

Harvard Summer Camp Legal and Compliance Issues

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Overview

Harvard University schools and units wishing to run summer camps for children should be aware that there are extensive state regulations for recreational camps. This memorandum outlines the issues involved with setting up a camp, summarizes the basic legal requirements, and provides sample forms and procedures. Summer camps held in Cambridge must also be licensed by the Cambridge Public Health Department. Finally, all Harvard camps must adhere to internal Harvard policies. In particular, Harvard's "Policy for the Safety and Protection of Minors" should be consulted while developing and running any Harvard program involving minors.

For a complete version of the Policy for the Safety and Protection of Minors, see <http://youthprotection.harvard.edu/files/minors/files/Policy-for-the-Safety-and-Protection-of-Minors.pdf>. For more information about youth protection at Harvard, see <http://youthprotection.harvard.edu/policy>.

Compliance with these requirements is the responsibility of the school or unit. Please note that this memorandum is not exhaustive and does not address sports camps run by Harvard-employed athletic coaches, which operate independently from the University.

Massachusetts State Law

The operational requirements for recreational camps—including day camps—are set forth in the Massachusetts Department of Public Health's (State Sanitary Code, Chapter IV) "Minimum Sanitation and Safety Standards for Recreational Camps for Children" at 105 CMR 430.000 (the "DPH Regulations"). For a complete list of the DPH Regulations, see www.mass.gov/eohhs/docs/dph/regs/105cmr430.rtf.

Is my program a "camp"?

The DPH Regulations apply to a variety of "recreational camps for children." The regulations define a "recreational camp for children" as:

Either a

- day sports, travel, or trip camp,
- conducted wholly or in part for recreation or recreational instruction,
- serving five or more children, and
- operating for any period of time between June 1 and September 30 or no more than 14 days any other time of year;

or

- any program that advertises or promotes itself as a camp, even if it does not meet the above criteria.

The regulations apply even if your program is not a traditional outdoor recreation camp (for example, it is a more classroom-based language, cultural, music, or science program). For example, the regulations govern “day camps” which are recreational camps that operate for more than two (2) hours a day and at least five (5) days during a two-week period.

The following must be printed on any promotional literature or brochures for the camp, “This camp must comply with regulations of the Massachusetts Department of Public Health and be licensed by the local board of health.”

Key requirements

The key requirements for camp operators fall into the following categories (click the links or scroll down for more information). Please note that this list is not exhaustive. It is important that you review the DPH regulations (www.mass.gov/eohhs/docs/dph/regs/105cmr430.rtf) and visit the state's website on camps (<http://www.mass.gov/edu/birth-grade-12/early-education-and-care/licensing/recreational-summer-camps.html>) for more information.

1. City of Cambridge permit process
2. Requirements for hiring staff, including CORI/SORI background checks for employees and volunteers
3. Medical facilities and policies
4. Emergency and contingency plans
5. Discipline policies and procedures
6. Abuse and neglect reporting
7. Documentation from campers
8. Harvard University requirements

1. City of Cambridge Permit Process

Recreational camps are regulated under state law, but must also be licensed by the Cambridge Public Health Department. Any program that advertises itself as a summer camp needs a license from the Cambridge Public Health Department.

- To obtain a summer camp permit, call the Cambridge Public Health Department at 617-349-6100 between 8-9:30 a.m. and 3:30-4:30 p.m.
- 2. Requirements for hiring staff
 - a. **Background checks:** All camps must develop written procedures for the review of the backgrounds of both staff members and volunteers and then carry out background checks for those individuals. The staff members and volunteers must have a background “free of conduct that bears adversely on his or her ability to provide for the safety and well-being of the campers.”
- For a staff member that is a Massachusetts resident or any volunteer, the background check must include:
 - Prior work and volunteer history, including name, address and phone number of a contact person at each place of employment for the previous five (5) years.
 - Three (3) positive reference checks from individuals not related to the staff person, including, but not limited to previous employers or school administrators. Returning staff may use references on record with the camp from the previous year.
 - Prior criminal history, including, at minimum,
 - self-reporting of any felony conviction.
 - Sex offender registry information (SORI) check through the Massachusetts Sex Offender Registry Board (SORB).

- A criminal offender record and juvenile report (CORI/Juvenile Report) through the Massachusetts Criminal History Board (CHSB).
- For a staff member who is a resident of a US state other than Massachusetts the check must include:
 - All of the above *plus*
 - A criminal record check through the person's state of residence (information can be obtained from the state's criminal information system, local chief of police, or other local authority with relevant information).

See <http://www.mass.gov/eohhs/docs/dph/environmental/sanitation/camp-cori-memo.pdf> for more information on obtaining out-of-state information.

- For a staff member who is not a resident of the United States:
 - All of the in-state information listed above *plus*
 - A criminal record check from the staff person's country of residence
- For a staff member who is not a US resident, but who has previously lived in the United States, obtain a SORI check from the Massachusetts SORB.

