v.2019: Standards: ST.29, ST.35, ST.36, ST.38, ST.39, ST.41

Pre-camp training for specific job requirements.

APG v.2012: Standards: HR.10, HR.12, HR.13, HR.14

APG v.2019: Standards: ST.25, ST.26,

Training in the recognition and value of diversity.

APG v.2012: Standards: HR. 11

APG v.2019: Standards: CR.1

Staff responsibilities for general camp activities including “general and unstructured” camp activities. These include cabin time, meals, and personal hygiene periods.

APG v.2012: Standards: HR.15

APG v.2019: Standards: ST.28

Staff/camper interactions, stressing the emotional safety of the campers, behavior management and discipline, sensitive issues, and the recognition of bullying.

APG v.2012: Standards: HR.16, HR.17, HR.18

APG v.2019: Standards: ST.29,

ST.30, ST.31

Staff Supervisor training.

APG v.2012: Standards: HR.19

APG v.2019: Standards: ST.27

Staff time off. Identifying when staff do not have assigned camp responsibilities, and are not expected to be at a particular place or performing camp related tasks. However, note that it might be argued that counselor staff, and perhaps others, are never off duty if they are “off duty” and on premises (in event they observe a child who needs help).

APG v.2012: Standards: HR.21

APG v.2019: Standards: AD.30

Staff training in their response to first aid and emergency care, including the use of supplies and equipment, and requiring that staff be informed of campers’ special/specific needs.

APG v.2012: Standards: HW.4 and HW.13

APG v.2019: Standards: ST.21 and HW.10, HW.11

Identifying that staff be advised of the camp’s policy regarding

possession of certain personal property, including drugs and alcohol, vehicles, and weapons.

APG v.2012: Standards: OM.4

APG v.2019: Standards: AD.16

Incident reports, staff training in steps to take in the event of an intruder, responsibilities in the event of an emergency, and required familiarity with safety regulations and emergency procedures, missing persons, communications in case of emergencies and managing campers in public places (off campus).

APG v.2012: Standards: OM.5, OM.7, OM.8, OM.9, OM.10, OM.11, OM.12

APG v.2019: Standards: AD.14, AD.18, AD.19, AD.20, ST.21, ST.22, ST.23, ST.24, ST.25, ST.40

Standards related to staff training, qualifications, and duties in teaching and leading various camp activities.

APG v.2012: Standards: Various PD, PA and PT Standards

APG v.2019: Several standards in ST; various PD and PA Standards

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IV. Conclusion

Although selecting, training, and effectively using camp staff can appear a daunting task, it is critical for camps to carefully consider the issues. Understand the camp's legal duties and thoughtfully develop camp policies — and train and teach staff on those policies — keeping in mind the current “Millennium” culture. Importantly, carefully consider applicable law, ACA standards and other practices in the industry. These steps are consistent with the camp's ongoing effort to run a quality program!

**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.*

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Photo courtesy of Camp ClapHans, Norman, OK

¹ For a full discussion of volunteers, see our Fall 2009 CampLine article: “Using Volunteer Staff Members — Look Before You Leap: Legal Ramifications.”

² A camp faces some specific legal doctrines when employing minor staff, whether via a counselor in training program or otherwise. A camp should carefully consider, with its legal counsel, issues such as assignment of appropriate tasks, supervision, and applicable state or federal labor laws. See, comments on minor staff, for example, our Fall, 2015 CampLine article: “Off Duty and the Camp Is My Playground. (What Could Possibly Go Wrong?)” ACAamps.org/resource-library/camp/line/duty-camp-my-playground-what-could-go-wrong.

³ See previous CampLine articles: R. Forsht, Fall 2017 “FLSA Update” ACAamps.org/resource-library/camp/line/fair-labor-standards-act-update; E. Boulukos, Fall 2016 “The FLSA, Overtime and Camps: Finding a Path to Compliance” ACAamps.org/resource-library/camp/line/flsa-overtime-camps-finding-path-compliance, Gregg and Hansen-Stamp, Fall 2007 “Avoiding Staff Surprises” and Fall 2004 “Newly Adopted Labor Regulations.”

