



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

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## Standards — Friend or Foe? Revisited

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



### Introduction

Provoked in part by a proliferation of standards and offers of accreditation and certification, some in the outdoor industry are raising questions about the legal impact of standards, causing serious concerns about the value of standards for camps and other outdoor organizations. What are standards? Are they, on balance, good or bad for the camp industry? What is their legal effect, in terms of a camp's liability for an alleged breach of a duty of care? Does that effect vary with the source of the standards — which might be developed by a voluntary standard-setting organization, a state agency, or by a camp or outdoor organization for its own use? What are the legal implications of being accredited or not accredited, when the camp is accused by an irate family of having violated a standard? In this article, we hope to assist your camp in understanding these issues. We have written on standards for *CampLine* in the past (see our article "Standards — Friend or Foe?" in the Spring 2006 issue). In this article, we will address more aggressively the impact of standards on your camp, from a legal standpoint.

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## In This Issue

- 1 Standards — Friend or Foe? Revisited
- 5 Advocacy and the 112th Congress
- 6 Bullying and Harassment:  
What Every Camp Should Know
- 7 Remember:  
Camps Are Mandated Reporters
- 8 Changes in Certifications Impacting  
Aquatics This Summer
- 9 Insurance 101: Your Insurance Policy —  
What Does it Really Mean?
- 12 Index of *CampLine* Articles  
(2005 – Present)

Good standards are those that leave room for judgment, allowing deviation from the standard or differing approaches to meet the standard, if appropriate.

## What Is a Standard?

Standard-setting organizations develop standards or practices for a variety of audiences, including members of that organization, an industry or industry segment, and an interested public. So, too, an individual organization develops standards, practices, or policies for itself and its employees and participants. Industry guidance — if well-crafted and consensus-based — and an organization’s thoughtful internal guidance can be of great assistance to organizations endeavoring to run a quality program. Standards can be objectively measurable — for example, those that address weight-bearing loads and structural capacity. Others can be more general and subjective — for example, those addressing conduct or behavior. Good standards are those that leave room for judgment, allowing deviation from the standard or differing approaches to meet the standard, if appropriate. Certainly, this flexibility is more applicable to standards of conduct, screening, supervision, etc., for example, than to matters of engineering capacities and strengths. Some standards are simply a requirement that the camp or other organization have in place a plan or program to meet a specified contingency. While suggestions might be provided, the standard itself is merely that there is a plan, perhaps with a qualifier that the plan be “adequate” or “appropriate,” or some other adjective that leaves to the organization or a reviewer the determination of its ultimate adequacy.

## Defining Terms

Some in the outdoor industry have suggested that standards — whether developed for an industry or for an organization’s internal use — be called something other than standards. One dictionary defines a standard as “an accepted measure of comparison for quantitative or qualitative analysis.”<sup>1</sup> The Association for Experiential Education (AEE) states that standards are “. . . key criteria that can be used to evaluate the overall quality and effectiveness of an adventure-based program” and “statements of acceptable practice.”<sup>2</sup> Alternatives to the term “standards,” in some applications, might include “practice,” “policy,” or “guideline.” A “practice” is defined as an “established way of doing things”;<sup>3</sup> a “policy” as “a plan or course of action, designed to influence and determine decisions or actions” or “a guiding principle or procedure considered to be expedient, prudent or advantageous.”<sup>4</sup> A guideline might properly be defined as a “statement of policy or procedure”<sup>5</sup> or “an official recommendation indicating how something should be done.”<sup>6</sup>

The important point in this exploration of terms is that although they may have certain meanings to certain readers, the most important meaning of the term is that supplied by the author. And more important than the label someone puts on a term is the substance of the guidance, how it is crafted, and whether it was appropriately heeded. For example, if an organization labels its written guidance as a practice, but it is written as a mandatory requirement, it will probably be viewed as a requirement by a court or jury. As a result, an organization — whether your own camp or a standard-setting organization — should be absolutely clear about what is intended by these declarations, and the content of any guidance should match its intent. Does the guidance simply contain announcements of how others are operating (without addressing the issue of compliance)? Are they expectations or requirements? Is there room for deviation or alternative opportunities to comply? Are there consequences for failure to adhere to the guidance? These and other issues, as applicable, should be appropriately addressed.

A surprising label offered by some in the industry is the term “best practices.” Some have suggested that “best practices” serves as a superior alternative to the term “standards.” The term “best,” however, implies an absolute or highest practice — something impossible to achieve or determine with any confidence. (Family lawyer to camp manager: “Those aren’t the *best* practices, are they? What about *these*?”) Expecting someone to conform to “best practices” is unfair and unwise.

## Duty of Care

The issue for camp management is, of course, its endeavor to run a quality operation and, importantly, appropriately caring for its campers and families in the course of running its programs. Do standards or other guidance help in this endeavor? Bottom line, in a negligence action, the judge will determine whether a duty of care exists and what that duty is. If the judge finds that a duty exists, the fact finder (a judge or jury) will hear testimony and review evidence to determine whether the defendant breached that duty, and if so, whether that breach of duty caused the harm. The defendant’s conduct will be compared to that of a reasonably prudent person/organization acting in the same or similar circumstances. The camp’s duty, generally, is to exercise reasonable care to protect its campers from unreasonable risks of harm (the camp’s standard of care). In evaluating whether or not the defendant (camp) met the standard of care, the fact finder will consider (aided or confused by [possibly conflicting] testimony of experts), among other things: standards or practices in the industry (including a voluntary standard-setting organiza-

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tion's standards, or the practices of similar organizations in the industry), statutes, regulations, the organization's own internal polices, etc. These are the measuring sticks of our legal system. A reasonable practice, generally speaking, is one that is followed by respected and successful practitioners in the industry. Standards developed by a standard-setting organization — if the product of thoughtful research and deliberation, and subject to the scrutiny of consensus groups and others — announce, with varying degrees of intensity, those reasonable practices. These announcements are not necessarily minimum or maximum expectations but what may be reasonably expected of you, based upon what your peers are doing.

