

THE CAMPLINE

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

SPRING 2015 // VOLUME XXVI // NUMBER 1



IMMUNIZATIONS, MEASLES, AND OTHER COMMUNICABLE DISEASES — EMERGING ISSUES

In This Issue

- 1** Immunizations, Measles, and Other Communicable Diseases — *Emerging Issues*
- 7** We Asked the Experts — *Our Most Popular Legal Opinions*
- 11** Transgender Staff and Anti-Discrimination
- 14** Update from the Insurance Roundtable: Risk Management — *A Shared Responsibility*

Sponsored by:



AMERICAN INCOME LIFE
insurance company



Recent outbreaks of measles in the U.S. have brought heightened attention to this highly contagious disease. Add to that the national dialogue about the pros/cons of immunization, and it is no wonder that camp programs have contacted the American Camp Association (ACA) for resources. ACA has partnered with medical and health professionals to provide the most up-to-date information available. This article will focus on three areas: immunizations, measles, and other communicable diseases.

IMMUNIZATIONS

Definitions

Immunization is the process whereby a person is made immune or resistant to an infectious disease, typically by the administration of a vaccine.

continued on page 2

“Over the last two decades, extensive research has asked whether there is any link between childhood vaccinations and autism. The results of this research are clear: **Vaccines do not cause autism.** We urge that all children be fully vaccinated.”

—Rob Ring
CHIEF SCIENCE OFFICER,
AUTISM SPEAKS



Icon Key

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



EDUCATION



ISSUES



LEGISLATIVE



MOBILIZATION



POSITION STATEMENT



PUBLIC POLICY AGENDA
DEVELOPMENT



REGULATORY ADVOCACY



RELATIONSHIPS

A vaccine is a substance used to stimulate the production of antibodies and provide immunity against one or several diseases. Vaccines stimulate the body's own immune system to protect the person against subsequent infection or disease. Vaccines are prepared from the causative agent of a disease, its products, or a synthetic substitute, treated to act as an antigen without inducing the disease.

Vaccines in the United States

According to the Centers for Disease Control and Prevention (CDC), vaccines are the miracle of modern medicine. The CDC says that in the past 50 years, it's saved more lives worldwide than any other medical product or procedure. In 1796, when Dr. Edward Jenner discovered vaccination in its modern form and proved to the scientific community that it worked, many embraced the concept. However, there was some fervent opposition as it became more widespread. People found it hard to believe that it really worked. They also felt that it took away people's civil liberties, particularly when it was compulsory. Those debates continue to this day.

Vaccines are subject to licensure in the United States by the Food and Drug Administration (FDA) following studies that addressed safety and efficacy. With declining vaccine production capacity in the United States, Congress approved the National Childhood Vaccine Injury Act (NCVIA) in 1986. This comprehensive law established the National Vaccine Program within the U.S. Department of Health and Human Services to coordinate and oversee all activities within the U.S. government related to vaccine research and development, vaccine-safety monitoring, and vaccination activities. In addition, the Act established the National Vaccine Injury Compensation Program (VICP) to compensate for injuries associated with routinely administered childhood vaccines.

All 50 states have legislation requiring specified vaccines for students. Although exemptions vary from state to state, all school immunization laws grant exemptions to children for medical reasons. Almost all states grant religious exemptions for people who have religious beliefs against immunizations. Twenty states allow philosophical exemptions for those who object to immunizations because of personal, moral or other beliefs.¹

In recent years, state legislatures have considered numerous bills to either expand or restrict the personal belief exemptions. For example, in Washington, California and Vermont, parents who want to claim an exemption must now get a doctor's signature. In 2013, >>





Oregon passed a law that would require parents to obtain a signature of their primary care provider or watch an online educational video that presents information about vaccine risks and benefits.²

With renewed debate about immunization, and the spread of diseases such as measles, a number of states are reconsidering their laws. As of February 2015, several states have introduced legislation that would address non-medical exemptions.

Examples:

- **California SB 277** (leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB277) would eliminate the personal belief exemption and require the governing board of a school district to notify parents or guardians at the beginning of the school term about immunization rates for the school in which the child is enrolled.
- **Missouri H 846** (www.house.mo.gov/billssummary.aspx?year=2015&bill=HB%20846&code=R) would require parental notification if a non-immunized child is in attendance at the child's school.
- **New York A.B. 943 and SB 1536** — the "philosophical exemption to immunizations act" (open.nysenate.gov/legislation/bill/S1536-2015) would provide for a philosophical exemption.
- **Vermont H 212** (legislature.vermont.gov/bill/status/2016/H.212) would remove the religious and philosophical exemptions to vaccinations.
- **Washington HB 2009** (app.leg.wa.gov/billinfo/summary.aspx?bill=2009&year=2015) would remove the state's current philosophical/personal belief exemption to immunization requirements.