⁴ For a full discussion of these issues, see our Spring 2005 CampLine article: “Important Staffing Issues for Running a Quality Camp Program.”

⁵ For a discussion of the ‘at will’ doctrine, the use of an employment agreement, versus other vehicles for imparting important information to staff, supra, note 2, “Avoiding Staff Surprises.”

⁶ See our Spring 2009 CampLine article addressing training topics: “Staff Training and Risk Management — Key Risk Information for Front Line Staff.”

⁷ See our Spring, 2014 CampLine article: “Camp Staff Use of Electronic Devices and Social Media: Some Issues and Solutions” ACAamps.org/resource-library/camp/line/camp-staff-use-electronic-devices-social-media-some-issues-solutions.

⁸ See our Spring, 2012 CampLine article: “After-Camp Contacts between Campers and Staff: A Problem? Whose?”

⁹ See our Fall, 2012 CampLine article: “Sexual Abuse: Liability Issues Revisited” and consider these resources: kanakukchildprotection.org/home; abusepreventionsystems.com.

¹⁰ Supra, note 6.

¹¹ See our Winter, 2018 CampLine article: “Marijuana Revisited.”

¹² See our Fall, 2014 CampLine article: “Understanding a Camp’s Right to Search.”

¹³ Supra, note 2.

¹⁴ See our Spring, 2011 CampLine article: “Standards — Friend or Foe? Revisited” ACAamps.org/resource-library/articles/standards-friend-or-foe-revisited.

What Did Winter Do to Your Camp Property?

The winter of 2018–2019 was one that many hope is not repeated soon! Winds, torrential rains, snow, and even drought were prevalent. As you prepare for the upcoming summer, it is important to pay as much attention to your property as you do to your staff hiring and training. Is conducting a “property audit” on your “to do” list? If not, consider the benefits of adding it to the list.

What is included in a property audit varies based on location, property type, and known risks. Plan to walk your full property on a periodic basis with the specific purpose to note what’s not right. Often, your insurance provider will provide a checklist to assist with this process. This article contains a starter as you conduct a property audit.

A few words about trees: Falling trees or large limbs have been the cause of several deaths over the past years at camp. Consider contracting with a licensed arborist to conduct an inspection of trees on your property that — if they fall — could cause damage to property or worse. While it is unrealistic to check all trees, evaluating the health of those along paths, in living areas, and where trees might fall on buildings is good risk management. Having this inspection prior to the opening of your facilities and learning what to observe on a weekly walk-around could prevent damage.

Sidewalks and Paths:

- If concrete/asphalt — are they free of tripping hazards and cracks?
- If of natural materials — are they free of loose gravel, holes, tree roots?
- Are paths clearly marked and lit?
- Are paths regularly maintained?

Buildings (exterior):

- Are roofs inspected annually?
Has snow load or excessive rain caused internal damage?
- Are the steps and railing solid and secure?
- Have birds/animals made holes in the sides of the buildings or burrowed under a building?
- Are gutters secure and cleaned on a regular basis?
- Do downspouts direct water into the most appropriate location (and not across walkways)?
- Are any electrical/phone/cable lines securely fastened and at the appropriate height above the roofline?

Buildings (interior):

- Are all exits (and exit routes) free of obstructions?
- Are windows and screens functioning and in good repair?
- Are all electrical outlets and switches operating?
- Are fire extinguishers properly mounted and checked on a regular basis?
- Is the floor free of tripping hazards?
- If bunk beds are used, are bunk upper rails secure?

Kitchen

- Do kitchen appliances (to include any fire suppression systems) have an annual inspection and receive regular maintenance?
- Does the walk-in refrigerator/freezer have safety handles?
- Are mops conveniently located?
- Are the floor and all countertops made from materials that are easily disinfected?
- Are all cleaning supplies located away from food?

Maintenance Areas

- Are hazardous materials clearly marked and locked/stored when not in use?
- Are tools regularly checked and stored in a safe manner?
- Is the area free of clutter?

Program Areas

- Are paths/walkways to program areas clear?
- Have any branches or surface erosion caused damage to any areas?
- Has all equipment been checked for necessary repairs?

