Risk Management in Sport
Also by the Editor

From the Gym to the Jury (1970)
Athletics and the Law (1975)
Physical Education and the Law (1978)
Sports and the Courts (1980)
The Right to Participate (1983)
Sport and the Law (1984)
Successful Sport Management (1985)
Sport and Law: Contemporary Issues (1985)
Pride in the Past (1987)
Ethical Behavior in Sport (2011)
Dedication

To: Our contributing authors who during this important project, I could never have asked for better partners who shared their experience and expertise with unusual enthusiasm and

To: Ann Terrill Appenzeller who through her efforts, I have been able to complete this task. Her valuable suggestions, patience, encouragement, and helpful insights made this book a reality. Ann became the 33th author of the book.

With admiration and appreciation to all 33 authors.

Herb Appenzeller
Contents

Preface xix

Acknowledgments xxi

Part I Introduction 1

Chapter 1 Risk Management in Sport 3

Diversity of Lawsuits 3
Sport Publications: A Response to Sport Litigation 4
The Rise of Sport Management 4
Center for Sports Law and Risk Management 5
Importance of Risk Management 6
References 6

Chapter 2 The Legal System 7

Types of Laws 8
The Court System 9
Jurisdiction 10
The Legal System in Action 11
In My Opinion 14
References 14

Chapter 3 Glossary of Legal Words and Phrases 17

Part II Tort Liability Issues 21

Chapter 4 Warnings, Waivers and Informed Consent 23

Duty to Warn of Risk 23
Injury Prevention 24
Risk vs. Benefit 25
Informed Consent 26
Application to Sport 26
Alternatives to Accepting Risk 27
## Chapter 5  Product Liability

- Potential Defendants 41
- Origin of Legal Theory 42
- Basis of Liability 42
- Jurisdiction Over Lawsuits and Applicable Law 44
- Common Allegations 44
- Defenses to Product Liability Claims 46
- Liability for Negligence 47
- Solutions for Manufacturers 48
- Litigation Outcomes 50
- Impact Upon Sport Programs 51
- Liability of Programs Related to Equipment 52
- Solutions for Programs 53
- In My Opinion 54
- References 54

## Chapter 6  Safe Transportation

- Duty to Provide Safe Transportation 55
- Transportation Options 56
- Personal Vehicles 60
- Youth Drivers 60
- Hierarchy of Risk 61
- State Law 61
- Driver Training 62
- Vehicle Maintenance and Inspections 62
- Budget Issues 63
- Resources 63
Chapter 7  Youth Sport and the Law  67
Youth Sport and Litigation  67
Court Cases Involving Facilities  68
Areas of Concern  69
Instruction  70
Landmark Case in Soccer  70
Equipment  70
Supervision  71
Violence  71
Sexual Abuse  72
Recommendations  73
Two Revolutions  74
Gender Equity in Youth Sport  75
Individuals with Disabilities  76
Special Olympics and Challenger Program  77
Recommendations for Individuals with Disabilities  78
In My Opinion  79
References  79

Part III  Risk Management Issues  81

Chapter 8  Liability and Risk Management Principles for Property Owners’ Associations  83
Introduction  83
History and Background  83
Legal and Statutory Foundations  84
Association Board Member Liability  87
Risk Management Considerations  87
Assistance in Risk Management Planning and Legal Decision Making  89
In My Opinion  89
References  89
Appendix A  90

Chapter 9  Risk Management Strategies for Physical Educators  93
Supervision  94
Instruction  95
Training  96
Medical Care  96
Facilities and Equipment  97
Accident and Injury Data  98
Contents

Training Workshops and Seminars 99
Emergency Care Drills 99
CPR and First Aid Training 99
References 100

Chapter 10 Risk Management for Cheerleading 103
Developing a Risk Management Plan and Strategies 103
Implementing Risk Management Strategies 104
Personnel Management: Questions for Cheerleading Personnel 105
Risk Assessment Audit: Suggestions for Administrators and Coaches 111
References 114

Chapter 11 Playground Risk Management and Safety 115
Introduction 115
History of Playground Risk Management and Safety 115
Playground Injury Statistics 117
Data Collection 118
Safety Committee 118
Supervision of the Playground Area 118
Selection and Installation of Protective Surfacing 120
Selection and Installation of Equipment 123
Signage 124
Steps to Solve Common Playground Hazards 125
Summary 127
References 127