### Legal Effect of Standards

There is no question that standards set by voluntary standard-setting organizations — ACA, AEE, or the Climbing Wall Association (CWA), for example — can have a legal impact, and in fact, can create legal exposure and issues for organizations.<sup>7</sup> This can happen if standards are poorly or inaccurately written, conflict with standards set by other standard-setting organizations, are inappropriately rigid or prescriptive, etc. Even if a standard is well-written, an organization might simply fail to follow it. The standard can then be used in litigation against a defendant whose failure to follow a standard, the plaintiff claims, was the proximate cause of his harm. In other words, the plaintiff can claim that the defendant's failure to follow a particular standard (set by ACA, for example) is evidence of a defendant's negligence. This can also happen if a defendant fails to follow an applicable statute or regulation or a standard or practice in the industry. Importantly, this same result can occur if a defendant fails to follow its own internal standards, policies, practices, or whatever they label their "way to do things" — whether oral or written. We have observed this over and over again in the case law coming down from jurisdictions across the country. (Note that, in some cases, violation of a statute [law] that is determined to be the cause of a plaintiff's harm can even be considered "negligence per se" [actual evidence of negligence].)

Alternatively, these statutes, standards, and practices can also provide evidence that the organization has met the standard of care — that is, acted reasonably under the circumstances. In other words, industry standards or practices developed by a voluntary standard-setting organization, or guidance developed by an organization for its own internal use, can play both ways.



### To Be or Not to Be Accredited?

If you are accredited by a standard-setting organization in your industry niche, will you have greater potential legal exposure in a negligence case? Is there a difference in the standards' legal impact on your operation? Perhaps; but all organizations are potentially impacted by the standards — even those that are not members of the organization. For example: Your organization is formally accredited, and you have signed off on your commitment to following the standards. You fail to follow a standard, resulting in an injury that a plaintiff urges was caused by your failure to follow that standard. The plaintiff argues that you should have known better. This argument could also be made against an organization in the industry niche that is not accredited — or even one that is not a member of the organization. The argument could simply be that the standards are evidence of the accepted practices in the industry, you should have known about them, and your failure to follow them caused the injury. On the flipside, accredited or not, your efforts to heed the standard-setting organization's standards could provide good evidence in the same situation that you met the standard of care, and did not breach any duty owed.

### Not a Safe Harbor

Keep in mind that industry practices, or developed industry standards, are not always the *right* or *only* way. In fact, courts have found an entire segment of an industry negligent in the conduct of a standard or practice.<sup>8</sup> So, ultimately, the way "everyone is doing it" might not be okay. This is another important reason for you to regularly review your own internal guidance with input from your legal counsel, as well as participate in the development or revision of any published standards in your industry. Standards, whether internal or external, should be "living" and continually re-assessed based on changing practices. Standard-setting organizations interested in continuing to improve the quality of programming should continually review and revise their standards. In doing so, they must seek input from experts, including attorneys sensitive to the legal implications, as well as day-to-day camp practitioners, regarding the practicality of the standards in actual operating circumstances, and avoid the "zero tolerance for deviation" approach except in the most serious circumstances. ACA representatives inform us that these are some of the things ACA considers as it currently undertakes a comprehensive revision of its standards and openly seeks comments from interested camps or other parties.

## Conclusion

Guidance or directives — whether crafted by industry segments or organizations or imposed by governments — are not going away. Quality organizations will continue to look for guidance from their industry, their peers, and craft it in their own organizations. They do this in their effort to run quality programs, to satisfy insurance company requests or requirements, to avoid unnecessary or misdirected state or federal regulation, and for a myriad of other reasons. As a result, whether they agree with them or not, organizations must understand the impact that standards or other guidance or directives will have on their business and on their ultimate legal exposure.

Faced with how “that place down the river does things,” camps will decide (whether they are accredited or not) to comply with ACA Standards, as applicable — and if not, to have a good reason why not. Specifically, camps must understand the significance of standards (including those of ACA and other organizations), how to navigate them, and importantly, how to contribute to their modification if standards miss their intended mark.

Good guidance — whether provided in published industry standards or as developed by an organization — should be relevant, obtainable, applicable, and appropriately flexible, so that guidance is indeed constructive, rather than working to increase legal exposure. Thoughtful internal and industry guidance will assist camps in their proactive endeavor to manage risks and run responsible and quality operations — something most organizations want to do. Understanding the relative value, impact, and effect of standards is integral to that endeavor.

*\*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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*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 e-mail [rgregg@gregglaw.net](mailto:rgregg@gregglaw.net); [www.rebgregg.com](http://www.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. Hansen-Stamp can be reached at 303-232-7049, or e-mail [reclaw@hansenstampattorney.com](mailto:reclaw@hansenstampattorney.com); [www.hansenstampattorney.com](http://www.hansenstampattorney.com)*

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1. *Webster's II New Riverside University Dictionary* (1988).
2. *AEE Manual of Accreditation Standards for Adventure Programs*, 5<sup>th</sup> Edition (2009), p. 7, *AEE Policies & Procedures Manual*, 4<sup>th</sup> Edition (2005), p. 19.
3. *Encarta* (online) Dictionary
4. *Webster's II*, supra.
5. *Id.*
6. *Encarta*, supra.
7. See discussion in our 2006 *Campline* article on standards, identified above.
8. *T.J. Hooper, et al. v. Northern Barge Corporation, et al.*, 60 Fed. 2<sup>nd</sup> 737 (N.Y. 2<sup>nd</sup> Cir. 1932), cert. denied, 287 U.S. 662 (1932).