Fire Mitigation (this is an area of great concern, especially for camps in the western US)

- Is the building material used in siding and roofing fire resistant?
- Have you had a “fire audit” conducted? (These are sometimes offered by your insurance provider or the local fire department.)
- Do you have a plan to lean all gutters on a regular basis?
- Do you have a plan to remove ground “litter” from around all buildings?
- Have you designated the appropriate defensible space?

Keep in mind this list is a start and a comprehensive property safety audit checklist could be several pages long. Creating your own list and involving authoritative sources (along with your own maintenance staff) can result in a tool to that leads to a safer environment for your participants. It might also save you money (and headaches) in the long run.

Resources:

National Fire Protection Agency: nfpa.org/Public-Education/By-topic/Wildfire/Firewise-USA

Self-Inspection Safety Checklist for Camps and Conference Centers from Church Mutual Insurance Company: churchmutual.com/102/Self-Inspection-Safety-Checklists

Hazard Tree Safety USDA Forest Service: fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5433697.pdf

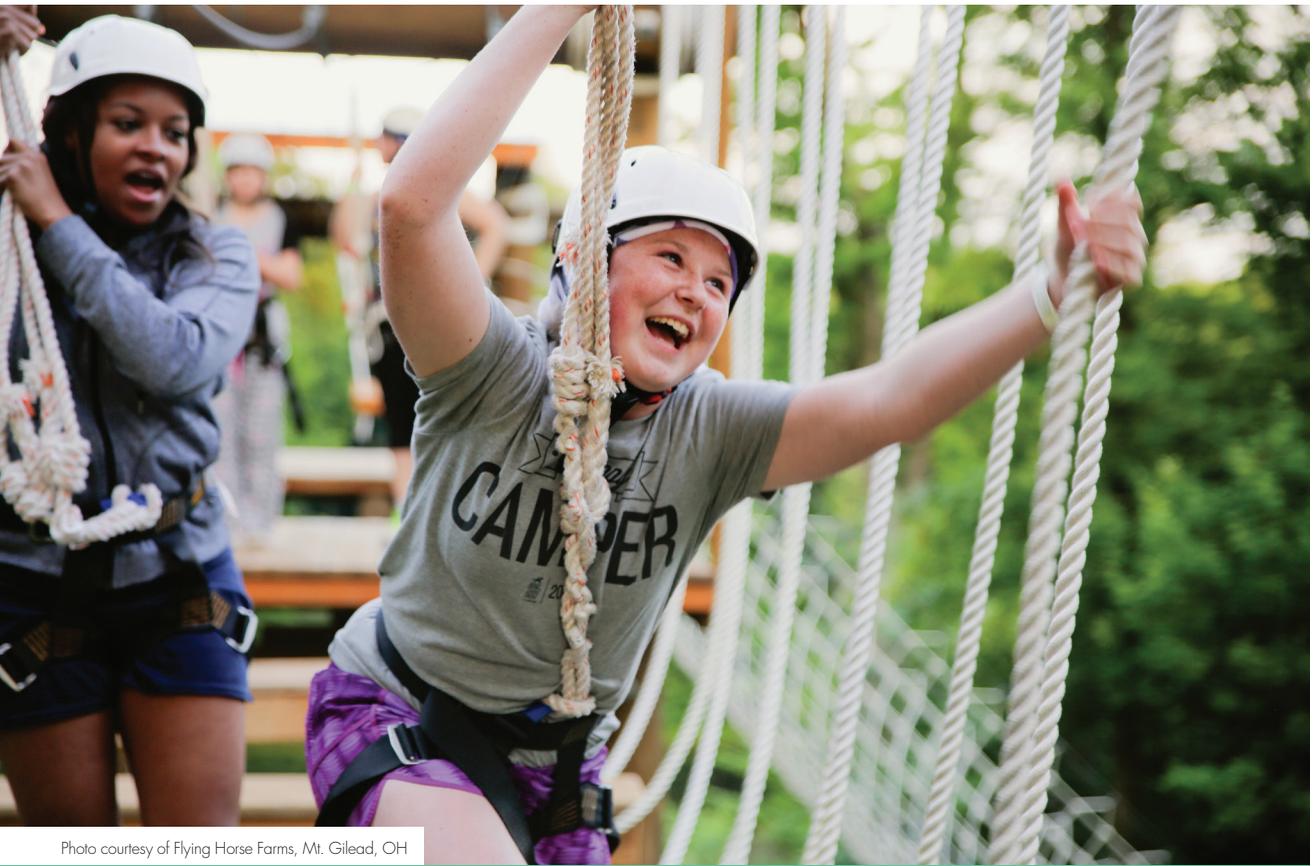


Photo courtesy of Flying Horse Farms, Mt. Gilead, OH

CAMP INSURANCE TRENDS: WHERE HAVE WE BEEN AND WHERE ARE WE GOING?

Gaetana De Angelo

For about 20 years, the American Camp Association Insurance Committee has hosted a roundtable discussion with many of the camp industry insurers and insurance brokers attending the ACA National Conference. While the 2019 roundtable brought some new things for consideration to the table, we also saw the recurrence of many of the same type of trends discussed previously.

Each year the committee shares the findings of the roundtable in several ways. At the conference, a session called "Trending Now" is held to simply share with the attendees what was learned during the roundtable, infusing the discussion with not only facts, but practical information camps can use to respond to the trends. A second session called "Ask the Experts" with a panel consisting of a broker, an

underwriter, and a camp professional is also held. This is an opportunity for attendees to bring questions from the floor and have them addressed by each professional from their unique perspective. Both sessions are well received and helpful to the attendees.

Since many ACA members do not have the opportunity to attend the National Conference, this article serves as our report-out to the members at large. I'll begin with a quick overview of claims, followed by discussion on how one can help to mitigate them, and end by addressing some of the trends and concerns that were discussed. Before I launch into what we can do better, I'll highlight a few things camps are doing well.