Chapter 12 Risk Management in Motorsports 129
Introduction 129
Historical Perspectives 129
Categories of Motorsport Stakeholders 131
Categories of Motorsport Facilities 132
Types of Motorsport Risks and Related Injuries 134
Addressing the Risks 135
Conclusion 136
References 137

Chapter 13 Liability and Property Insurance for Sport Organizations 139
All Sport Organizations Must Carry Adequate Insurance 139
Concerns of Management of Larger Sports Organizations 140
Important Steps in the Risk Management Decision Making Process 140
Important Steps in the Insurance Process 141
Choosing the Most Qualified Insurance Agent and Carriers/MGA's 143
Selection Criteria 144
Types of Policies Needed 146
Accident 157
Business Auto 159
Workers' Compensation 161
Umbrella/Excess Liability 165
Liquor Legal Liability 167
Management Liability 170
Directors & Officers Liability (D&O) 170
Employment Practices Liability (EPLI) 172
Fiduciary Liability 174
Professional Liability (i.e., Errors & Omissions) 174
Media Liability 175
Cyber Liability 175
International 177
Property and Equipment 178
Business Income and Extra Expense 179
Crime 179
Conclusion 181
Disclaimer 181
References 182

Part IV Medical Issues 183

Chapter 14 Administering a Sport Medicine Program 185
Personnel Administration 185
Facility Management 188
Record Keeping 189

Chapter 15 Blood Borne Pathogens 193
Facts about Hepatitis B 193
Types of Hepatitis 193
What Is Hepatitis B? 194
How BIG Is the Problem? 194
HIV-AIDS Issues 195
In My Opinion 197
References 197

Chapter 16 A Catastrophic Injury Plan 199
The Importance of Planning 199
In My Opinion 202
Chapter 17  The Preparticipation Physical Examination  203
Can Athletes Be Excluded from Sport If They Fail Their Physical Examination?  203
Athletic Association Guidelines  205
Medical Associations  207
American College of Cardiology  214
Legal Right to Participate in Sport  215
In My Opinion  222
References  223

Chapter 18  The Problem of Sudden Death in Competitive Athletes  225
Introduction  225
Scope of the Problem  226
Causes of Cardiac Sudden Death in Competitive Athletes  228
Specific Conditions Known to Cause Cardiac Sudden Death  229
Screening Programs  230
History and Physical Examination  232
Ancillary Testing  233
Genetic Testing  234
AED’s and ICD’s  235
Limitations and Problems of Screening Programs  236
Specific Limitations of Screening and Diagnostic Evaluation  237
Medical-Legal Implications  241
Practical Aspects of Screening Programs  243
In My Opinion  244
Glossary of Medical Terms  247
References  251

Chapter 19  Emergency Medical Preparedness  259
Personnel  259
Equipment  260
Emergency Plan  260
References  262

Chapter 20  A.T.,C. and EMTs — Confrontation or Cooperation?  265
EMT and A.T.,C. Certification  265
Preseason Meeting  267
Advances in Equipment  268
In My Opinion  269

Chapter 21  Who Should Provide Medical Care: Athletic Trainer or First Responder?  271
High School Athletic Participation and Injury  271
Athletic Trainer vs. First Responder  272
# Contents

Medical Coverage in High Schools across the United States 274  
The Growing Issue in North Carolina 275  
A Closer Look at First Responders in NC 275  
Where We Go from Here 277  
In My Opinion 277  
Conclusion 278  
References 280

Chapter 22  Six Minutes to Live or Die:  
Automatic External Defibrillators 283  
AEDs 283  
AEDs and Sport Medicine 284  
Regulatory and Legal Implications of AED Use 284  
Public Access Defibrillation Programs 285  
Legal Trends 286  
Statutory Immunity Provisions 287  
References 288

Part V  Event and Facility Management Issues 293

Chapter 23  ADA and Sport Facilities 295  
Purpose Behind ADA 296  
ADA Requirements for Sport Facilities 297  
What Disabilities Are Covered by ADA? 299  
What Constitutes a Reasonable Accommodation? 301  
Do I Have to Prepare for All Potential Disabilities? 302  
How Much Will It Cost? 303  
What Will Happen If I Just Do Nothing? 304  
Practical and Inexpensive ADA Solutions for Sport Facilities 305  
Employment Concerns 308  
In My Opinion 309  
References 309