For information about each state's requirements and exemptions, visit www.ncsl.org/research/health/school-immunization-exemption-state-laws.aspx

"The CDC says that in the past 50 years, it's [vaccines] saved more lives worldwide than any other medical product or procedure."

continued on page 4

Immunization and Camps

ACA's mandatory accreditation standard HW-5 addresses the issue of immunization:

HW 5.1: Does the camp require each camper to submit a current, signed health history that includes all of the following information in relation to the activities in which the camper may participate?

- A. Description of any camp activities from which the camper should be exempted for health reasons;
- B. Record of past medical treatment, if any;
- C. Record of allergies and/or dietary restrictions;
- D. A statement from the custodial parent/guardian attesting that all immunizations required for school are up to date and including the actual date (month/year) of last tetanus shot;
- E. Record of current medications, both prescribed and over-the-counter; and
- F. Description of any current physical, mental, or psychological condition requiring medication, treatment, or special restrictions or considerations while at camp?

“Camps should consult with legal counsel regarding the applicability of the school immunization laws to their business.”

Furthermore, the “Contextual Education” for HW-5 further explains that:

“If camps have minors who do not have immunizations, for religious or other reasons, a “record” can be a signed refusal or a signed waiver form.”

Camps should consult with legal counsel regarding the applicability of the school immunization laws to their business. Camps that include un-vaccinated individuals should require a signed exemption form. The form might include language such as:

“Because our camp program has a potential for communicable diseases, we recommend that program participants are appropriately immunized for, at minimum, the following diseases: tetanus, mumps, measles, rubella, polio, smallpox, pertussis (whooping cough), and diphtheria. This being said, we recognize that some individuals may not be fully immunized for reasons that are biophysical (e.g., the individual is allergic to a serum component) or of personal choice (e.g., faith belief). This form is intended to capture information about individuals who are not fully immunized.”

A sample form is available to all ACA members at www.acacamps.org/knowledge/health/forms.

MEASLES

Top Tips for Camps

- 1. Know each camper and staff member's immunization status.**
Require an immunization history (including month and year for each type of immunization) for each camper and staff member on the camp's health history form. This is particularly important when illness associated with lack of immunization occurs. Understand your state's exemptions from school immunization requirements as well. (See section below on immunization for more information.)
- 2. Decide if you will allow unvaccinated campers and staff at your camp.**
Understand the risk if you do accept a camper or staff member who has not been immunized for measles. ACA-Accreditation standards allow for a camp to accept campers who have not been immunized due to medical, religious or other reasons — requiring instead that the parent/custodial guardian can sign a waiver form. If someone not protected through

»

immunization comes in contact with an infected person, many public health departments have initiated mandatory 21 day quarantine. Each public health department may handle this differently. For example, where the quarantine occurs (camp or elsewhere), who is quarantined including potential distinctions between people who have a medically documented reason for not being immunized (e.g. immune-compromised) versus those whose parents chose not to immunize, etc.

4. **Understand the facts about the disease.** Measles is a highly contagious disease caused by a virus. Measles can be serious — even fatal — for young children. While rare, it can lead to pneumonia, encephalitis (swelling of the brain), and death. People exposed to measles who have not been vaccinated almost always get measles.
5. **Understand why there has been an outbreak in the United States.** As of February 2015, 150 new cases of measles have been reported across 16 states in the United States. Public health officials have declared that the disease has spread in part because of lower rates of vaccination in certain parts of the U.S.
6. **Ensure you have educated healthcare staff.** While only a physician can diagnose measles, ensure that your healthcare staff understand the symptoms and have procedures in place to immediately seek medical care if measles are suspected.
7. **Consider tracking the percent of immunized campers and staff at your camp.** This may be important information for parents of children who cannot be immunized; it helps them understand the potential risk exposure for their child. Use data from last season if tracking this season's percent is challenging.