## Crisis Help Available Twenty-Four Hours a Day

As you gear up for another summer season serving children, youth, and adults, we remind you that the ACA Camp Crisis Hotline is available to you twenty-four hours a day. We encourage you to use this service when you need help in a crisis. This year, we've added a new resource for you — a page on the ACA Web site that lists resources and links related to the most common types of calls we receive on the Hotline. Take a look at the broad range of resources now — *before* you need them: [www.ACAcamps.org/camp-crisis-hotline](http://www.ACAcamps.org/camp-crisis-hotline). Consider using the case studies as a staff training tool!

The Hotline phone number is

**800-573-9019**

# Advocacy and the 112<sup>th</sup> Congress



As Congress struggles with partisan issues, youth development organizations are advocating for the passage of a bill that has already gained broad-based bi-partisan support — The Child Protection Improvements Act. ACA and twenty-two other youth-serving organizations have come together to close a gaping hole in the federal law that prevents camps and other youth-serving organizations from gaining access to federal criminal background checks on employees and volunteers. Identical bills (S645 and HR1360) have been introduced into Congress by Senator Charles Schumer (NY), Representative Adam Schiff (CA), and Representative Mike Rogers (MI). (Read Representative Schiff's press release: <http://schiff.house.gov/index.cfm?sectionid=49&sectiontree=6,49&itemid=793>.)

The bill would make permanent the pilot program of the PROTECT Act of 2004, expand the program to include staff (as well as volunteers) in youth-serving programs, as well as the following:

- Create universal access to nationwide background searches by designating a criminal history review entity or organization to process background checks on prospective employees and volunteers for youth-serving organizations.
- Provide participating organizations with reliable and accurate information as to whether an individual's criminal record bears upon his or her fitness to work or volunteer with children.
- Create a "one-stop" system where a local organization could elect to obtain both a state and FBI search in one place.
- Keep the fee for nationwide background checks and criminal history reviews for youth-serving organizations as low as possible — at no more than the actual cost, with a maximum of \$25.
- Ensure that individuals that are subject to background checks can request their full criminal histories, challenge their accuracy and completeness, and receive a prompt response from the jurisdiction holding the records.

ACA and our partner organizations have called our communities to action to advocate for passage of the bill. Find out how you can become involved: [www.ACAcamps.org/publicpolicy/cbc](http://www.ACAcamps.org/publicpolicy/cbc).

## THE CAMP LINE



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- The digital issue of *The CampLine* is not only environmentally friendly but allows you to utilize *The CampLine* resources more readily. Click any of the links throughout *The CampLine* to be sent directly to a Web browser where you can research and learn more about specific topics. It's just one more way *The CampLine* can help you.

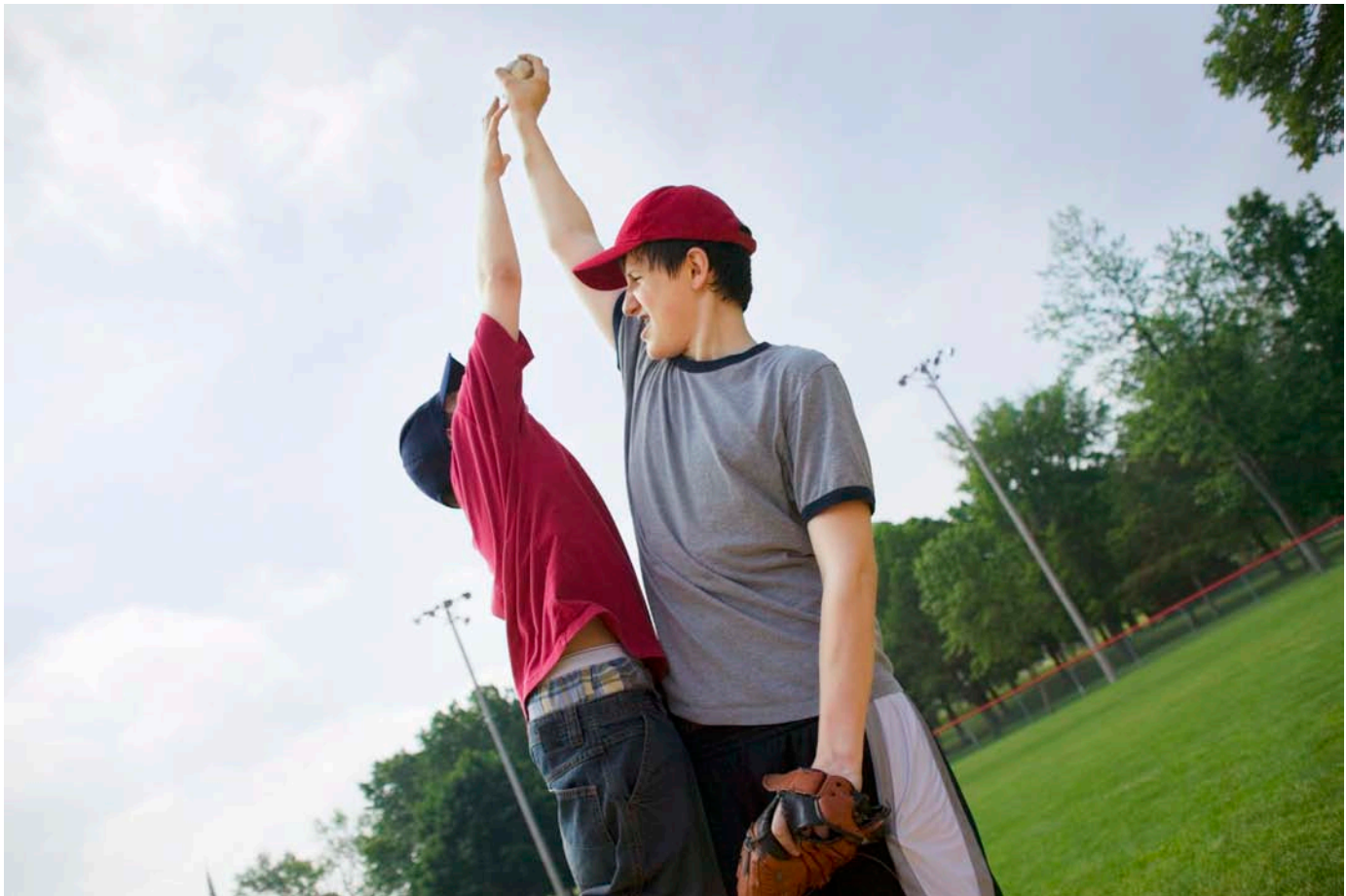
### Contributors:

Kim Brosnan, Barry Garst, Amy Katzenberger, Harriet Lowe, Rhonda Mickelson, and Susan Yoder

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# Bullying and Harassment: What Every Camp Should Know



On March 10, 2011, the White House held a conference on bullying prevention to address the growing nationwide concern over the problem of student harassment and bullying in schools. The ultimate aim of the conference, in the words of President Obama, was “to dispel the myth that bullying is just a harmless rite of passage or an inevitable part of growing up.” Numerous studies have shown that bullying can have disastrous effects on the physical and psychological health of its victims.

In the wake of the conference, the Obama Administration launched [StopBullying.gov](http://StopBullying.gov), which serves to consolidate federal anti-bullying resources for students, parents, educators, and other interested individuals. Several pieces of anti-bullying and anti-harassment legislation have also been introduced in both the House of Representatives and the Senate and are currently under review by a Congressional subcommittee. These include the [Bullying Prevention and Intervention Act](#), the [Safe Schools Improvement Act](#), the [Tyler Clementi Higher Education Anti-Harassment Act](#), the [Student Non-Discrimination Act](#), and the [Anti-Bullying and Harassment Act](#). ACA will continue to monitor legislative developments and provide updates on how these potential laws could impact the camp community.

ACA has long considered bullying prevention to be an issue of critical importance in promoting the health and safety of children at camp. ACA’s Web site maintains an extensive list of resources to help camp counselors, directors, and staff better understand what bullying is, why it occurs, and how best to prevent it. Please visit ACA’s online resource pages [Bullying: Child Health and Safety Issues](#) and [Social Networking Issues and Cyberbullying](#) for more information.

**“If there’s one goal of this conference, it is to dispel the myth that bullying is just a harmless rite of passage or an inevitable part of growing up.”**

*–President Obama*

# Remember: Camps Are Mandated Reporters



Each year, ACA's Camp Crisis Hotline service receives numerous calls reflecting uncertainty regarding the legal obligation to report suspected abuse of a child. Most often, those who call the Hotline want help understanding what steps they should take after the child reveals the information. A question that often gets asked is: "Do we have to report this?" The answer is YES! It is in the best interest of the child for you to immediately connect with those who are trained to investigate and handle these types of situations — and it is required by law.

If you believe a child has been harmed physically, sexually, or emotionally (whether at home, outside of camp, or at camp), you should report concerns to the appropriate authorities. In every state, qualified experts are available who can listen to your concerns, examine the situation, and determine the best course of action as to whether intervention or other services and/or actions are necessary.

Visit [www.childwelfare.gov/responding/reporting.cfm](http://www.childwelfare.gov/responding/reporting.cfm) for a listing of in-state, toll-free, and local phone numbers to report suspected child abuse. An additional resource for information about reporting child abuse or neglect is the Childhelp® National Child Abuse Hotline, 800-4-A-Child® (800-422-4453).

For more information on mandated reporting and child protection, see the following resources:

## Previous *CampLine* Articles

- Camp Crisis Hotline Reports (2005–2010): [www.ACACamps.org/camp-crisis-hotline](http://www.ACACamps.org/camp-crisis-hotline)
- "Mandated Reporting: What Happens When You Make the Call," by Dana Andrews (Fall 2009): [www.ACACamps.org/campline/2009fall-mandated-reporting](http://www.ACACamps.org/campline/2009fall-mandated-reporting)
- "Camp Mandated Reporting Requirements and Related Issues: An Update," by Charles R. Gregg and Catherine Hansen-Stamp (Fall 2008): [www.ACACamps.org/sites/default/files/images/campmag/Camp%20Mandated%20Reporting.pdf](http://www.ACACamps.org/sites/default/files/images/campmag/Camp%20Mandated%20Reporting.pdf)
- "The Camp Director's Role as a Mandated Reporter" (Fall 1996): [www.ACACamps.org/sites/default/files/images/campmag/The%20Camp%20Directors%20Role%20as%20Mandated%20Reporter.pdf](http://www.ACACamps.org/sites/default/files/images/campmag/The%20Camp%20Directors%20Role%20as%20Mandated%20Reporter.pdf)