Chapter 24  Event Management: A Practical Approach 311  
Introduction 311  
Planning and Organization 312  
Organizational Chart 312  
Sales — Ticket Sales 313  
Sponsor Services 313  
Contestant Services — Special Consideration of  
   Accommodations, Security, and Transportation 314  
Hospitality — Liquor Liability 314  
Operations — Crowd Management 315
Contents

Site Management — Construction, Electrical, Maintenance, and Signage 316
Concessions — Licenses, Taxes 316
Finance 317
Support Services — Health and Safety, Communications, Traffic Control, Transportation, and Parking 317
Advertising, Promotions, Media Relations 319
Insurance 319
Waivers 321
Contingency Plans 321
Anticipation 321
Unforeseeable 322
In My Opinion 323

Chapter 25 Security Issues at Sports Events 325
The Effects of Terrorism on Security 325
Risk and Security Management 327
Security Assessments 328
Enforcing Security Plans 330
Security as a Value-Added Element 333
Conclusion 334
References 335

Part VI Risk Management Concerns 339

Chapter 26 Drug Testing and the NCAA 341
Introduction 341
January 2012 NCAA Study of Substance Use Habits of College Student-Athletes — NCAA Research Staff 344
Fourteenth Amendment 345
Fourth Amendment 347
Interscholastic Sport 351
In Our Opinion 352
Risk Management Strategies 353
Court Cases 354
References 355

Chapter 27 Fitness Center Safety 357
Introduction 357
Facility Layout 357
Overall Facility Safety 362
Emergency Planning & Equipment 364
Member Issues 366
<table>
<thead>
<tr>
<th>Chapter 28  Title IX Fundamentals</th>
<th>371</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fundamentals of Title IX</td>
<td>371</td>
</tr>
<tr>
<td>Title IX Enforcement</td>
<td>373</td>
</tr>
<tr>
<td>Legal Developments and Challenges to Title IX</td>
<td>374</td>
</tr>
<tr>
<td>Title IX and Reverse Discrimination</td>
<td>377</td>
</tr>
<tr>
<td>Additional Causes of Action under Title IX</td>
<td>378</td>
</tr>
<tr>
<td>In My Opinion</td>
<td>379</td>
</tr>
<tr>
<td>References</td>
<td>379</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chapter 29  Accommodating Individuals with Disabilities in Regular Sport Programs</th>
<th>381</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Accommodations</td>
<td>381</td>
</tr>
<tr>
<td>People with Disabilities Defined</td>
<td>382</td>
</tr>
<tr>
<td>Sport Rules Discriminate</td>
<td>382</td>
</tr>
<tr>
<td>Rule Changes during the 1970s</td>
<td>383</td>
</tr>
<tr>
<td>Progress and Needs in the 21st Century</td>
<td>383</td>
</tr>
<tr>
<td>Some Recommended Rule Accommodations</td>
<td>385</td>
</tr>
<tr>
<td>Concluding Comments</td>
<td>387</td>
</tr>
<tr>
<td>In My Opinion</td>
<td>388</td>
</tr>
<tr>
<td>References</td>
<td>389</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chapter 30  Aquatics and the Law</th>
<th>391</th>
</tr>
</thead>
<tbody>
<tr>
<td>Headfirst Entry Injuries</td>
<td>392</td>
</tr>
<tr>
<td>Legal Theories</td>
<td>392</td>
</tr>
<tr>
<td>The Occupational Safety and Health Act (OSHA)</td>
<td>395</td>
</tr>
<tr>
<td>Risk Management System</td>
<td>396</td>
</tr>
<tr>
<td>Emergency Action Plan</td>
<td>399</td>
</tr>
<tr>
<td>Research</td>
<td>399</td>
</tr>
<tr>
<td>Planning</td>
<td>400</td>
</tr>
<tr>
<td>Learning the System</td>
<td>400</td>
</tr>
<tr>
<td>Follow-Up</td>
<td>400</td>
</tr>
<tr>
<td>References</td>
<td>401</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chapter 31  Expert Witnessing: Definition of an Expert</th>
<th>403</th>
</tr>
</thead>
<tbody>
<tr>
<td>Types of Experts</td>
<td>403</td>
</tr>
<tr>
<td>Percentage of Plaintiff vs. Defendant Cases</td>
<td>404</td>
</tr>
<tr>
<td>The Initial Telephone Call</td>
<td>404</td>
</tr>
<tr>
<td>Credentials of an Expert</td>
<td>404</td>
</tr>
<tr>
<td>Credibility of an Expert</td>
<td>405</td>
</tr>
</tbody>
</table>
Retention of an Expert 405
Fee Schedules of an Expert 406
Local Expert vs. National Expert 408
Standard of Care 408
Discovery Techniques for the Sport/Recreation Expert 410
Written Reports by the Expert 411
Testimony 413
In My Opinion 416
Case Study 416
References 417