For more information about measles and camps, visit www.acacamps.org/knowledge/health/diseases/measles.

continued on page 6

american **CAMP** association®

RECORDED WEBINAR

THE GOOD, THE BAD AND THE CATCHY:

Camp Professionals Respond to Communicable Diseases (LIKE MEASLES)

Presented by Tracey Gaslin PhD, CRNI, CNPN, FNP-BC and Linda Erceg, RN, MS, PHN.

WONDERING what to do about immunizations?

FEELING like communicable diseases are impacting your campers' experience?

LOOKING for resources that help now but will also serve into the future?

THEN JOIN other camp professionals as we explore catchy illnesses like measles and our camp response.

COST: \$20 ACA Members, \$40 Non-Members

www.acacamps.org/webinar/good-bad-and-catchy-camp-professionals-respond-communicable-diseases-measles



OTHER COMMUNICABLE DISEASES

While measles are rare, there are many other more common communicable diseases. The potential for the spread of communicable diseases at camp means that camps must continue to pay diligent attention to communicable disease control strategies.

Top Five Tips for Camps Regarding Communicable Diseases

- 1. Partner with parents to reduce the introduction of communicable diseases in camp:** Educate parents and caregivers about their role in illness prevention BEFORE camp begins. This parent flyer provides key messages for parents. (www.acacamps.org/sites/default/files/images/parents/parentflyer.pdf)
- 2. Establish “opening day” screening processes:** Establish processes that screen campers for communicable diseases when they arrive at camp. Set a policy that states that the camp retains the right to refuse admission to someone who poses a communicable disease threat.
- 3. Establish and implement policies that prevent the spread of disease:** Personal protective practices such as frequent hand washing, remaining hydrated, sleeping with the greatest distance between heads, and effectively covering coughs and sneezes (with an arm or sleeve — NOT a hand) should be included.
- 4. Establish policies to keep your staff healthy:** Policies and performance evaluations should reinforce how important it is that staff take proper care of themselves, including getting sufficient amounts of rest.
- 5. Regularly evaluate and update your health care practices and procedures:** Comply with standard HHV-5. In addition, seek out and use the most-up-to-date information from trusted resources such as the Centers for Disease Control and Prevention (see Resources section below).

For more information and resources about camps and communicable disease, visit www.acacamps.org/knowledge/health/diseases.

RESOURCES

All American Camp Association Resources and Professional Development Offerings Regarding Communicable Diseases. www.acacamps.org/knowledge/health/diseases

American Camp Association. Sample Health Forms and Records. (Members only.) www.acacamps.org/knowledge/health/forms

American Academy of Pediatrics: Measles. www.aap.org/en-us/about-the-aap/aap-press-room/Pages/American-Academy-of-Pediatrics-President-Urges-Parents-to-Vaccinate-Their-Children-Against-Measles.aspx

Association of Camp Nurses. Communicable Disease Management in a Camp Setting. www.acacamps.org/sites/default/files/images/knowledge/communicable_disease_management_strategies_for_the_camp_setting.pdf

Autism Speaks. Vaccines and Autism. www.autismspeaks.org/science/policy-statements/information-about-vaccines-and-autism

Centers for Disease Control and Prevention. Measles. www.cdc.gov/measles/index.html

States With Religious and Philosophical Exemptions From School Immunization Requirements: www.ncsl.org/research/health/school-immunization-exemption-state-laws.aspx

Contributed by Susan E. Yoder

References


¹ Retrieved from National Conference of State Legislatures. March 2015. www.ncsl.org/research/health/school-immunization-exemption-state-laws.aspx

² Retrieved from National Conference of State Legislatures. March 2015. www.ncsl.org/research/health/school-immunization-exemption-state-laws.aspx



WE ASKED THE EXPERTS

— OUR MOST POPULAR LEGAL OPINIONS

 Since 2005, the American Camp Association (ACA) has relied upon the legal expertise of Charles R. (Reb) Gregg, Catherine Hansen-Stamp and others to help organizations understand many of the legal complexities faced by camp programs. Gregg and Hansen-Stamp have authored thirty-one articles for The Campline. Many of the topics they — and others — have tackled come from the emerging issues identified through the work of the ACA Camp Crisis Hotline.¹

As seasonal camps and other youth-serving organizations gear up for their upcoming programs, ACA is sharing the most popular legal articles from the body of work of The Campline. Be reminded that the articles contain general information only and are not intended to provide specific legal advice. Camps and other organizations should consult with their own licensed attorney regarding application of relevant state and federal law as well as considerations regarding their specific business or operation. Below are the most frequently accessed articles, along with an excerpt from the article.

