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Office of General Counsel

Legal Landscape and Guidelines for Programs and Camps with Minors on Campus

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The Why?

MINORS
MINORS
MINORS

- Campers are:
 - On campus without their parent(s) or legal guardian
 - In your care
 - You are in a position of authority and control
- Best practices for the safety of minors
 - Care and control of facilities and equipment
- Health and Safety Considerations
- Managers and Staff
 - Understand and manage risks presented
 - Know your legal obligations to both the campers and UIW

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Minors in Your Care

- Law: A minor is anyone under the age of 18.
- The minor is at camp by your invitation.
- YOU are responsible for their safety at all times.
 - NOT the parents, NOT the campers, NOT anyone else!

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Legal Duty Owed to Minors:
You are acting *in loco parentis*—in the place of a 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 the camp.

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Programs and Camps permitted in Summer 2023

- **UIW Sponsored Programs and Camps**
 - Operated by UIW or St. Anthony employees
 - Academic camps
 - Athletics camps
 - May be on or off campus
- **Non-UIW Programs and Camps**
 - Operated by external legal entities, such as employees with an LLC, the Spurs, church camps
 - On campus

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UIW Sponsored Programs and Camps	External Camps / Non-UIW Programs and Camps
<ul style="list-style-type: none"> • University Employees hosting UIW supported camps. • UIW sponsored programs and camps are encouraged to use University trademarks. • Considered work time—you are not required to use vacation leave. • UIW sponsored programs and camps do not pay to rent facilities or equipment. • UIW provides operations and administrative infrastructure support. 	<ul style="list-style-type: none"> • Camps hosted by separate entities such as an LLC. • UIW Employees hosting camps through their own legal entities must be clear in advertising that UIW is not sponsoring the event. • Restrictions on use of university trademarks and logos. • Must report vacation leave & complete the outside employment form. • 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.

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UIW Sponsored Programs and Camps	External Camps / Non-UIW Programs and Camps
<ul style="list-style-type: none"> • Programs and camps must be approved by Dean/AD • Process: <ul style="list-style-type: none"> – Camp Schedules: Contact Kenyon Spears – Camp Business Processes: Contact DaShena Stevens. Examples: Background checks, state-mandated sexual misconduct training • Costs: <ul style="list-style-type: none"> – Rate for indirect costs will stay at 3.5% of revenues. – Profit sharing for the respective sport. Athletics will provide more detail. 	<ul style="list-style-type: none"> • External programs and camps must be approved by Dean/AD. • Once approved by the Dean/AD, you will contact Jose Herrera, Director of Facilities Event Management. • External programs and camps must be authorized by Jose Herrera. • Facilities Use Contracts, Insurance Requirements, and Rental Fees for facilities and equipment will be handled by Jose Herrera. • Camp Manager may contract with UIW for ad-hoc support services.

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UIW Support Departments

Payroll Services	Human Resources	NCAA Compliance Office	Housekeeping Services	Health Services
Division of Administrative Services	Sexual Misconduct Training	UIW Campus Police Department	Communications and Marketing	Special Events Management
EHSRM Risk Management Services	Sodexo	Contract Admin	Information Resources	Facilities Management
Office of the General Counsel	Athletics Administration	Academic Departments	Food Service	Aramark

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UIW Sponsored Camps

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

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UIW Sponsored Camps

1. Obtain approval for your program or camp through your Dean or Athletic Director, whichever applies.
2. Forms to be completed:
 - a. Camp Manager Guidelines and Acknowledgement
 - b. Information Form: Summer Programs and Camps Involving Minors
 - i. This form must be provided to the Office of Environmental Health, Safety & Risk Management and UIW PD at least 20 days prior to camp date.
 - d. Camp Staff Guidelines and Acknowledgement
3. Participant Forms:
 - a. Waiver and Consent to Treat
 - b. Likeness Release
 - c. Pick-up Authorization
 - d. If transportation is being provided, it must be approved by your Dean or the Athletic Director, and participants will also need a Transportation Waiver

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Waivers

Every participant must have a waiver *no exceptions*

- A waiver is a release of liability
- A camper without a waiver may not participate and must be picked up immediately.
- The participant's parent or legal guardian must complete and sign the following prior to the start of camp:
 - Waiver and Consent to Treat
 - Likeness Release
 - Transportation Waiver (if applicable)
- Camp Managers are required to provide the completed waivers to their Dean or Athletic Director.
 - These forms must be kept in a safe place for two years following the conclusion of the program or activity.

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Likeness/Image Release

- A Likeness Release is required if you use images of participants in any medium.
- Photographs or videos or other images of campers on print, film, digital, electronic, social media, hosted media, web-based service or any other medium without first obtaining a Likeness/Image Release is not permitted.

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**Non-UIW
Sponsored Camps**

**Legal Relationship
between
You and UIW:**
Separate and distinct legal
entities.
You are a lessee on the
premises of UIW.

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**External /
Non-UIW
Sponsored
Camps**

- External / Non-UIW Camps are programs or camps held on the UIW campus but not operated by UIW.
- Employees, individually or through a company owned wholly by the employee, enter a facilities contract with the University to host a summer camp on the UIW campus.
- Employees must comply with the UIW HR Outside Employment policy.
- Employees operating and staffing a Non-UIW sponsored camp must utilize vacation leave during camp.
- Prohibition of use of UIW's name, logos, marks, or images without specific permission from the Office of Communications and Marketing
- Non-UIW sponsored camps may enter contracts with the University for specific services to support their summer camp.