Chapter 32  Cheerleading and the Law: A Statistical Report 419
Direct Cheerleading Fatalities (1982–83 to 2009–10) 420
Disability Injuries in Cheerleading (1982–83 to 2009–10) 421
Serious Injuries in Cheerleading (1982–83 to 2009–10) 423
Consumer Product Safety Commission Data 423
In My Opinion 427
References 427

Chapter 33  Expecting the Unexpected: Preparation and Leadership in Emergencies 429
The Basics 431
Specific Emergencies 432
Procedure for Severe Weather Detection 441
Documentation 442
Crisis Leadership, Communications and Public Relations 442
Post-Incident Follow-Up 445
In Our Opinion 445
References 445

Part VII  Risk Management Forms, Checklists and Surveys 447

Chapter 34  Necessary Medical Protocols for College Athletics 449
Athletic Forms for Student-Athletes 449
Emergency Management Plan 455

Chapter 35  Safe Facilities: Conducting a Facility Risk Review 457
Introduction 457
Legal Duty 457
The Basis for Hazards 459
Facility Risk Review 460
Initial Inspection 460
Risk Treatment 462
Contents xvii

Periodic Inspections 462
Safety Rules 464
Establish a Preventative Maintenance Program 465
Train Staff 466
Documentation 466
Common Hazards 467
In My Opinion 467
References 468

Chapter 36 A Safety and Risk Management Audit for Secondary School Athletic Programs 469

Who Should Use the Self-Appraisal? 469
Directions for the Evaluator 470

Chapter 37 Athletic Department Drug/Banned Substance Awareness, Education, and Screening Policy 485

Program Purpose 485
Prohibited Drugs/Banned Substances 485
Educational Activities 486
Voluntary Admission and Request for Counseling 486
Screening Program 486
Consequences of Impermisssible Drug/Banned Substance Use 489
Confidentiality of Information Concerning Drug/Banned Substance Use 490
Violation of the Code of Student Conduct or Team Rules 491
Improper Provision of Drugs by Institutional Personnel 491
Appeal to “Non-Negative” Test Results 491
Catawba College Athletic Alcohol Consumption Statement 492
Appendix A: NCAA and/or Catawba College Drug/Banned Substance Classifications 493
Appendix B: Drug Screening Notification 494
Appendix C: Administration of the Drug/Banned Substance Screening Program/Test 494

Part VIII Trends in Risk Management 497

Chapter 38 New Approach to Resolve Disputes 499

Risk Management: The ECT Approach 501
In My Opinion 502
References 502
Preface

Sport-related lawsuits continue to escalate in the 21st century. Pressure in the multi-billion dollar sport industry has increased against all who are engaged in the operation of sport. Risk management, long a vital part of business, medical and insurance industries, has become a valuable addition to law and sport in the sport industry. It is obvious that risk management has a vital role in combating the flood of lawsuits that confront all organizations associated with sport on every level. It seems that any adverse decision against an athlete or sport organization results in a costly lawsuit or the threat of a lawsuit. Risk management attempts to curb this trend by providing policies, procedures, safety audits, risk assessments and emergency action plans. Risk management for sport is not easy to define because it deals with complex issues. Herb Appenzeller, a pioneer in sport law and risk management, defines sport risk management as follows:

Sport risk management is a process that develops a comprehensive risk management plan to eliminate or minimize loss exposure for injuries to participants and spectators and avoid financial loss. Sport risk management strategies need constant reevaluation, compliance with legal duties, and the responsibilities to create a safe environment (Successful Sport Management 2008).