Are You Ready For the E-Sign Revolution?

Charles R. Gregg and Catherine Hansen-Stamp.

www.acacamps.org/campline/fall-2010/are-you-ready-for-the-e-sign-revolution

In this article, we focus on the use and enforceability of electronic contracts — the importance of understanding the issues, and the detriment to your camp if you don't.

Contracting with User Groups/Rental Groups, Revisited

Charles R. Gregg and Catherine Hansen-Stamp.

www.acacamps.org/campline/w-2011/contracting-with-user-groups

We will discuss issues pertaining to a camp's arrangement to allow third parties to use its premises. In a typical transaction, a user group may use all or a part of the camp's premises and staff, but the primary responsibility for the well-being of the group remains with the group and its leaders. Your camp will owe certain duties to a visitor.

continued on page 8

Electronic Communication - Legal and Practical Issues to Consider in the Information Age

Charles R. Gregg and Catherine Hansen-Stamp

www.acacamps.org/campline/fall-2006/electronic-communication-legal-practical-issues

Camps and outdoor programs are now intimately familiar with the world-wide Web. Your organization undoubtedly has a Web site, reaching out to anyone around the world who has access to the Internet. However, with the onset of this information explosion come many questions and issues—legal and practical. How accurate is the “message” your camp relays through your Web site and electronic communication? What is the effect of an “electronic signature” when you are dealing with parents and their minor children many miles away? What are a camp’s obligations when it comes to electronic communication sent and received by campers while at camp or in a camp-sponsored chat room or after the camp session?

Electronic Medical Records in the Camp Setting: HIPAA Considerations

Tracey C. Gaslin RN, PhD, CRNI, CPNP; and Stuart T. Weinberg, MD, FAAP

www.acacamps.org/campline/winter2012/electronic-medical-records-camp-hipaa-considerations

One of the pervasive considerations with electronic medical records (EMR) is protecting the privacy of the individual. Electronic medical records offer the opportunity for security, auditing, and tracking disclosures that is often not possible with paper records. With current technology, we have the capability to send electronic medical records to collaborating medical partners, health plan administrators, ancillary care providers, and a variety of other organizations that use patient data. How do we protect this data? How do we address security of our electronic systems? These questions were some of the initial concerns with the creation of the Health Insurance Portability and Accountability Act (HIPAA) of 1996.

HIPAA and Camps — Compliance Required?

Charles R. Gregg and Catherine Hansen-Stamp

www.acacamps.org/campline/spring-2013/hipaa-camps-compliance

HIPAA is the Health Information Portability and Accountability Act, first passed by the U.S. Congress in 1996 and administered and regulated by the federal Department of Health and Human Services (HHS). The law and its associated regulations are complex. We will discuss the applicability to camps.

»



Photo courtesy of Tom Sawyer Camps, Inc., Alameda, CA

Medical Marijuana: Current Issues for Camps

Charles R. Gregg and Catherine Hansen-Stamp

www.acacamps.org/campline/fall-2011/medical-marijuana

Eighteen states and the District of Columbia have now enacted laws to legalize medical marijuana. Voters in Colorado and Washington took the movement further, endorsing the sale of marijuana without a prescription for recreational purposes. At the same time, however, the federal Controlled Substances Act (CSA) makes the use, possession, etc., of marijuana (and other Schedule I drugs) generally illegal. Under the supremacy clause of the U.S. Constitution, the federal CSA preempts conflicting state laws. The focus of our article will be use by adult staff and participants, but we will also touch on use by minors. Our effort here is to highlight some of the current issues, raise your awareness, and give you insight into ways to prepare for these issues before they arise in your camp community.

Releases and Related Issues: Revisited

Charles R. Gregg and Catherine Hansen-Stamp

www.acacamps.org/campline/winter-2012/releases

Agreements (variously called “releases,” “waivers,” and “exculpatory agreements”) have become more important in recent years, for several reasons. Camp activities and environments are expanding beyond the traditional offerings. Campers (and staff) present new challenges with regard to medical, learning, and behavioral issues. And our society is, unhappily, more inclined to “take it to court” than to discuss or negotiate (or forgive!), when the bad event occurs. These and other circumstances have complicated the issue of the duty of care owed to a camper and his or her family and increased the importance of protection from claims. In this article we revisit releases, addressed by us in previous ACA articles.