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**Non-UIW
Sponsored
Camps**

**External
Management
Responsibilities**

- A Safety Plan is required
- Facility *and* equipment rental fees will apply.
- Camp operations infrastructure such as camp management, hiring, payroll, health and safety protocols, 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.
- Certain camps are required to undergo training for sexual misconduct in accordance with the Texas Education Code.
- The outside entity is required to comply with local, state, and federal laws, including compliance with disability laws.
- Medical Management/Health Services/Athletic Trainers
- Non-UIW camps must meet equivalent safety standards as UIW sponsored camps

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Camp Application and Information

- Be explicit and clear regarding camp operations, including health and safety protocols and guidelines.
- Disclose any particular risk to campers in connection with the camp.
- Obtain emergency contacts for parent(s) or legal guardian with alternatives.
- 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

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Safety Plan

Security, Facilities, and Equipment

- Camp Managers must submit a **Safety Plan** prior to the start of camp.
- Daily and regular inspection of facilities and equipment.
- Use of equipment must be in a reasonably safe manner.
- Security/concern for personal safety
- 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.

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Camp Protocols

- 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.
- Meals may be provided by Sodexo or camp participants may bring their own lunch. No external food vendors permitted without authorization from Dean or Athletic Director.
- No transportation services will be provided to participants without authorization from the Dean or Athletic Director.

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When Camp is in Session: Injuries

- UIW PD are first responders on the campus.
- If an ambulance is needed, call 911 FIRST.
- Report more than a minor injury, including a serious fall, to UIW PD immediately.
- 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 sponsored camps for a fee.

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When Camp is in Session: Security Measures

- Follow your Safety Plan and ensure camp staff are informed
 - Camp Managers should discuss the Safety Plan daily with camp staff
 - Camp staff should communicate **daily** with parents and campers
- Clear drop off/pick up procedures
- Where to get help
- Where to meet
- Where to go if lost
- Do not leave a camper unattended or in an off-limits area
- 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.

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Contact and Behavior with Campers

- No placing participants in camp staff vehicles EVER.
- No taking participants to isolated locations or private areas EVER.
- No taking participants off-site EVER.
- No field trips off camps or university transportation are permitted unless expressly approved by your Dean or Athletic Director.
- No private one-on-one conversations away from other campers.
- No singling out certain campers for special relationship treatment.

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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.

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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 and the OGC.
 - Camp Staff should alert the Camp Manager.
- You *do not* have to know for certain abuse is taking place. ***Reasonable cause is sufficient.***

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Title IX

- Federal law prohibits sex discrimination in education programs.
- **UIW prohibits sexual misconduct**
 - Sexual harassment
 - Sexual assault
 - Sexual exploitation
 - Stalking
 - Relationship violence, including dating and domestic violence.

Report violations to UIW's Title IX Coordinator:
Alexandria Salas
 210.283.6977 ansalas@uiwtx.edu

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When Camp is in Session: Chaperones

Camp Managers must staff the camps appropriately to ensure **campers are always chaperoned.**

Staff/Camper ratios:

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

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Background Checks are Required for ALL Camp Staff

ALL camp managers and staff—paid and volunteer. NO EXCEPTIONS.

- Successful completion of UIW criminal background check for each camp staffer is required every two years.
- Human Resources administrates the background checks.

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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.

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State Mandated Texas Education Code Training Program for Sexual Abuse and Child Molestation

- Applies to **all camps**:
 - on a University campus (St. Anthony included) AND
 - at least 20 campers AND
 - 4 or more days
- ALL camp staff who have **ANY** contact with minors
- Certification good for 2 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.

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NCAA Rules for Athletics Camps

- Two NCAA Bylaws are directly relevant to camps.
 - Bylaw 12.5.1.6 addresses camps
 - Bylaw 13.12 provides guidelines for camps and clinics.
- Questions? See Tony Dollison, Associate Director of Athletics/Compliance

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Accommodating Campers – ADA/ Disability

- 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.
- 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 UIW's Office of EHSRM. For Non-UIW Sponsored camps, contact your attorney.

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YOU could
be held liable
for
foreseeable
injuries

- **Not expected to prevent unforeseen injuries that could happen quickly and without warning.**
- **BUT law requires close supervision and places a higher standard of care on you with athletic or other “dangerous” activities.**
- Example:
 - Science camp that involves flammable chemicals and a Bunsen burner.
 - Soccer coach that kicks ball very hard to child, injuring his internal organs.

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Can You Be Sued Individually? **YES!**

Critical to understand the obligations owed to minor children.

- Comply with these guidelines; AND
- stay within the course and scope of your employment for UIW-Sponsored camps; AND
- know, follow, and apply these policies and established procedures.



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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?

#3: The former head basketball 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 on climbing wall without safety equipment. She falls and breaks her arm. Mats had been removed for cleaning.

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Thank you!

If you have questions, please contact:

Office of General Counsel
210-283-5095
chluna1@uiwtx.edu

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