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Hoping Risk Management Is On Y...

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The hot days of late July turning to even hotter August days signals the beginning of another academic sports year with the start of fall sport practices. In most regions of the country the high temperatures are accompanied by high humidity which means the risk of heat related injuries and death in all of the outdoor fall sports, but especially in football with its heavy pads and equipment complicating matters. Athletics directors at all levels need to continually assess the risks of every phase of their programs and have a comprehensive risk management program in place. Heat related accidents are but one of a multitude of issues that need to covered in the plan.

Too often we think of risk management in terms of avoidance of negligence suits which is important, but insignificant in comparison to the serious injury or loss of life of a student athlete that might have been avoided if proper procedures were in place. This aspect of an administrator's job is so crucial that it is essential that if there is any question about what proper policies and procedures are, the administrator must seek immediate help from the school attorney or other knowledgeable professional. If you are in that situation, act now; ignorance is not an acceptable defense. This article is intended to remind administrators of some basic concepts as the new school year begins in August or September.

Juries in negligence cases over the years have determined that the legal duty owed a student athlete include:

- sufficient supervision
- adequate instruction or training
- proper equipment
- appropriate medical care

Supervision is a particularly difficult issue at the high school level because of the large numbers student athletes trying out at a time when there is a shortage of coaches. You simply cannot send the kickers to another field with a student manager. There are no easy answers here but you need to think about this from the worst case scenario standpoint and provide qualified adult supervision or keep the kickers with the larger group. At a minimum, each of the persons hired should be CPR-AED certified and have total understanding of the emergency procedures in place.

Administrators must hire coaches who can provide adequate instruction and training to the student athlete in the skills required in each sport. There has been considerable litigation in this field. Woodson v. Irvington Board of Education (1987) involved a speedy track star recruited to the high school football team who suffered a disabling injury after attempting to make a tackle after a pass interception occurred. In the trial it was determined that the student athlete had only been instructed about tackling technique in one practice session. The jury determined that one instructional session in tackling was grossly insufficient and that the school and coaches only cared only about winning with little or no concern about the health and safety of the student athletes. A substantial award was made to the student athlete.

Providing proper equipment to student athletes is absolutely essential. This means in the case of contact sports that not only should the equipment be in excellent condition but it must meet safety standards of NOCSAE (National Operating Committee on Standards for Athletic Equipment). Further, the equipment must be fitted properly. The importance of the above in the case of football helmets is obvious when considering that doctors at the University of Pittsburgh Medical Center Sports Medicine Concussion Program calculate that 7.6 percent of all high school football players suffer a concussion annually. Too often is the case that equipment is “passed down” to the junior varsity team and, then, down to the sophomores. That may be acceptable for game uniforms, but the safety consequences are too great to risk using defective equipment on those student athletes that may be most susceptible to injury.

One final issue in this quick review is the matter of appropriate medical care which is but a part of the much broader issue of having an “Emergency Response Plan” in place to deal with emergency situations in an organized and effective manner. Far too many cases of heat related death occur because of failure to recognize the early symptoms or failure to provide the affected student athlete professional medical care in a timely manner. At a minimum, there must be certified athletic trainers and/or others trained in CPR/AED and first aid techniques in attendance at all practices. It is recommended that every coach be CPR/AED certified, as well. And, everyone must be familiar with emergency procedures. An established instantaneous communications plan with cell phones and other technologies must be a part of the emergency procedures.

If you are reading this and have not done a thorough risk assessment of your athletics organization followed by the development of a comprehensive risk management plan, please do so immediately. Seek help from various publications that are available or seek the advice of an attorney, an insurer, or a

risk management consultant. SMR is in the process of developing a risk assessment instrument for helping clients with risk management on their campuses. Let us know if we can be of help to you.

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