She Thinks She’s Pregnant — What Do We Do?

Charles R. Gregg and Catherine Hansen-Stamp

www.acacamps.org/campline/fall-2013/she-thinks-pregnant

The focus of this article is a minor camper’s legal right to privacy and confidentiality regarding information the camper reveals to camp medical staff while seeking advice or treatment pertinent to pregnancy or other sexual activity. (In most states, minors are those under eighteen years of age.) These issues include contraception, sexually transmitted diseases, suspected pregnancy, and the management (including termination) of a known pregnancy. The core of the child’s privacy right is the Fourteenth Amendment to the U.S. Constitution, and many states have equivalent state constitutional provisions. The laws vary significantly from state to state, but are generally designed to encourage a child to seek help in circumstances where he or she might not, if the parents were informed.

continued on page 10



Single-Gender Camps and Hiring Employees: Is Gender an Appropriate Hiring Criterion?

Michael Blickman

www.acacamps.org/campline/w-2004/single-gender-camps-and-hiring-employees

The Seventh Circuit Court of Appeals recently dealt with a gender discrimination lawsuit involving a woman's shelter that rejected an applicant for employment solely because he was male. The issue presented in this case has created renewed interest in the extent to which the law permits an employer to take an applicant's gender into account in making a hiring decision. In other words, when is it legal for an employer to discriminate?

Understanding a Camp's Right to Search

Charles R. Gregg and Catherine Hansen-Stamp

www.acacamps.org/campline/fall-2014/camps-right-to-search

Our topic is the search of a camper's or camp employee's belongings. This is not a U.S. Constitution, Fourth Amendment search and seizure issue, or a 14th Amendment right to privacy issue as no governmental authority is addressed. We are dealing, rather, with a matter of private agreements and expectations among the camp, its families and employees.

When Behavior Becomes a Legal Issue

Charles R. Gregg and Catherine Hansen-Stamp

www.acacamps.org/sites/default/files/images/campline/2010spring.pdf

Behavior issues continue to be a prominent and growing concern of camp managers. Today's campers and staff present new challenges. They come to camp accustomed to being tightly supervised and managed at home and school, medicated for a variety of disorders, exhausted, and immersed in a virtual, digital world — with little outdoor adventure experience or contact with the natural world. And the focus is not entirely on campers and staff. Parents are requiring more and more attention as they demand a larger role in the lives of their children while at camp. This article will discuss setting expectations with respect to the behavior of campers, their families, and staff.

Michael A. Blickman is a partner with the Indianapolis law firm of Ice Miller, where he also serves as chairman of the firm's Labor and Employment Section.

Charles R. (Reb) Gregg is a practicing attorney in Houston, Texas, specializing in outdoor recreation matters and general litigation.

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.

Tracey Gaslin RN, PhD, CRNI, CPNP is a professor and a certified pediatric nurse practitioner specializing in camp nursing, pediatrics, and children with bleeding disorders. She is currently the medical director at The Center for Courageous Kids and serves as the President for the Association of Camp Nurses.

Stuart T. Weinberg, MD, FAAP, is an assistant professor in the Departments of Biomedical Informatics and Pediatrics at the Vanderbilt University School of Medicine. Dr. Weinberg has over forty-five years of experience with the camp community as a camper, staff, board member, volunteer, and consultant, and seventeen years of clinical experience as a pediatric resident, hospitalist, and outpatient clinician.


Compiled by Rhonda Mickelson and Susan E. Yoder



¹ The ACA Camp Crisis Hotline is a 24 hour a day service to all ACA camps. The Hotline serves as a resource for camps in crisis and provides callers the opportunity to talk through their crisis with a trained third-party. While the hotline is not a medical nor legal "expert" call line – it can help you think through your issues and discuss options. 800-573-9019.

TRANSGENDER STAFF AND ANTI-DISCRIMINATION

By Nick Teich, LCSW

 **The subject of transgender staff at camps is one that is getting a lot of play lately.** For those camps that have not yet dealt with a current staff member transitioning or a new prospective transgender staff member, they will likely find themselves faced with these issues in the near future. **What do camps need to know?**

Transgender staff need not be a daunting topic. Many camps wonder how other staff, campers, and parents of campers would feel if there was a transgender staff member at camp. First, as always, look for quality in a staff applicant. What you should be most concerned with is whether you feel the person would be an asset to your camp staff — helping to maintain a safe and fun atmosphere while furthering your mission. As with all staff, their gender identity and expression should be matched with their housing situation. In other words, if they identify as male, they should be in a cabin with males, and vice versa for females.

