



OFFICE *of*
GENERAL COUNSEL

LEGAL LANDSCAPE AND GUIDELINES FOR PROGRAMS AND CAMPS WITH MINORS ON CAMPUS

Elizabeth O'Connell Perez
Senior Counsel

Karl Furmaga
Associate Counsel

Office of General Counsel
April 2, 2024
uiwogc@uiwtx.edu

AGENDA



Best practices for
safety of minors



Health and safety
considerations



Requirements of
managers and staff



Risk management
and legal obligations

THE WHY?

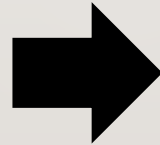
- **MINORS!**
 - By law, a minor is anyone under the age of 18.
- **Minors will be on campus:**
 - Without their parents
 - At your invitation
 - In your care
- *You* are responsible for the minor's safety *at all times.*



LEGAL DUTY OWED TO MINORS

You are acting *in loco parentis*—in the place of the parent—the ENTIRE time the minor is in your care and custody.

Decisions by camp staff must be those of a “reasonably prudent person” under the “same or similar circumstances.”



Parents have the expectation that their children will return to them in at least the same condition as when they dropped them off at camp.

PROGRAMS AND CAMPS PERMITTED IN SUMMER 2024

- UIW Sponsored Programs and Camps
 - Operated by UIW or St. Anthony employees
 - Academic camps
 - Athletic camps
 - May be on- or off-campus
- Non-UIW Programs and Camps
 - Operated by external legal entities, such as employees with an LLC, or external third parties (e.g., the Spurs, external churches)
 - On campus



INCARNATE WORD COLLEGE

UIW SPONSORED PROGRAMS AND CAMPS



UIW-SPONSORED PROGRAMS AND CAMPS

Legal Relationship between you and UIW: No distinction under the law between you and UIW (in most cases).

- University employees hosting UIW programs or camps on or off campus.

UIW-Sponsored Programs and Camps are:

- Encouraged to use University trademarks
- Considered work time—you are not required to report vacation leave
- Do not pay rent for facilities or equipment
- UIW provides operations and administrative infrastructure support.

UIW-SPONSORED PROGRAMS AND CAMPS

To host a UIW-sponsored program or camp:

- Obtain approval from your Dean or Athletic Director
- Once approved, follow departmental procedures for scheduling and business processes
- Complete required forms.

Costs:

- The rate for indirect costs is 3.5% of revenues.
 - This rate is subject to change from year-to-year.
- Profit sharing for the respective sport.
 - Contact the Athletics department for more detail.

UIW- SPONSORED PROGRAMS AND CAMPS

Required Forms:

- Camp Manager Guidelines and Acknowledgement
- Camp Staff Guidelines and Acknowledgement
- Camp Information Form
 - This form must be provided to EHSRM and UIWPD at least 20 days prior to the start of the program or camp.

Participant Forms:

- Waiver and Consent to Treat
- Photo and Likeness Release
- Pick-Up Authorization Form
- Transportation Waiver (if applicable)

WAIVERS

Every participant must have a waiver – *no exceptions!*

- A waiver is a release of liability
- A participant without a waiver may not participate and must be picked up immediately.
- The participant's parent or legal guardian must complete and sign all required forms prior to the start of the program or camp.
- Camp Managers are required to provide completed waivers to their Dean or the Athletic Director.
 - These forms must be kept in a safe place for a minimum of two years following the conclusion of the program or camp.





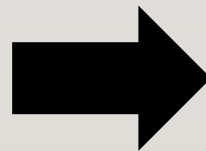
PHOTO AND LIKENESS RELEASE

A Photo and Likeness Release is required if you use images of participants in any medium, e.g., social media!

BACKGROUND CHECKS

- Background checks are required for all program or camp staff.
 - Required for paid and volunteer staff—no exceptions.
- Successful completion of a UIW criminal background check for each camp staffer is required every two years.
- The Office of Human Resources administrates the background checks.

If camp staff do not complete a background check and the Texas Education Code Training



Your camp will need to terminate immediately, with all fees returned and any direct costs assessed to your budget.



NON-UIW PROGRAMS AND CAMPS

NON-UIW PROGRAMS AND CAMPS

Non-UIW programs and camps are programs or camps held on UIW property but not operated by UIW (e.g., hosted by a separate entity or LLC).

Legal Relationship between you and UIW: Separate and distinct legal entities.

- You are a licensee on UIW's property.
- Advertising must be clear that UIW is not sponsoring the event.
- Employees must comply with the Outside Employment policy
 - report vacation leave and complete the outside employment form.
- Prohibition of the use of UIW's name, logos, marks, or images without express written permission from the Office of Communications and Brand Marketing.

NON-UIW PROGRAMS AND CAMPS

The outside entity must enter into a Facility Use Agreement with the University to host a summer program or camp on UIW's campus.