## Additional ACA Resources

- e-Institute Course: "Mandated Reporting: Guidelines for Youth Program Providers," by Mary Everheart, [www.ACACamps.org/einstitute/childabusereporting-ecourse](http://www.ACACamps.org/einstitute/childabusereporting-ecourse)
- *Camp Mandatory Reporting and Related Issues*, DVD, by Charles R. Gregg and Catherine Hansen-Stamp: [www.cart-ACAbookstore.com/Camp\\_Mandatory\\_Reporting\\_and\\_Related\\_Issues\\_p/827008042999.htm](http://www.cart-ACAbookstore.com/Camp_Mandatory_Reporting_and_Related_Issues_p/827008042999.htm)
- The ACA Human Resource (HR) Standard HR-11 requires that staff training includes information on the recognition, prevention, and reporting of child abuse, child to child, as well as adult to adult, both outside of and during the camp setting.
- Child Health and Safety Issues — Prevention and Recognition of Child Abuse: [www.ACACamps.org/child-health-safety/child-abuse](http://www.ACACamps.org/child-health-safety/child-abuse)

# Changes in Certifications Impacting Aquatics This Summer



## American Red Cross

As you hire your aquatics staff for this summer, there are both a few reminders as well as some changes occurring that are important for camp directors to know.

A “lifeguard” certification is not a standalone certification. In order for the lifeguard portion of the certification to be valid, the individual must also have a current companion First Aid/CPR/AED certification (appropriate for a lifeguard). As you ask for your aquatics staff to provide their “lifesaving cards,” make sure you see ALL of the certificates — not just the one that says “Lifeguard” on it.

Also, effective January 2011, the American Red Cross (ARC) is changing its CPR and AED certification programs so that all CPR/AED certifications will now be valid for a two-year period, regardless of which course level is taken. This includes CPR/AED certifications for lifeguards.

This change should have little impact on camps hiring lifeguards this summer. However, directors should be aware that they may see some variations in the types of CPR/AED certification cards lifeguards may have — with some staff having one-year certifications and others with two-year certifications.

While those hiring ARC lifeguards this summer may encounter variations in the validity periods for CPR certifications, the key point is make sure to check that the CPR certification is *current* — simply check the printed information on the ARC certification card for the certification date and validity period.

The ARC Lifeguarding and First Aid certification remains the same and is valid for three years. Again, when hiring, check expiration dates to be sure the certification is current

## American Canoe Association

Effective January 2011, all American Canoe Association (ACanA) Instructors at all levels, and for all types of crafts, must have and maintain First Aid and age-appropriate CPR certification.

While the ACAnA Instructor certifications were standalone certifications in the past, this is no longer true. ACAnA Instructors are now required to maintain appropriate First Aid and age-appropriate CPR training from a nationally recognized First Aid and CPR provider throughout the term of their ACAnA Instructor certification.

Just as with lifeguard certifications, in order for ACAnA-certified Instructors to have valid instructor certifications, they must also hold the appropriate current companion First Aid and current age-appropriate CPR certifications. If the companion certifications are expired, the ACAnA Instructor certification is no longer valid, despite the expiration date on the card.





# Insurance 101: Your Insurance Policy — What Does it Really Mean?

Gaetana De Angelo

Several months after renewing your insurance coverage each year, you can count on receiving one or more fat envelopes in the mail containing your insurance policies. How many of us actually pull them out of the envelope and thoroughly read them? I would guess a very small percentage. Those volumes of information that you store on a shelf or in a file cabinet represent a major contract you have entered into with your insurer and you need to know what it really means before something happens. You also need to know if you are over-insuring yourself. The reality of our economy has caused many of us to streamline or change our programs. Have you reviewed your policy lately to make sure that all the information is correct and current?

In order to understand what you are reading, you will need to learn a few basic concepts about insurance policies and the types of coverage. In order to help you do so, we will discuss some of the most common types of basic coverage.

## Monoline or Package

A monoline policy is a policy that covers one type of insurance; for example, workers compensation or commercial auto are often written as single, or monoline, coverage. A package policy includes two or more lines of insurance coverage. A commercial package policy generally bundles property, crime, inland marine, general liability, and auto — or any combination of these — into one ‘packaged’ policy.

Most commercial insurance companies use rules and forms that have been developed by the Insurance Services Office (ISO). In both “mono” and package policies you will find\*:

- **Common Policy Declarations** — Or your declaration page(s), which should include:
  - Policy number, effective date, and expiration date
  - Name of the insurance company and broker
  - The premium for each coverage part included in the policy
- **Common Policy Conditions** — There are six common policy conditions and they are listed on a separate form. They include:
  - Cancellation terms
  - Changes — States that the policy constitutes the entire contract and that any changes must be made by means of an endorsement issued by the insurance company.
  - Examination of your books and records — States the insurance company has the right to audit your records.

- Inspections and surveys — The insurance company may inspect your property and operations during the term of the policy.
- Premiums
- Transfer rights and duties under the policy
- **Coverage Parts** — A mono policy will only have one coverage part, a package policy will have several coverage parts, one for each type of bundled coverage.

\*These are very basic descriptions and not inclusive of all information.

## Building and Personal Property (BPP) Coverage Form

There are basically nine sections on this coverage form:

- **Covered Property** — This will specifically list the covered property addresses if you have more than one physical location. It will also include a schedule (list) of all the covered buildings or structures and their values and may include square footage, type of construction, and other information.
- **Property Not Covered** — This section will tell you what property is not covered by the agreement. It is important to note that with the exception of illegal activities that are noted, you may often purchase insurance to cover these property items if needed or desired.
- **Additional Coverages** — Typically includes debris removal, preservation of property, fire department service charge, pollutant cleanup and removal, and increased cost of construction, among other additional coverages.
- **Coverage Extensions** — Typically includes newly acquired or constructed property, personal effects and property of others, valuable papers and records, cost of research, property off-premises, outdoor property, and non-owned detached trailers, among others.
- **Limits of Coverage** — The maximum amount the insurer is obligated to pay for a covered loss.
- **Deductible** — The amount that you chose to self-insure. The insurer pays amounts in excess of the deductible. Deductibles are per occurrence.
- **Loss Conditions** — Explains what the insured and insurer are responsible for when a loss occurs.
- **Additional Conditions** — These specifically deal with coinsurance and the interests of a mortgage holder.