What is gender identity?

Gender identity is “one’s internal sense of who one is; being a woman or man, girl or boy, or between or beyond these genders” (Teich, 2012). How is this different from sexual orientation? Sexual orientation describes whom one is romantically attracted to (men, women, etc.). This is not dictated by gender identity. We all have a gender identity and a sexual orientation that are independent of each other. For instance, you might identify as a woman, but this is completely separate from the fact that you are attracted to _____.

What about gender expression?

Gender expression is “the external representation of one’s gender identity, usually expressed through feminine or masculine behaviors and signals such as clothing, hair, movement, voice, or body characteristics” (University of Minnesota, 2008; Teich, 2012).

It is important to have a policy for your camp that is dictated from the top down. Start with adding gender identity and expression to your anti-discrimination policy and follow it up with a statement of support for staff to live in your camp community according to gender identity. This need not stand as its own document; it can be added into a document that outlines respect for a diverse staff in general. There should never be an expectation, by parents or otherwise, that your camp asks a potential staff member what he or she looks like without clothes on. In other words, you as the camp need to go by gender identity and expression, not by whether that matches the said staff member’s genitalia (either now or at birth). This would never be appropriate to discuss in other situations and someone being transgender does not change that.

continued on page 12

You may well have applicants and current staff whom you do not even know are technically transgender, because either they do not identify as such and they just identify as male or female, or because they are “stealth” and there is no reason for anyone to know.

Some camps worry about a transgender staff member being seen naked when they haven’t had genital reassignment surgery yet (or aren’t planning to at all). If you have written in your policies that staff are not to be seen naked in front of campers or other staff (e.g., they should change clothes in private – a good idea to have this for all staff!), and you trust the people you hired, then you should not have to worry about incidents where any staff member is seen naked.

What about transgender staff members talking about their gender identity (“coming out,”) or others finding out even if they aren’t talking about it?

Start by approaching the staff member and having a frank conversation. Does this person intend to be “out?” If so, have they thought about what they would say if they got questions from campers? Have they thought about how not to make their personal story distract campers and staff from the general camp experience? It is important to add a transgender/gender component into staff training, and in my opinion, into a diversity talk that you might have with all campers upon their arrival. For staff, the training can be more in-depth, and you should work with the transgender staff member as to whether that person wants to be included in the training. For campers, it works to have a simple addition that there are people of all gender identities at camp (and an explanation of what that means) and everyone needs to be respectful, just as they are to people of different races, ethnicities, religions, etc.

Are transgender staff members protected by law?

Specific protections vary from state to state and among local jurisdictions as well, but it is important to know that Title VII of the Civil Rights Act of 1964 (www.eeoc.gov/laws/statutes/titlevii.cfm) federally protects people from discrimination by sex; and recently transgender people were ruled to be included in that protection. For more information, please see resources listed below.

The bottom line is, if you hire great people, trust that they will do a great job for your camp – transgender or not! For more information about transgender staff who may identify and present between or beyond typically male or female, please review our resources below.

RESOURCES

Anti-Discrimination Laws — Map by State, Transgender Law Center. transgenderlawcenter.org/equalitymap

Anti-Discrimination Laws — Cities and Counties with Non-Discrimination Ordinances that Include Gender Identity. Human Rights Campaign. www.hrc.org/resources/entry/cities-and-counties-with-non-discrimination-ordinances-that-include-gender

Title VII of the Civil Rights Act of 1964 www.eeoc.gov/laws/statutes/titlevii.cfm

Human Rights Campaign www.hrc.org

National Center for Transgender Equality www.transequality.org

Transgender Law Center www.transgenderlawcenter.org

Transgender Legal and Defense Education Fund www.tldef.org

Nick Teich, LCSW, is the founder and president of Camp Aran’u’tiq of Harbor Camps. Aran’u’tiq is the world’s first camp exclusively for transgender and gender-variant youth, with locations in New Hampshire and California. Since childhood, Nick was a camper, CIT, counselor, and member of camp leadership at a private camp in Maine. Besides working year-round to prepare for and run camp programs, Nick is also a Ph.D. candidate at Brandeis University. In 2012 he authored *Transgender 101: A Simple Guide to a Complex Issue* (Columbia University Press). He has a deep personal interest in helping transgender youth to be themselves. He lives in the Boston area with his wife, Erika, and their two dogs.