- You are required to pay fixed costs and rental fees for facilities and equipment.
- UIW does not provide any infrastructure support unless arranged and paid for in advance.

NON-UIW PROGRAMS AND CAMPS



- Camp operations infrastructure such as camp management, hiring, payroll, health and safety protocols, medical management, registration, expense and revenue management, and financial arrangements with campers are the sole responsibility of the outside entity.
- Commercial liability insurance and indemnity in favor of UIW is required for all camp activities, including premises conditions.
- The outside entity must comply with local, state, and federal laws, including compliance with disability laws.

NON-UIW PROGRAMS AND CAMPS

To host a Non-UIW program or camp:

- Obtain approval from your Dean or the Athletic Director.
- Once approved, contact Schaffer Frost, Director of Facilities Event Management.
 - External programs and camps must be authorized by Schaffer Frost.
 - Facility Use Agreements, insurance requirements, and rental fees are handled by Schaffer Frost.
 - The Camp Manager may contract with UIW for ad-hoc support services for a fee.



ALL PROGRAMS AND CAMPS

UIW SUPPORT DEPARTMENTS



MEALS

Meals may be provided by Sodexo or camp participants may bring their own lunch.

- No external food vendors permitted without authorization from the Dean or Athletic Director.

SAFETY PLAN AND SECURITY MEASURES



Non-UIW camps must meet equivalent safety standards as UIW-sponsored programs and camps.

Safe Facilities:

- There should be daily and regular inspection of facilities and equipment.
- Use of equipment must be in a reasonably safe manner.
- You are responsible for managing the risk to participants in connection with the use and condition of facilities and equipment.
- If you cannot immediately correct dangers or are aware of an unreasonable risk of danger, report it and **CEASE USAGE UNTIL SAFE.**

SAFETY PLAN AND SECURITY MEASURES



Safety for Campers:

- Follow your safety plan and ensure all camp staff are informed.
 - Camp Managers should discuss the safety plan daily with camp staff.
- Disclose any particular risk to campers in connection with the camp.

Camp staff should communicate daily with parents and campers.

There should be clear information regarding:

- Clear drop off/pick up procedures
- Where to get help
- Where to go if lost

Obtain emergency contacts for parent(s) or legal guardian with alternatives

- Do not release child to anyone other than parent or those designated on the pickup authorization without written authorization from parent, and confirm identity of authorized pick-up person with proper ID.

SAFETY PLAN AND SECURITY MEASURES



Camp Application and Information:

- Be explicit and clear regarding camp operations, including health and safety protocols and guidelines.
- Do not ask for SSN or other private information.
- Inquire about special medical needs that may impact minor while at camp, but do not collect medical records or request other protected medical information
- Handling of medication: No medicine may be kept by the child or camp except for albuterol or EpiPen if over age 12 and with a physician's note.
- ADA: Accommodate to full extent of law



EMERGENCIES

UIW PD are the first responders on campus

- Report more than a minor injury, including a serious fall, to UIW PD immediately.
- **If an ambulance is needed, call 911 first.**

Report ALL injuries, even if a minor injury, to parents.

- Do not wait to see if parents complain.

Health Services will provide basic first aid in emergency situations for UIW-Sponsored camps and for Non-UIW camps for a fee.

HEALTH AND SAFETY PROTOCOLS

Observe basic health and hygiene practices like handwashing, covering one's mouth when coughing or sneezing, and staying home when sick.

- If a participant has a fever of over 100.4 or higher, the participant must be sent home and may not return to the program or camp until he or she has been fever-free for twenty-four (24) hours.
- It is encouraged that managers and staff stay up to date with vaccines, including boosters.

No transportation services will be provided to participants without authorization from the Dean or Athletic Director.



RATIOS

Programs or camps should be appropriately staffed to make sure campers are always chaperoned.

UIW-Sponsored Camps
Staff/Camper ratios:

- Age 6-8: 1 to 8
- Age 9-14: 1 to 10
- Age 15-18: 1 to 12



STATE MANDATED TEXAS EDUCATION CODE TRAINING PROGRAM FOR SEXUAL ABUSE AND CHILD MOLESTATION

Section 51.976 of the Texas Education Code requires training for all camps:

- on a University campus (St. Anthony included);
- with at least 20 campers;
- For all or part of at least four days.

Required of ALL camp staff who have ANY contact with minors

- Certification good for two years

UIW EHSRM coordinates for UIW Sponsored camps

- Non-UIW Camps shall provide written certification to the Director of Facilities Event Management that each camp employee completed the Texas Education Code training.

ACCOMMODATING CAMPERS

- Children with disabilities have the same rights to attend summer camp as their non-disabled peers, unless inclusion would create a significant threat of harm to the disabled minor or others.
- Programs and camps must provide reasonable modifications for campers with disabilities, unless the modifications would fundamentally alter the nature of the activities offered by the camp.
- Helpful tips for summer camps:
 - Parents cannot be required to pay the cost of the reasonable modifications.
 - Camps should train staff in the requirements of the ADA.
- Questions? For UIW sponsored camps, Contact EHSRM. For Non-UIW Sponsored camps, contact your attorney.