- We are delivering wonderful programs (with a focus on safety) to scores of children and youth

across the country in hundreds of camps — in many cases over the span of just a few amazing months each summer! With the creation of more extreme and exciting activities available to camps, the response for approaching them in the appropriate manner has been good.

- Major auto claims have consistently decreased over the years, especially with the arrival of safer and more efficient, larger vehicles used by camps and staff driver training.
- Worker comp claims are showing improvement in severity leading to what should be lower premiums for many camps. This will of course be based on your camp's experience rating, but overall many camps will notice a reduction in premium.

Trends from 2018 Claims:

- Property losses were high, as wildfires, hurricanes, hail storms, flooding, mudslides, and tornados left a devastating impact on camps. This destruction and resulting claims will most likely result in premium increases in property coverage. Some of those increases might be in the double digits.
- Abuse claims including peer to peer, adult to child, sexual, and physical
- Auto claims including rental damages, backing up and hitting objects, unauthorized use of camp vehicles
- Losses related to off road carts including golf carts, ATVs, and other service vehicles
- Cyber claims are still on the rise including social engineering and hacking
- Challenge course losses included operator error, improper training and falls from trees while climbing
- Trips and falls in general
- Bites from bugs/insects and animals

Property Losses

While many of the triggers for the property losses were unavoidable, there are some things that camps can do to lessen the impact of these losses.

- Wildfires — the impact of the wildfires was devastating to many camps in the west. The ability to operate camp was severely minimized for several and not possible for others. It will take years to recover from the losses. How can you help to minimize the losses and potentially save buildings during a wildfire crisis?
- Create defensible space around buildings and activity areas.
- Firewise is a great resource (nfpa.org/Public-Education/By-topic/Wildfire/Firewise-USA) to help you plan and manage your camp assets
- Clear all large brush and natural debris (leaf, pine needles, small branches, etc.) from roofs and gutters and around all buildings and roads.
- Consider fire resistant materials when building new or renovating old buildings.
- Create good relationships with the Department of Nature Resources (DNR), local fire fighters, and others who can give you notice of the progress of the fire and or lend a hand in preparing.
- The time and cost to reconstruct after a property loss has been steadily increasing and many factors must be considered.