John T. Wolohan, professor of sports law, Syracuse University writes in Athletic Business that,

One of the most important tasks is to control or limit an organization's exposure to financial risk — either by insurance or by taking corrective measures that mitigate risks. While there are many ways to reduce an organization's exposure, one of the best is to develop a risk management plan.

He adds:

In developing an effective risk management plan — which can include everything from the frequency and type of maintenance required on equipment to proper emergency procedures and training for personnel — it is essential that sports and recreation administrators try to identify any and all risks that may be associated with an activity. As a result, one of the first steps is to conduct a risk audit during which administrators walk around the facility and inspect for potential dangers. Inspection of all equipment for wear and tear is important, since the facility is liable for injuries suffered on defective and broken equipment that it knows, or should have known, poses a danger to users.

Wolohan concludes with important advice to all responsible for a safe sports environment:

It is not enough, however, to conduct only a single or annual audit. For a risk management plan to be effective, it is essential that the plan incorporate a regular, systematic, inspection program that includes a written record of the inspection, including who conducted the audit, the date, any defects found, and any remedies taken to correct them (Athletic Business 2010).
Todd Seidler, a risk management expert and director of the sport administration program at the University of New Mexico, emphasizes the need for risk management plans, but cautions those who use such plans when he writes: “Every risk management plan is unique and must be designed specifically for each organization and activity” (Seidler, 2011). Seidler advises personnel responsible for administering the sport program: “not to merely copy other risk management plans when developing a plan for their venue or organization.” Later in this book, he suggests that established plans can serve as a guide for a plan, but suggests a specific one for each individual venue or sport organization — not one copied.

Ann Franke, a risk management specialist, writes: “By being prepared and implementing a risk management plan, it is important to make certain that nothing is left to chance” (Franke, 2006).

Scott Clark, Risk Benefits Officer, Miami-Dade County School Board said: “Too often the organizations, which have delegated risk management to middle management positions, are looking to solve their strategic risk management issues with outside consultants.” He advises risk managers to get the tools from the Risk and Insurance Management Society (RIMS) and make resources available to the risk managers within the organization (Risk Central, 2011).

The purpose of this book is to enable sport administrators to develop risk management plans and procedures, thereby making the sport industry safer. The book provides valuable resource material that, while not an exhaustive list of contracts, forms, laws and risk review guidelines and other important information, can be an effective guide on practical and useful information. The material can be adapted and modified to meet the needs of sport at every level.

In conclusion, Ronald Baron, a risk management pioneer, who started the Center for Sport Law and Risk Management in the early 1970s, said: “Risk management helps those who direct a sports program comply with their legal liabilities, provide safe programs, and enable sports personnel to defend themselves and their programs in the event of a lawsuit” (Risk Management in Sport, 2004).
Risk management in sport has become a vital factor in promoting safety for all who participate at every level of sport. It is important, even crucial, that resources for risk management are available to set policies and procedures for sport organizations and administrators.

Thirty-two authors with expertise and experience in risk management have contributed to the Third Edition of Risk Management in Sport: Issues and Strategies. The list of sport risk management authors reads like a “Who's Who” of sport safety. I am indebted to these experts who so willingly shared their knowledge and practical experience to set guidelines for all who are associated with sport. It is true that no one is immune from litigation; it has escalated beyond belief. As the editor I am grateful for such support for a resource for sport risk management.

Appreciation is due to the following people and sport organizations who also made this important book a reality:

• Linda Lacy and Keith Sipe, publishers of Carolina Academic Press, who have promoted a series of books dealing with sport management, sport risk management and other publications dealing with sport. Their vision as pioneers of sport safety has been a source of encouragement to many authors in a field of study that needs attention.

• Ann Terrill Appenzeller for her outstanding effort in every phase and detail of the book. Her knowledge of the legal aspects of sport and risk management greatly enhanced the preparation of the book.

• Todd Seidler, Director of Sport Management at the University of New Mexico, for his constant assistance in the development of the book. His understanding of the law and risk management has improved the book and his spirit of cooperation and friendship is invaluable.

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• Thomas Appenzeller, my son, who has contributed so much to the welfare and safety in sport. His practical background and mission to teach sport safety has been outstanding. His research has contributed to improving all aspects of sport and his dedication to promote safety for all who participate in sport has been important to everyone associated with sport.
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