CONTACT AND BEHAVIOR WITH CAMPERS

- Participants should never be in staff vehicles.
- Do not leave a camper unattended in an off-limits area.
- Do not take campers to isolated locations or private areas.
- Do not take campers off-site.
- Do not provide transportation or facilitate off-campus or university transportation unless expressly approved by the Dean or Athletic Director.
- Do not have a private one-on-one conversation away from other campers or staff.
- Do not single out certain campers for special relationship treatment.

PHYSICAL CONTACT AND CONDUCT WITH CAMPERS



- Guidelines:
 - Prohibition on touching in any place normally covered by a bathing suit.
 - Restrictions on using profanity, verbal abuse, and physical punishment as discipline.
 - Prohibitions on abusive and derogatory language.
- Do not engage in conduct that is inappropriate or contrary to the Mission.

REPORTING OBLIGATIONS

Texas Family Code: Sexual Misconduct, Child Abuse, or Neglect must be reported.

- If you suspect sexual misconduct, abuse, or neglect of a camper, it is your legal duty to report it immediately.
 - Camp Managers should also report to UIW PD.
 - Camp Staff should alert the Camp Manager.
- You do not have to know for certain abuse is taking place—*reasonable suspicion is sufficient.*

TITLE IX

Federal law prohibits sex discrimination in education programs.

UIW prohibits sexual misconduct, including:

- Sexual harassment
- Sexual assault
- Sexual exploitation
- Stalking
- Relationship violence, including dating and domestic violence.

Report violations to UIW's Title IX Director:

Matthew Carpenter
(210) 832-2105
macarpen@uiwtx.edu

NCAA RULES FOR ATHLETIC CAMPS

Two NCAA Bylaws are directly relevant to camps.

- Bylaw 12.5.1.6 addresses requirements for student-athletes participating in an athletic camp.
- Bylaw 13.12 addresses NCAA guidelines for sports camps and clinics.

Questions? See Tony Dollison, Associate Athletic Director for Compliance



YOU COULD BE LIABLE FOR FORESEEABLE INJURIES

- You are not expected to prevent unforeseen injuries that could happen quickly and without warning.
 - However, the law requires close supervision and a higher standard of care on you with athletic or other “dangerous” activities.
- Examples:
 - Science camp that involves flammable chemicals and a Bunsen burner.
 - Soccer coach that kicks a ball at a child, injuring them.

CAN YOU BE
SUED
INDIVIDUALLY?
YES!

It is critical to understand the obligations owed to minor children.

The best way to avoid problems:

- Comply with these guidelines;
- Stay within the course and scope of your employment for UIW-Sponsored Camps; and
- Know, follow, and apply these policies and established procedures.



SCENARIOS

#1: At basketball camp, campers roam around the edges of the court lines during practice games. At halftime, young kids run onto the courts, start shooting around, and others start lifting free weights at the corner of the gym.

#2: At soccer, a youngster is forbidden to show the logo of Rival U. She is ordered to turn her jersey inside out due to concern about bullying by other players. What about her free speech rights? Does she have a t-shirt underneath- where does she change? Who chaperones that? When should you inform campers of a dress code?

#3: A former coach is giving a luncheon speech for the camp. A camper and prior neighbor of the coach says hello and asks the coach to take him to the restroom.

#4: A camper has life-threatening food allergies. How do you manage eating times?

#5: A camper, disregarding instructions, climbs up a bouldering wall without safety equipment. She falls and breaks her arm. Mats had been removed for cleaning. How do you handle this- what's the first thing you do?

A NOTE ON SPORTS AND WELLNESS FACILITIES...

Sports and Wellness Facilities are student facilities and include: Wellness Center, Natatorium, International Sports and Fencing Facility, Headwaters Field, Outdoor Sports Complex and Disc Golf Course.

Sports and Wellness Facilities can be requested to host a camp but schedules, rules, and policies limit availability.

- There is a rental fee associated with renting one of the Sports and Wellness Facilities noted above.
- The Headwaters lower field is not a reservable area for camps or clinics. Special accommodations will be considered by the Director of Sports and Wellness and the Director of the Headwaters but within the contract and the mission of the two entities.

Sports and Wellness Facilities can serve as a safety area to remove campers from an unsafe occurrence (such as weather) but should not be considered as a backup facility for recreational camp activities. Please note that if a camp is already occupying the facility (such as Spurs camp), accommodations might not be able to be granted due to occupancy restrictions. Please call the director or assistant director for assistance.

Questions? Contact Scott LeBlanc, Director of Sports and Wellness

QUESTIONS?

UIWOGC@UIWTX.EDU



OFFICE *of*
GENERAL COUNSEL