- Check with your insurer to be sure that you have coverage for added expenses — these generally cover increased costs related to code changes, temporary shelters, and other items that are not normally included
- Loss of income may be covered by Business Income coverage — there is both on-premises (if something on your premises triggers the loss) and off-premises (if something outside your premises triggers the loss). This warrants a discussion with your insurer — don't assume you have the proper coverage just because you see it listed in your policy.
- Following wildfires there are often instances of mudslides and earth movement when rain occurs which can lead to additional damages to roads and buildings.
- Personal property loss claims are on the rise. With our campers and staff bringing more expensive items with them to camp, they often look to the camp for restitution in the event of a loss.
- Know what and if you have coverage for the personal possessions of others (campers/staff) on your property. If you feel committed to replacing possessions when a loss occurs, discuss the amount of coverage you have with your insurer and consider additional coverages.
- Coverage, if you have it, is generally only extended to when the property is on your site, not when off-site or in transit — such as trips the campers and staff may take.

- Consider putting a very clearly worded statement in your camper and staff info regarding the potential loss of personal property, including how much financially, if at all, the camp will cover in the event of a loss.

Abuse Claims

While adult-to-child sexual abuse claims are all over the news, physical abuse and peer-to-peer abuse claims continue to trend upward. Camps must have a zero-tolerance policy for abuse of any type and must enforce it consistently when it occurs.

- **Adult-to-child** abuse claims from many years ago are garnering staggering awards when ending up in the courts. Much of it has to do with the venue where it is tried, however, public sympathy is at an all-time high due to the enormity of the cover-up in many cases.
- Many of these cases occurred years ago, in some cases stemming back over 40 years. Do you know what coverage you had on your insurance policy at that time and do you know where your insurance policies are?
- Everyone, regardless of the length of time your camp has been in operation, needs to be sure that your insurance policies are in tact and saved where they can easily be found.
- If you have paper documents, consider scanning them to electronic files that can be easily found and searched.

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Photo courtesy of Camp Cedarbrook, Corinth, NY

- Not all claims are from years ago. There is a rise in claims of abuse that occurs “in the open.” Predator adults as well as other campers have been inappropriately touching campers while on buses or sitting at tables where their hands cannot be seen.
- Claims have been brought against camp owners and directors, the very people who should be charged with protecting campers and staff.
- Every camp should have a method for complaints to be brought forward that does not include having to deliver them to the very staff who may be the abuser. Consider an 800 number or closed-box method that is reviewed by someone outside of the camp.
- If an allegation is brought against an owner/director, be sure that an uninvolved third party investigates the allegations.
- **Physical Abuse Claims** (in addition to sexual abuse) are showing up with greater frequency, both adult to camper and camper to camper.
- Does your camp encourage physical activities that develop unhealthy competition leading to acts of impulsive anger? Healthy competition is needed valuable to both children and adults, but when it reaches the point that people lash out in anger, it

results on physical abuse claims of pushing, shoving, and actual physical violence.

- Consider limiting staff involvement in the actual activity — they should be coaching, not participating.
- Training is a key to eliminating and avoiding physical abuse claims. Train your staff how to identify inappropriate behaviors in both their peers and campers.

Auto/Cart Claims and Concerns

As stated earlier, we have seen a decrease in major auto losses related to roll over and crashes. However, there is a tremendous increase in nuisance claims related to things that could be avoided easily. Many camps are being surprised with unexpected vehicle damage claims months after camp closes. In many cases, the camp was not even aware that the vehicle was damaged. However, often they returned the vehicle when the agency was closed and have no proof.

- **Backing up and rentals** — bump and ding claims related to backing up vehicles is at an all-time high! Be sure staff understand it is critically important to be careful when backing up vehicles. While this type of claim may seem petty in comparison with a major claim, they are costing camps much in repair claims, especially with rental vehicles.