- **Optional Coverages** — There are four optional modifications that can be made to the BPP; agreed value, inflation guard, replacement cost, and extension of replacement cost to personal property of others. These coverages apply only when notated on the declarations page.

You will want to read your BPP policy very closely to be sure that you have the coverage you need and desire. For example, are your buildings and structures covered at actual cash value or replacement cost value? If actual cash value, this means the loss will be valued at replacement cost less depreciation. Replacement cost value means that the building or structure will be replaced regardless of the cost up to the limit of insurance. At least once each year you should review your statement of values for your covered building and structures to be sure that the information is correct.

## Business Income and Extra Expense

Business Income insurance helps to replace lost income related to a covered loss to the insured building or personal property. Extra expense insurance covers the cost of additional expenses incurred by a business to keep operating after a covered loss. This is an area where you will want to have direct discussions with your insurer or broker to determine the amount of insurance that you will need to purchase to satisfy any loss of income and potential extra expense exposures (such as having to hire an onsite caterer due to a loss at the dining hall right before camp season). It is also a coverage that you will want to be sure to review at least every few years or if substantial changes occur in your program, camper capacity, or budgeted income.

## Automobile Coverage

The Business Auto Coverage form has five sections: Covered Autos, Liability Coverage, Physical Damage Coverage, Business Auto Conditions, and Definitions. As with the BPP, your automobile coverage will have a declarations page and schedule which will state much of the same information. If you have a large fleet, you will want to carefully check your schedule each year to be sure that you have included all of your vehicles and trailers and that you have removed any that you no longer own. If available, you can ask your broker to secure “any auto” coverage to ensure that unintentional oversights do not leave the camp uninsured for failing to add a vehicle to the policy.

Some commercial auto policies have both a minimum and maximum acceptable age of drivers. It is very important that you are aware of these limitations and follow them.

You will also want to make sure that your policy covers both owned and non-owned vehicles, and if you use volunteers, that your volunteers are covered as employees.

## Boiler and Machinery or Equipment Breakdown

This coverage applies to any type of equipment that operates under pressure (such as the steamer in your kitchen or the boiler that runs your HVAC). Additionally, many large commercial hot water heaters and refrigeration units fall under this classification. Usually these types of equipment require annual inspections by both the state and your insurer.

## Crime and Fidelity

The ISO Commercial Crime program contains two basic forms, the Discovery form — covering losses that you discover during the policy period even if they occurred before the policy period; and the Loss Sustained form — covering losses which occur during the policy period and which are reported within twelve months of the policy expiration date. There are seven basic crime insuring agreements. The insured chooses which they would like coverage on and the amounts of coverage. They include:

- **Employee Theft** — Covers theft of the employer’s property, including money, by an employee.
- **Forgery or Altercation** — Covers a loss resulting from forgery of checks, promissory notes, and other financial instruments.
- **Inside the Premises: Theft of Money and Securities** — Covers the theft, disappearance, and destruction of cash and securities on the insured premises.
- **Inside the Premises: Robbery or Safe Burglary of Other Property** — Coverage for money and securities on the premises.
- **Outside the Premises** — Covers theft, disappearance, and destruction of money and securities while in the possession of a messenger for the insured.
- **Computer Fraud** — Coverage for the use of a computer to transfer money fraudulently.
- **Money Orders and Counterfeit Paper Currency** — Covers loss due to good faith acceptance of money orders and counterfeit money.

You will want to talk to your insurer or broker about how many securities are handled and any special circumstances so that you can be sure to purchase the coverage that you need.

## Inland Marine

Inland Marine coverage is generally used to cover items that can be moved from one location to another. This would include farm equipment and trailers, boats, computer equipment, audio visual equipment, grounds keeping equipment, cameras and other recording devices, sports equipment, etc.

The deductible for items covered under an Inland Marine policy is generally \$500 or less. You are generally required to create a schedule of all items with a value that exceeds \$5,000; all other items are usually bundled together in groups and given an aggregate value.



## General Liability

This policy covers many of the types of losses that may result from negligence related to **Premises** (such as losses due to trips or falls), **Products** (such as losses due to distribution of defective products), and **Operations** (such as losses due to employee error).

The Commercial General Liability (CGL) policy provides three separate coverages:

- **Coverage A: Bodily Injury and Property Damage Liability** — Provides the insured with the promise to pay damages on behalf of the insured and to defend the insured against claims and suits resulting from any covered peril that causes bodily injury or property damage.
- **Coverage B: Personal and Advertising Injury Liability** — Provides the insured with the promise to pay damages on behalf of the insured and to defend the insured against claims and suits resulting from any covered peril that causes personal injury or advertising injury.
- **Coverage C: Medical Payments** — Provides payment of medical claims that are brought against the insured, including minimal payment of settlements to bring quick closure to a claim without the necessity of proving negligence on the part of the insured.

It is very important that your insurer and broker understand your business and how you operate. You will want to be very forthright about programs and activities that you offer to be sure that you are covered for any losses that may occur.

## Overview of Key Messages

1. Read through the details of your insurance policies.
2. At least once each year, review your statement of values for your covered building and structures to be sure that the information is correct.
3. Have direct discussions with your insurer or broker to determine the amount of insurance that you will need to purchase to satisfy any loss of income and potential extra expense exposures.
4. Make sure that your policy covers both owned and non-owned vehicles, and if you use volunteers, that your volunteers are covered as employees.
5. Talk to your insurer or broker about how many securities are handled and any special circumstances so that you can be sure to purchase the coverage that you need.
6. Be very forthright with your insurer about programs and activities that you offer to be sure that you are covered for any losses that may occur.