Talk to your local HR contact about initiating the CORI/SORI checks.

The camp must keep criminal records and SORI checks separate from general camp paperwork and may only be accessed by individuals authorized to review it. The camp is responsible for keeping written documentation verifying the backgrounds and character of each staff member and volunteer for three years.

b. Supervision and experience

- *Orientation:* The camp must provide orientation for all staff and volunteers, describing the camp's philosophy, organization, policies and procedures, before such staff members and volunteers become responsible for a group of children or supervise other staff or volunteer.
- *Experience/Age of Counselors:* Each counselor must have at least four weeks experience as a participant in structured group camping and/or in a supervisory role with children or have satisfactorily completed the origination program. Each junior counselor must have satisfactorily completed a junior counselor orientation program. Rules concerning the ages of counselors can be found here: <http://www.mass.gov/eohhs/docs/dph/regs/105cmr430.pdf> (Section 430.100).
- *Experience/Age of Camp Director:* The camp director must have completed a course in camping administration or have at least two seasons' previous experience as part of the administrative staff of a recreational camp for children. Rules concerning the ages of camp directors can be found here: <http://www.mass.gov/eohhs/docs/dph/regs/105cmr430.pdf> (Section 430.102). The director, or a similarly qualified designee of the director, must be present at the camp at all times.
- *Supervision:* For residential and day camps, there must be at least one supervisory staff person for every 10 campers over the age of six and one supervisory staff person for every five campers age six or under.

- *Staff immunizations:* Staff must have proof of having required immunizations and, any staff under age 18 also should have proof of immunization for polio (if born after 1/1/92) and Hepatitis B. The camp must keep health records for staff on file. A physician's form for staff immunizations is available at:
http://ogc.harvard.edu/ogc/system/files/ogc/physicians_form_for_staff.doc

3. Medical facilities and policies

- a. **Health Records:** The camp must maintain a health record for each camper and each staff member under 18 that includes:
 - i. the person's name and home address;
 - ii. the name, address and phone number of parents/guardians;
 - iii. a written authorization for emergency medical care signed by a parent/guardian (described below in Section (h));
 - iv. the travel locations and phone numbers of parents/guardians if they will be traveling during the time camp is in session;
 - v. name, address and phone numbers of health care provider or HMO, if any;
 - vi. if the camper or staff member brings a prescribed medicine to camp, a written authorization to administer the medication signed by parent/guardian;
 - vii. copy of injury reports (described below in Section (g));
 - viii. certificate of immunization (described below in Section (e)); and
 - ix. health history and report of physical examination.

The camp must maintain a health record for each camper and each staff member under 18 that includes:

- i. The staff member's name and home address;
 - ii. An emergency contact's name, address and phone number;
 - iii. name, address and phone numbers of health care provider or HMO, if any;
 - iv. copy of injury reports;
 - v. certificate of immunization; and
 - vi. health history and report of physical examination
- b. **Facility:** The camp must have a single facility which serves as its infirmary or first aid facility.
- c. **Health Supervisor:** The health supervisor must be either a licensed physician, physician's assistant, nurse practitioner, registered nurse, LPN, or other person trained in CPR and first aid, including a current certification in American Red Cross Standard First Aid or its equivalent. A sample agreement to bring a health supervisor on as a consultant is available at <http://www.mass.gov/eohhs/docs/dph/environmental/sanitation/camp-consultant-agreement.pdf>
- d. **Written Medical Policy:** The camp must have a written medical policy which has been approved by both the Cambridge Public Health Department and the health supervisor. The camp must provide parents with at least the portions of the policy that address:
 - i. Care of mildly ill campers;
 - ii. Administration of medication;
 - iii. Procedures for providing emergency health care and
 - iv. Information on meningococcal disease (the flyer that must be distributed to all parents is available:
http://ogc.harvard.edu/ogc/system/files/ogc/meningitis_flyer.pdf.

The full policy must be made available to parents upon request. Guidelines on medical policies may be found at <http://www.mass.gov/eohhs/docs/dph/environmental/sanitation/camp-memos.rtf>