- When picking up a rental vehicle, be sure to walk around the entire perimeter of the vehicle and take pictures or a video of the condition of the vehicle.
- When dropping off a rental vehicle, again, take picture or video of the condition of the vehicle and be sure to return the vehicle to the rental agency when they are open, so they can sign off on the condition of the vehicle.
- If the vehicle is damaged, be sure that you have them clearly note where and the severity and have the pictures to prove it. If not, it can come back to you as a much more extensive claim in the future. Rental companies need to turn these vehicles around fast. You may be dinged (pun intended) for damage that you did not create.
- **Staff using their own vehicles for camp business.** Who is responsible for damage to staff members personal cars they are using for camp business or if it is parked at camp while they are working? At first glance, you may say, they are of course, and in many cases that is true. While commercial auto coverage does not generally cover physical damage to non-camp vehicles, some losses could result in a general liability claim.
- First, if any staff are required to use their personal vehicle for camp business, be sure that you have a written agreement with them regarding the use of such and who is responsible for what. Require them to carry appropriate vehicle insurance as required by your state, and make sure you have a current motor vehicle report and driver disclosure for them on file. Whenever possible, use camp vehicles for camp business to avoid any confusion.
- Be sure to have designated parking areas for camp staff and make sure they are relatively free of any hazards such as overhanging trees with large limbs and rutted roads. Require your staff to use these parking areas. If someone chooses to park in an area that is clearly not designed for parking, and their vehicle is damaged, they will have a hard

time proving your negligence (unless, that is, you allow it to be a common practice).

- Be sure that they understand that if they give others a ride in their vehicle on staff time off, they are responsible for the welfare of those persons while they are riding in the vehicle.
- **Golf carts and other service vehicles.** Do you consider golf carts and other service vehicles such as ATVs, Gator and Polaris-type carts as vehicles? If not, you should, as claims related to these types of vehicles are on the rise and with advancements in design, many operate very similar to on the road vehicles and can attain reasonably fast speeds.
- If you don't already do so, design a training and assessment of drivers of these types of vehicles. Have drivers sign an acknowledgement that they understand the use of the vehicle.
- Be sure to include a safety check sheet just as you do with other camp vehicles, require that drivers are licensed vehicle drivers and have a clean MVR.
- Limit the number of drivers and set a minimum age limit for driving use.

- Revoke driving privileges and discipline staff when the use of the vehicles is abused (overloading, speeding, reckless driving, etc.)

Cyber Claims

Social engineering and hacking claims continue to show an increase in the camping industry. Educating yourself and your staff to the dangers of free or open internet options and suspect emails is key to creating a safe internet environment.

- Free is not always good. Claims of hacking have resulted from the use of electronic devices in public places such as coffee shops.
- Social engineering is getting more and more sophisticated, but still often the result of poor management practices. Have redundant checks and balances in place to ensure that the email you are receiving is from who you think it is.

Challenge Courses and Bug Bites

- **Challenge course** incidences are often traced back to training rather than equipment failure.
- We have covered multiple times in the past that second and third

generation training (having some staff trained by an industry professional but having those staff train others) is not worth the money you save as ultimately something is missed or not emphasized strongly and accidents happen.

- Fatigue is also an issue even with properly trained individuals. Consider having a four-hour limit per day with multiple breaks for staff who facilitate courses out in the open sun. Install shade barriers on the tops of towers for staff stationed there and encourage hydration.
- **Bug/insect and dog bites** are leading to claims, often related to improper care and infection.
- Be sure to educate campers and staff to be aware of insect bites and to monitor the condition of them. Have a clear tick protocol in place.
- Dog bites from staff-owned animals are also showing up with some frequency. Have policies around staff-owned dogs and other service/therapy animals that campers and staff may want to bring with them to camp. Monitor the effectiveness of the policies and adjust as needed.



Photo courtesy of Cali Camp Summer Day Camp, Topanga, CA

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Other Concerns

Although claims have not arisen from the items discussed below, the possibility for such is on the horizon and policies and procedures should be put in place now to address the potential issues related to each.

- **Mental health and transgender issues** that could result in wrongful termination of staff claims and or non-admittance of campers.
- Be sure that your camp has coverage for such a claim. This is not covered under general liability but may be defensible under Employment Practices Liability (EPL) coverage. Check with your insurer about EPL coverage. This is often included in nonprofit Director and Officers insurance; however, private camps may not have the coverage.
- If you are not a camp that primarily serves campers with medical and mental health issues, be sure that your interactions and

communications with the parents are clear and fair. Your first concern is what is best for the camper and although parents may feel a camp will benefit from the experience, you must look at the entire picture of how it will impact the other campers and staff. Don't commit to something you can't deliver and be prepared to discuss with the parents why you are not able to accommodate their child.