## Final Thoughts

The information provided in this article is intended to be a starting point to help you understand some of the insurance coverage that you may have contracted, but should not be viewed as wholly inclusive of all information that is needed to make informed decisions about coverage. You should discuss all aspects of your operations with your insurer to be sure that you have the coverage that you need and desire.

Other types of coverage that you should consider include:

- **Umbrella Liability**
- **Professional Liability**
- **Directors and Officers (D&O)**
- **Cyber Insurance**
- **Camper Cancellation Insurance**

Questions related to your individual insurance coverage should be directed to your broker or agent. However, if you just have a question or concern that you would like to talk about with an impartial party, feel free to contact one of the members of ACA's Insurance Committee and we would be glad to listen. For the contact information of the entire committee, please visit [www.ACAcamps.org/volunteers/insurance](http://www.ACAcamps.org/volunteers/insurance). You can also find the listing of ACA partners and business affiliates in the insurance industry and other helpful risk management and insurance information at [www.ACAcamps.org](http://www.ACAcamps.org).

*Gaetana De Angelo is the facility operations and risk manager for Girl Scouts of Greater Atlanta and serves as chair of the ACA Insurance Committee. She is a standards instructor and visitor. De Angelo attended Georgia State University with BBA's in Risk Management & Insurance and Hospitality Administration. She can be reached at [gdeangelo@gsgatl.org](mailto:gdeangelo@gsgatl.org).*

# Index of CampLine Articles (2005 — Present)

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## Staffing

- [Changes in Certifications Impacting Aquatics This Summer](#), Spring 2011
- [International Staff and J1 Visas — Update](#), Winter 2010
- [International Staff Immunizations: Requirements and Recommendations](#), Spring 2009
- [Staff Training and Risk Management — Key Risk Information for Front Line Staff](#), Charles R. Gregg and Catherine Hansen-Stamp, Spring 2009
- [Under the Influence: Respect, Responsibility, and the Conduct of Camp Counselors](#), Stephen Wallace, M.S. Ed., Spring 2009
- [Using Volunteer Staff Members — Look Before You Leap: Legal Ramifications](#), Charles R. Gregg and Catherine Hansen-Stamp, Fall 2009
- [Elusive Aquatics Staff — What Do They Need? The Lowdown on Lifeguards](#), Spring 2008
- [Avoiding Staff Surprises](#), Charles R. Gregg and Catherine Hansen-Stamp, Fall 2007
- [Addressing Staff Conduct Outside of Camp](#), Fall 2006
- [American Camp Association Immunization Recommendations for International Staff](#), Marla Coleman, Spring 2006
- [Child and Youth Labor Laws](#), Fall 2005
- [Minimum Wage Update](#), Spring 2005
- [Staffing Issues for a Quality Camp Program](#), Charles R. Gregg and Catherine Hansen-Stamp, Spring 2005
- [Best Practices for a Successful Cultural Exchange Experience with International Camp Staff](#), Sharon Kosch, Winter 2005

## Crisis Hotline

- [Camps in Crisis](#), Fall 2010
- [A Year With the ACA Camp Crisis Hotline](#), Fall 2009
- [ACA Camp Crisis Hotline — Trends, Resources, and Case Studies](#), Fall 2008
- [Resources and Lessons Learned From the ACA Camp Crisis Hotline](#), Fall 2007
- [Case Studies and Resources: Another Year of Lessons From the ACA Crisis Hotline](#), Fall 2006
- [Lessons Learned From Another Year With the ACA Camp Crisis Hotline](#), Fall 2005

## Public Policy

- [Advocacy and the 112th Congress](#), Spring 2011
- [Bullying and Harassment: What Every Camp Should Know](#), Spring 2011
- [Criminal Background Check Resources](#), Winter 2011
- [HIPAA Privacy Rule Compliance — What Does It Mean for Camps?](#), Fall 2010
- [ACA Advocates for Ground-Breaking Bill Introduced in House of Representatives](#), Fall 2010
- [Criminal Background Checks for Staff and Volunteers](#), Spring 2010
- [Child Protection Bill Introduced in U.S. House and Senate](#), Spring 2008
- [PROTECTScreen Launch](#), Winter 2007
- [Public Lands Position Statement Approved](#), Spring 2005

## Legal Issues

- [Standards: Friend or Foe, Revisited](#), Charles R. Gregg and Catherine Hansen-Stamp, Spring 2011
- [Remember: Camps Are Mandated Reporters](#), Spring 2011
- [Are You Ready for the E-Sign Revolution?](#), Charles R. Gregg and Catherine Hansen-Stamp, Fall 2010
- [When Behavior Becomes a Legal Issue](#), Charles R. Gregg and Catherine Hansen-Stamp, Spring 2010
- [The Seasonal Exemption From the Minimum Wage and Overtime Requirements of the Fair Labor Standards Act](#), Ice Miller, LLP, Winter 2010
- [Mandated Reporting: What Happens When You Make the Call...](#), Dana Andrews, Fall 2009
- [A Camp's Duty of Care — In Good Times and Bad](#), Charles R. Gregg and Catherine Hansen-Stamp, Winter 2009
- [Camp Mandated Reporting Requirements and Related Issues — An Update](#), Charles R. Gregg and Catherine Hansen-Stamp, Fall 2008
- [When and How to Communicate After a Camp Incident — A Legal Perspective](#), Charles R. Gregg and Catherine Hansen-Stamp, Spring 2008
- [ACCT's Accreditation Program and Practitioner Certification Challenge Standards: What Do They Mean to Camps?](#), Sylvia Dresser, Winter 2008
- [Releases Revisited](#), Charles R. Gregg and Catherine Hansen-Stamp, Spring 2007
- [Understanding Seasonal Exemptions — Fact Sheet #18: Section 13\(a\)\(3\) Exemption for Seasonal Amusement or Recreational Establishments Under the Fair Labor Standards Act \(FLSA\)](#), Winter 2007