- e. **Camper immunizations:** Campers must have proof of required immunizations (measles, mumps, rubella, Diphtheria, and Tetanus and, if under age 18, polio and Hepatitis B). A physician form for camper immunizations is available at http://ogc.harvard.edu/ogc/system/files/ogc/physicians_form_for_campers.doc
 - f. **Medication Log:** The camp must keep a log to record all camper and staff health complaints and treatment. It must be a bound book with prenumbered pages in sequential order and lined pages. No lines may be skipped and entries must be in ink. An example of a medication log is available at <http://www.mass.gov/eohhs/docs/dph/environmental/sanitation/camp-medication-log.pdf>
 - g. **Reporting injuries:** The camp must report any injuries serious enough to require a camper to be sent home, to an emergency room, or to a physician's office to Massachusetts Department of Public Health within seven (7) days of the injury. Go to <http://www.mass.gov/eohhs/docs/dph/environmental/sanitation/camp-injury-report.pdf> for an example of an injury report. The camp must also report (i) any communicable diseases to the Cambridge Public Health Department and (ii) other outbreaks to the Cambridge Public Health Department and the Massachusetts Department of Health.
 - h. **Medical Authorizations:** The camp must have procedures for storage and administration of medication. Parents must authorize emergency treatment and any administration of medication (including over-the-counter medication) to their campers while at camp. Parents must provide proof of insurance covering their campers. Medication may only be administered by the health supervisor, though a health supervisor may approve self-administration of emergency drugs (such as asthma inhalers, epi-pens, etc.) where appropriate. Go to <http://www.mass.gov/eohhs/docs/dph/environmental/sanitation/camp-medication-parent-authorization.pdf> for a sample medication authorization form.
4. Emergency and Contingency Plans
- a. **Emergencies:** The camp must develop plans for natural disasters, fire, and other emergencies. The local fire department must approve the camp's fire evacuation plan.
 - <http://www.mass.gov/eohhs/docs/dph/environmental/sanitation/camp-medication-parent-authorization.pdf> for sample disaster plan (p. 2)
 - <http://www.mass.gov/eohhs/docs/dph/environmental/sanitation/camp-memos.rtf> for guidelines for developing a fire evacuation plan (p. 5)
 - b. **Contingency Plans:** Campers may only be released to their parents or to individuals designated by their parents. Camp must develop contingency plans for campers who fail to arrive in the morning or for pick-up, or who arrive without registration or other prior notice.
 - <http://www.mass.gov/eohhs/docs/dph/environmental/sanitation/camp-memos.rtf> for sample contingency plan (p. 1)
 - <http://www.mass.gov/eohhs/docs/dph/environmental/sanitation/camp-memos.rtf> for a sample lost camper plan (p. 6)

5. Discipline Policies and Procedures

The camp must develop discipline policies and procedures.

<http://www.mass.gov/eohhs/docs/dph/environmental/sanitation/camp-memos.rtf> for sample discipline policies and procedures (p. 4).

6. Abuse and Neglect Reporting:

As “mandated reporters,” camp staff must report any suspected child abuse or neglect to the Department of Children and Families (“DCF”). Note that reports to DCF must be made verbally immediately and written reports must be submitted in 48 hours. A guide for mandated reporters is available at

<http://www.mass.gov/eohhs/docs/DCF/can-mandated-reporters-guide.rtf>. The DCF reporting form is available at <http://www.mass.gov/eohhs/docs/masshealth/provider-services/forms/cirf.pdf>. The camp must have:

- a. written procedures outlining the process for reporting abuse or neglect and
- b. procedures to protect campers from abuse and neglect

7. Documentation from Campers

Camps must collect the following from parents of all participants:

- a. A camper health history and emergency information form (http://ogc.harvard.edu/ogc/system/files/ogc/health_history_and_emergency_info.doc).
- b. Authorization for emergency medical treatment and waiver (emergency authorization and waiver available http://ogc.harvard.edu/ogc/system/files/ogc/emergency_authorization_and_waiver.doc);
- c. Physician forms showing immunizations (a physician form is available http://ogc.harvard.edu/ogc/system/files/ogc/physicians_form_for_campers.doc); and
- d. Medication authorization forms (a sample form is available http://ogc.harvard.edu/ogc/system/files/ogc/medication_form.doc).

8. Harvard University Requirements

- a. **Insurance:** Harvard University’s Insurance Department will not guarantee coverage of a camp activity unless it has been pre-approved. Therefore, any school or unit interested in running a summer camp must secure Insurance Department approval. Circumventing Insurance Department approval may create an uncovered liability. Contact the manager of claims and loss prevention at 617-496-8830 at least four weeks before the start of camp.
- b. **Criminal records check:** Under Harvard’s university-wide pre-employment screening guidelines, certain employees, including those who supervise minors, must undergo a criminal records check. While CORI/SORI checks will be sufficient to satisfy this requirement in most cases, if a potential employee has resided in Massachusetts for less than seven years, ask your HR contact about an additional criminal records check conducted by Harvard’s outside vendor.
- c. **Employing minors as camp counselors:** There are restrictions on the number of hours minors (persons under age of 18) may work. Such restrictions apply whether or not the minor is compensated.
 - Sixteen- and 17-year-olds may work up to six days and 48 hours in a week, but no longer than nine hours per day.
 - Sixteen and 17-year-olds may not work before 6:00 a.m. or after 10:00 p.m. on school nights (they may not work after 11:30 p.m. on school nights). Minors working after 8:00 p.m. must be supervised.

Harvard University policy requires that all employees be at least 16 years of age; under certain circumstances, exceptions to the age minimum may be granted. Contact Labor Relations at (617) 495-2786.

Massachusetts law requires that minors obtain a work permit from their local school system.

See <http://ogc.harvard.edu/ogc/book/faqs> for more information on Harvard's policies concerning employing minors.