- Be sure that you have discussed in advance and are addressing the needs of transgender campers who may want to or already be attending your camp.
- **Medical marijuana/CBD oil, drug testing, and use of JUUL and other electronic cigarettes**
- **Medical marijuana/CBD oil** and the use of such in camps by campers and staff come with many important considerations above just how you will store it.

- Although medical marijuana/CBD oil may be legal in some states for use by campers, ACA standards require that all medications (with a few emergency exceptions such as auto-injector epinephrine and rescue inhalers) be stored and administered by camp personal. Licensing restrictions prohibit professional health care providers such as nurses from administering medical marijuana.
- Do you have a zero-tolerance drug policy at camp? If so, does this extend to the use of medical marijuana? Although legal in some states, marijuana is still illegal federally. The storage and administration of medical marijuana should be carefully examined.
- **JUUL and other electronic cigarette-type devices**
- Have clear policies regarding the use of these types of devices while attending or working at camp.



Photo courtesy of River Way Ranch Camp, Sanger, CA

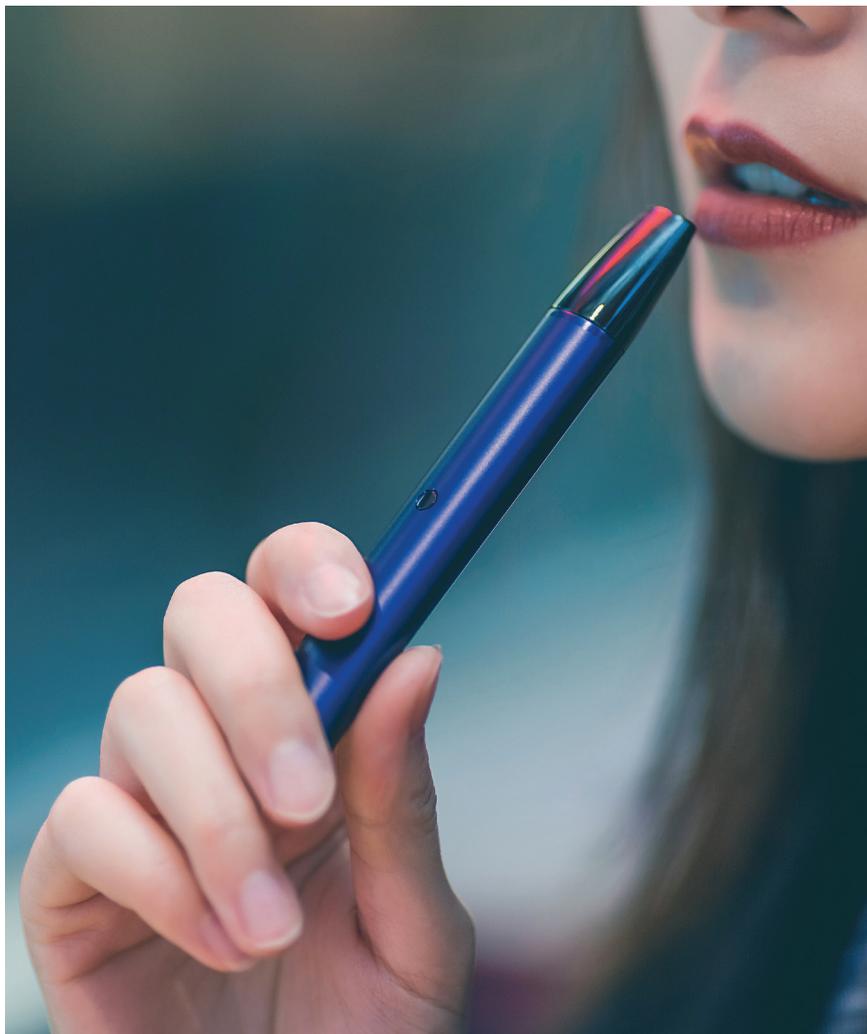
- There has been a rise in the use of these types of devices by youth and it steadily increases. The JUUL device has some unique features that make it more appealing to campers and staff, but also potentially more dangerous as evidenced by this information taken (E-Cigarette Use Among Youth and Young Adults: e-cigarettes. surgeongeneral.gov).