- [ADA Title III: Access to Recreation Programs for People with Disabilities](#), Charles R. Gregg and Catherine Hansen-Stamp, Winter 2006
- [Reasonable Supervision and the “Safe” Environment: What Are the Issues?](#), Charles R. Gregg and Catherine Hansen-Stamp, Fall 2005

## Insurance

- [Preparing for the 2011 Summer Season](#), Robert Monaghan, Winter 2011
- [Lessons Learned from the 2007 Insurance Roundtable Discussion, Part 2: Hedging Your Bets — When Adequate Is Not Enough](#), Gaetana De Angelo, Fall 2007
- [Lessons Learned from the 2007 Insurance Roundtable Discussion, Part 1: What Generation Is Your Staff?](#), Gaetana De Angelo, Spring 2007
- [Insurance Market Update](#), Edward A. Schirick, C.P.C.U., C.I.C., C.R.M., Fall 2006
- [Trends Identified by Insurance Companies](#), Spring 2005
- [Business Interruption Risks](#), Edward A. Schirick, C.P.C.U., C.I.C., C.R.M., Spring 2005

## Business Operations

- [Contracting with User Groups, Revisited](#), Charles R. Gregg and Catherine Hansen-Stamp, Winter 2011
- [Camp Risk Management: Sources and Strategies](#), Charles R. Gregg and Catherine Hansen-Stamp, Winter 2010
- [Contracting with User Groups and Outside Providers: Legal and Practical Issues](#), Charles R. Gregg and Catherine Hansen-Stamp, Winter 2008
- [Running a Camp Can Drive Anyone Batty!](#), Kat Shreve, Denise Viau, and Gwynn Powell, Ph.D., Spring 2007
- [Marketing Your Camp — Finding the Balance](#), Charles R. Gregg and Catherine Hansen-Stamp, Winter 2007
- [Electronic Communication — Legal and Practical Issues to Consider in the Information Age](#), Charles R. Gregg and Catherine Hansen-Stamp, Fall 2006
- [Standards — Friend or Foe?](#), Charles R. Gregg and Catherine Hansen-Stamp, Spring 2006
- [Preserving Major Assets for Future Generations](#), Robert Erven Brown and Will Evans, Fall 2005
- [Pesticide Risk Management](#), Spring 2005
- [How Will Sarbanes-Oxley Affect Your Organization?](#), Debra Ladyman, C.P.A., Winter 2005
- [Contracting Your Camp for Third Party Use: Legal and Practical Issues in Use Agreements](#), Charles R. Gregg and Catherine Hansen-Stamp, Winter 2005

## Facilities / Equipment

- [Severe Weather Impacts: Tips for Response and Prevention](#), Spring 2010
- [Equipment Inspections Are Key to Preparing for the Upcoming Camp Season](#), Winter 2009
- [Water Ski Boat Safety](#), Will Evans, Winter 2009
- [Challenge Courses and Practitioner Certification](#), Fall 2008
- [The Waterfront: Surveying the Scene . . .](#), Cathy Scheder, Spring 2008
- [Recommended Zip Line Procedures and Protocols](#), Bobby Tod, Winter 2008
- [ACA Standards . . . the FIRST STEP in Creating a Safer Aquatic Environment](#), Will Evans, Spring 2007
- [Personal Flotation Devices: Picking the Right One](#), Will Evans, Winter 2006
- [Managing Your Aquatic Program](#), Will Evans, Winter 2005

## Health and Safety

- Healthy Camp Study Reports (2006–2011):
  - View the final impact report (2011) at [www.ACAcamps.org/research/enhance/reduce-injury-illness](http://www.ACAcamps.org/research/enhance/reduce-injury-illness)
  - [Healthy Camp Update: Year Four Results](#), Winter 2010
  - [Healthy Camp Update: Year Three Results](#), Winter 2009
  - [Healthy Camp Update: Year Two Results](#), Winter 2008
  - [Healthy Camp Update: Year One Results](#), Winter 2007
  - [ACA’s Healthy Camp Study](#), Spring 2006
- [Concussions: What Camps Can Learn from the Zackery Lystedt Law](#), Winter 2011
- [Online Resources for Social Networking Issues and Cyberbullying](#), Winter 2011
- [Medication at Camp: Mitigating the Risks](#), Linda Ebner Erceg, R.N., M.S., P.H.N., Spring 2010
- [Health Histories: What Are Camps \(Not\) Asking?](#), Linda Ebner Erceg, R.N., M.S., P.H.N., Winter 2010
- [Pandemic Preparedness](#), Linda Ebner Erceg, R.N., M.S., P.H.N., Spring 2006
- [Preparing for Sudden Cardiac Arrest in Remote Environments](#), Richard A. Lazar, Esq., Spring 2006
- [CPR Curriculum Changes in 2006](#), Will Evans, Winter 2006
- [Lightning Safety Outdoors](#), Winter 2006
- [Doctors Recommend Significant Changes to Camp Health Procedures](#), Fall 2005
- [Reducing Risk Liability for Dental Injuries at Camps](#), Paul R. Krasner, D.D.S., Spring 2005