References

Teich, N.M. (2012). *Transgender 101*. New York: Columbia University Press. “Terminology,” *University of Minnesota Transgender Commission*, March 11, 2008.

PROFESSIONAL DEVELOPMENT CENTER

RESOURCES YOU NEED, WHEN YOU NEED THEM

SELECTIONS FROM UPCOMING AND RECORDED WEBINARS:

www.acacamps.org/online-courses-webinars

- **"Camper Supervision Under the Microscope: What Your Staff Are Missing and What You Can Do About It"**
with Kim Aycock (4/29/15)
- **"Sexual Health Issues: Campers and Staff"**
with Chris Amadon (5/14/15)
- **"Care, Feeding, Horse Safety- They're All Related!"**
with Christy Landwehr, CHA, (Recorded)
- **"The Good, the Bad, and the Catchy: Helping Camp Professionals Respond to Communicable Diseases (like Measles)"**
with Linda Erceg and Tracey Gaslin (Recorded)
- **Winter Coffee Break Series focused on Standards (Recorded)**

Search for these and other recorded webinars at
www.acacamps.org/pdc/catalog

SELECTIONS FROM ONLINE COURSES:

www.acacamps.org/pdc/catalog

- **Camp Is for the Camper**
- **Recognizing and Reporting Child Abuse and Neglect**
- **Critical Things Staff Need to Know about Risk Management**
- **Being an Effective Nature Counselor: Activities to Engage Youth in the Outdoors**

COMPREHENSIVE ACA STAFF TRAINING CERTIFICATE COURSES:

www.acacamps.org/pdc/certificates-of-added-qualification

- **Entry Level Program Staff**
- **Camp Director**
- **Experienced Program Staff**
- **Day Camp Director (NEW)**
- **Middle Manager**


BE SURE TO CHECK YOUR
ACA EDUCATIONAL HISTORY
FROM YOUR ACA PROFILE!

LEARNING ACTIVITIES RESULT IN
CONTINUING EDUCATION
CREDITS (CECS)
RECORDED ON YOUR ACA
EDUCATIONAL HISTORY!



UPDATE FROM THE INSURANCE ROUNDTABLE: RISK MANAGEMENT – A SHARED RESPONSIBILITY

by Gaetano De Angelo, ACA Insurance Committee Chair

 **If I were to ask your camp staff, “Who is responsible for risk management in your camp?” what do you think the response would be?** My guess is that most would respond, “The camp director/assistant director” (or another title in a leadership role). How many staff would respond “All of us!”?

Each year the American Camp Association (ACA) Insurance Committee conducts an Insurance Roundtable with our insurance partners during which we talk about claim trends, the general state of the insurance market, and risk management issues. Along with a report out session at the ACA National conference, we also publish the findings of the Roundtable in the spring issue of *The Campline*. In this article, I will be sharing the findings, but also challenge you to find ways to incorporate this information into trainings that you do with your staff to help them become better risk managers, and to help them understand that risk management is not just standard operating procedures and rules. It is a mindset!

An overall theme in many of the claims that we discussed was inadequate supervision. If you have read any of my previous Insurance Roundtable reports, you will not be surprised to see this mentioned as it has come up every year as one of the primary sources of a loss. It touches many lines of insurance; general liability, auto, cyber and accident/medical. Claim trends support that many of these incidents could have been avoided had proper supervision been evident during the activity.