- **JUUL resembles a USB drive.** It can be concealed as a USB drive and used in public spaces, such as schools. It is charged in the USB port of a computer or laptop.

- **The liquid in JUUL pods contain nicotine salts from tobacco leaves.** The nicotine salts are absorbed into the body at almost the same rate as nicotine from a combustible cigarette. Inhaling vapor from nicotine salts goes down smoothly and doesn't produce the irritating feeling in the chest and lungs that combustible cigarettes do.

- **JUUL has more than twice the amount of nicotine concentrate as many other brands of e-cigarettes.** This has raised concerns that it may have a higher risk of addiction than other e-cigarettes. One cartridge, called a pod, has roughly the equivalent amount of nicotine as one pack of cigarettes.

I will close by talking a bit about **staff and volunteer recruitment and training**. We have all been faced with the reality of the first day of camp approaching and late hires and volunteers being brought in just before or during camp sessions. Traditionally, camps are not the highest-paying jobs around, and with ever-increasing opportunities for potential staff to find employment elsewhere that pays more, we are often faced with interested prospective staff not being of the highest caliber or prepared for the unique circumstances surrounding working and living in camp surroundings. Don't settle for just any warm body; hire very intentionally, and if the person is not the right one to help you deliver your mission, cut them loose.



Here are some practical guides to help you plan for appropriate and through training of these late hires.

- First, have a clear distinction between employed staff and volunteers. Have clear job descriptions for both and be sure to consider what non-pay compensation (stipends, free camp for their child, room and board, etc.) you may be awarding volunteers, which could move them into the class of staff versus volunteer where workers' compensation is concerned.
- Ensure that regardless of when a staff or volunteer is brought in to work that you are providing the same level of training you would for one that started in the beginning.
- Making use of a combination of in-person, blended video, and self-study (use of a facilitative

guide and comprehension assessment) trainings will often allow you to bring the late hire up to speed with the rest of the staff in a shorter amount of time.

Above all, remember everything we do at camp should be centered around delivering on our mission to provide a safe, fun and educational outdoor experience for children and youth. Make it the best experience you can, and you will change the life of a child for the better.

Gaetana De Angelo, recently retired after more than 30 years with the Girl Scouts of Greater Atlanta, is an independent consultant specializing in risk management in the camping and non-profit sectors. She serves as the chair for the ACA Insurance Committee and can be reached at gaetanadeangelo@gmail.com



ACA Accreditation and the Revised Standards: What Does It Mean for Your Camp?

No Visit in 2019?

If your camp is not scheduled for an on-site accreditation visit in 2019, you need to:

- Sign the 2019 Annual Statement of Compliance prior to the start of your camp season: ACAamps.org/soc
- Continue to follow the standards under which you were last visited PLUS any new/applicable mandatory standards (for 2019 there are three new mandatory standards): ACAamps.org/staff-professionals/accreditation-standards/tools-resources/standards-revisions-clarifications

Is Your Camp Being Visited in 2019?

- Use the Accreditation Process Guide, 2019 Edition, to prepare for your visit
- Someone from your camp who will be actively involved in the preparation of materials and on site the day of the visit should have completed an Accreditation Process Workshop
- Take advantage of the resources found on the ACA website: ACAamps.org/staff-professionals/accreditation-standards/tools-resources-camps/accreditation-information-forms
- Make sure to submit the written documentation for your Written Documentation Review by May 1
- Sign the 2019 Annual Statement of Compliance prior to the start of your camp season: ACAamps.org/soc

If you have questions, please reach out to the ACA staff member who supports standards and accreditation in your area: ACAamps.org/contact-us/contact-aca-topic-or-team



Government Relations Updates

Access detailed information about all of our government relations and public policy initiatives in the following link.

ACAamps.org/about/who-we-are/public-policy

THE CAMPLINE

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