



BACKGROUND

The American Camp Association (ACA) recognizes that camps provide children with a community of caring adults who nurture experiential education that results in self-respect and appreciation for human value.¹ Camp organizers, seasonal staff and volunteers play a critical role and are entrusted in ensuring the safety of every camp goer. Municipalities must be aware of the consequences when this trust is broken, especially when it leads to the physical harm of a child.

INCIDENT AND DAMAGES

A CIRMA member Town's Parks and Recreation Department runs an annual summer day camp for children ages 5 – 12 years old. The program runs Monday through Friday from 9:00 am to 3:00 pm for six weeks during the summer. At the camp, children are separated into groups based on their age. During the summer in which the incidents occurred, the camp had approximately 11 students in the 9 – 10 years old age group. Two seasonal staff members were in charge of supervising and running daily activities for this group.

The claimant is a 9-year old camper in his second year attending the Town's program. During the second week of the program, claimant returned home from camp and his parents discovered bruising on his arms and legs. When asked what happened, claimant stated that he and another camper (camper) "were playing" a ball game when the camper struck the claimant multiple times in the shins and upper arms. The claimant's parents asked the claimant if he told the staff what happened and the claimant responded that had. The claimant's parents also asked the claimant if camper had been physical prior to that day's events, and the claimant again responded that he had been.

The next morning when the claimant's father dropped the claimant off at camp, he asked the Town's Program Director if she was aware of an incident between the claimant and the camper. The Director stated that she was aware of a physical altercation that occurred the day prior between the individuals, but that they separated the children and that the issue was "resolved." The claimant's father questioned why he was not notified of the incident by program staff, and the director apologized for the "miscommunication." They agreed that the lack of communication would not happen again.

Over the next week and a half, there were no more reported physical altercations between the claimant and the camper. However, towards the end of the third week of the program, the claimant complained to his father that the camper had been teasing him. The teasing allegedly included:

- Repeated imitations of the claimant's voice in a derogatory manner;

- Repeated "jokes" about the claimant's appearance / clothes;
- Ridicule targeting the claimant's athletic ability; and
- Innuendos regarding the claimant's sexual orientation.

As a result of the claimant telling his father this information, the claimant's father set up a meeting with the program director which took place on the Friday of the third week of the program. During the meeting, the claimant's father communicated each incident to the program director and ordered the director to put an end to the harassment. The program director was apologetic and agreed that the conduct was inappropriate and that she would ensure that the claimant and the camper would be separated. After the meeting, the camper, who was 10-years old, was moved into the 11 – 12 years old age group.

On the Monday of the fifth week of the program, the 9 – 10 years old age group and the years old age 11 – 12 group both had low attendance. The camp decided to combine both groups and run activities together for that day. One of the games that the campers played that day was called "Doctor Ball." Doctor Ball is a variant of Dodgeball where two teams compete against each other with each side having a "Doctor" that can "revive" their teammates when they are eliminated. On this day, the campers were separated into two teams of six participants each. The claimant and the camper were placed on separate teams.

During the game, the claimant and the camper were seemingly "getting on each other's nerves," according to one of the camp's staff members. The staff member stated that the claimant alleged that the camper was singling him out, and that the staff member was going to shuffle the teams so that the claimant and the camper were on the same team.

Before the staff member was able to shuffle the teams, he heard a loud noise and then loud crying. When the staff member turned, he saw the claimant on the ground holding his arm and crying. The staff member immediately ran over to the claimant and requested additional assistance from staff. Claimant's parents were called. Claimant's father picked him up and brought him to the emergency

¹<https://www.acacamps.org/campers-families/because-camp/benefits-camp>

room. The claimant was diagnosed with a broken left arm and contusions to the face and legs.

Witnesses to the incident confirm that the camper was chasing the claimant with a ball in an effort to eliminate the claimant from the game. The claimant slowed down and turned, and the camper ran up to within a few feet of the claimant, pulled the ball back, and threw the ball with all of his force directly at the claimant's face. The claimant then fell directly onto his arm.

CIRMA LIABILITY ASSESSMENT

The claimant's family retained legal counsel who ultimately filed a notice of intent to file suit and made an initial demand of \$85,000. The suit alleged that the Town's Parks and Recreation program had a duty to protect the claimant as an identifiable person of imminent harm, citing that the claimant's parents informed the program director on numerous occasions of the ongoing harassing conduct. The claimant's family also cited the program director's multiple acknowledgements that she was aware of the situation, and that she promised to ensure that the campers would be separated at camp.

Ultimately, due to the nature of the injuries and emotional distress that the claimant sustained, the claim was settled for \$45,000, which is inclusive of all attorney fees.

LESSONS LEARNED

The following recommendations can be included in a municipality's Summer Camp Risk Management Program.

- Develop a Bullying Policy that is inclusive of a definition of bullying, as well as the reporting and investigation processes of incidents. Subsequently train staff, including seasonal staff, on the Bullying Policy.
- Communicate the Bullying Policy during the registration process. Consider having parents sign off that they and their child(ren) understand the policy and that, if the policy is violated, the child(ren) may be prohibited from attending and camp fees will not be returned.
- Ensure that all staff members, including seasonal staff, understand the Bullying Policy.
- Consider following all State of Connecticut Mandatory Reporting requirements contained in Connecticut General Statute 17a-101, including ensuring that any paid Youth Camp Director or Assistant Director is a mandated reporter and has been trained on all aspects of CGS 17a-101.

For more information on this topic, please contact your CIRMA Risk Management Consultant. Visit our training schedule at [CIRMA.org/Training & Education Programs](https://www.cirma.org/training-education-programs) page for a list of current training programs.