TOP CLAIMS AND DISCUSSION ITEMS FOR 2014

- **Allegations of abuse and bullying:** These issues continue to be a topic of conversation with the Roundtable group. While claims have shown a slight decrease in recent years, allegations of abuse and bullying are still occurring and staff are the key to helping stop the cycle. Part of your pre-camp training is sure to include recognizing when campers are being bullies or abusers:
 - » Does it also include how to recognize the signs of an adult abuser and what to do if they have reason to believe that one of their peers or someone else on staff is displaying the behaviors?
 - » Does your camp culture support safe reporting?
 - » Is your staff diligent in their supervision of campers during the different modes of operation during a camp day?
 - » Claims show that most of these bullying and abuse situations occur during unstructured times, such as day camp aftercare, quiet time in cabins and free play. Be sure that staff understands that unstructured time for campers does not equal less supervision.
 - » For resources about the prevention of abuse and bullying, visit: www.acacamps.org/child-health-safety/child-abuse
- **Auto claims:** Auto claims are up. This includes the use of golf carts and other service type vehicles. Many of these could have been avoided with proper training, but also with closer supervision of staff use of the same. Increased emphasis during training should include:
 - » Treating golf carts and service vehicles just as you would an automobile. For additional resources, visit: www.acacamps.org/knowledge/transportation.
 - » Driving at a reasonable speed, not overloading the seating capacity, and not leaving the keys in the ignition unattended.
 - » Most importantly, if you or another staff see someone not following the procedures – deal with it immediately!
- **Cybercrimes:** While there have not been any reported cyber-related insurance claims – don't think that just because you are not a big box store or a huge insurance company, no one will be interested in you. Cybercrimes can be crimes of opportunity. If you have not had an opportunity to talk to your broker or insurer about cyber coverage yet, don't wait. Coverage is readily available and affordable. This type of coverage is still relatively new and therefore, there is not yet solid evidence regarding how claims may be handled. Feeling safe because you are using a third party vendor could be a mistake. Many of their agreements do not protect the user and specifically state such. Carefully read the contract and make note of who is responsible for data and notification of any data breach. Educate your staff to be leery of anything that seems too good to be true, it could be a cybercriminal looking for a window into your system. Above all, if you have been hacked – contact the authorities and your insurer immediately!

OTHER TRENDS AND EMERGING ISSUES

- **Weather:** There were several lightning-related claims this past year.
 - » Have protocols in place that clearly state how you will react to lightning episodes during program activities.
 - » Train your staff and monitor them to ensure they are not making judgment calls that might endanger a life.
 - » For additional weather-related resources, visit www.acacamps.org/hottopics/severe-weather.
- **Challenge Courses:** It has been a few years since challenge course injuries have trended, but they are back. Evidence points to facilitator error and second and third generation trained personnel being in charge when accidents happened.
 - » Additionally, some camps are experiencing losses related to diseased, weak or old trees. These were not necessarily something that would have been detected during the annual course inspection. If you have a course in or around live trees – be sure to bring in an arborist to evaluate the trees. There are state agencies that can help with this for free or at a reduced cost. Visit www.stateforesters.org/contact-your-state-agency for more information.

continued on page 16



- **Social media issues:** This includes electronic devices and how to keep campers and staff from taking and posting inappropriate pictures from camp.
- **Communication between camp and parents:** Parents want and expect to be notified when something unusual happens involving their child. Open, appropriate communication with parents is essential to great incident management.
- **Marijuana:** It is still illegal federally. Should you be drug testing your staff? Just not sure? Some insurance companies offer discounts on your workers comp if you have a drug testing program. Check with your broker or insurer for more information. For more information about marijuana laws and their impact on camp visit www.acacamps.org/knowledge/health/medical-marijuana.
- **Camp websites:** It is not just parents and campers checking out your websites – it is your insurers and brokers also! Be sure to have open communication with your insurer or broker regarding activities your campers participate in. You cannot be sure that you are adequately insured for an incident if you are not sharing with your provider comprehensive information about your programs.

The ACA Insurance Committee is pleased to provide members with easily understood and useful educational resources related to risk management and insurance. Questions related to your individual insurance coverage should be directed to your broker or agent. For a listing of ACA partners and business affiliates in the insurance industry, as well as other helpful risk management and insurance information, visit www.acacamps.org/buyers-guide.

As an additional resource, ACA also hosts a page on its Web site with a compilation of articles and resources regarding insurance. A list of insurance providers that provide a complimentary e-newsletter is also available with a link to sign up for such communications. Visit www.acacamps.org/knowledge/business/insurance.

Gaetana De Angelo is the director of risk & business operations for the Girl Scouts of Greater Atlanta and serves as chair of the ACA Insurance Committee. She is an ACA standards visitor. De Angelo attended Georgia State University and has BBAs in risk management and insurance and hospitality administration. She can be reached at gdeangelo@gsgatl.org.

THE CAMPLINE

Published three times a year by
the American Camp Association.

The digital issue of *The Campline*, available at www.ACACamps.org/campline/spring-2015 allows you to utilize this publication online 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:

Deb Bialeschki, Kim Brosnan, Tom Holland, Amy Katzenberger, Rhonda Mickelson, and Susan E. Yoder

© 2015 American Camping Association, Inc.
ISSN 1072-286