

Fourteen Duties for Athletic Administrators and Athletic Coaches Related to Negligence Litigation

Several obligations or duties have been identified as absolute requirements for coaches and athletic program administrators. *These standards have the weight of moral obligation for coaches and athletic administrators and have evolved as a result of various case law proceedings and legal judgments against individuals and school districts.*

1. DUTY TO PLAN – This is a comprehensive requirement that transcends all other duties. Inherent in this duty is the need to continually conduct focused analyses of potential hazards and to develop responsive strategies that prevent or reduce the potential for injury and loss in the following areas: coaching competence; medical screening; appropriate activities that consider age, maturity and environmental conditions; facility and equipment evaluation and improvement; injury response; warnings to athletes and their families; insurance of athletes; child advocacy in cases of alcohol and other drug abuse (AODA) or family neglect or abuse. Plans and policies should be rigorously implemented unless dangerous conditions prevent implementation. Plans should become policy documents and updated regularly by administrators, coaches and experts in specific areas (e.g. equipment, emergency response, etc.). *Negligence can be alleged when an injury loss results from no planning, inadequate planning or when plans are developed but ignored.*

2. DUTY TO SUPERVISE – A coach must be physically present, provide supervision and control of impulsive behavior, competent instruction, structured practices that are appropriate for the age and maturity of players, prevent foreseeable injuries and respond to injury or trauma in an approved manner. This duty requires supervisors to ensure that facilities are locked and that students are denied access when a competent staff member cannot be physically present to supervise. Supervision responsibilities also pertain to athletics administrators who are expected to be able to supervise coaching staff members competently. In addition, athletics administrators are expected to supervise contests to ensure that spectators do not create an unsafe or disruptive environment. A further extension of this duty is the need to supervise the condition, safe usage, maintenance and upkeep of equipment and facilities.

3. DUTY TO ASSESS ATHLETES READINESS FOR PRACTICE AND COMPETITION - Athletics administrators and coaches are required to assess the health and physical or maturational readiness skills and physical condition of athletes. A progression of skill development and conditioning improvement should be apparent from practice plans. Athletes must also be medically screened in accordance with state association regulations before participating in practice or competition. Moreover, some children may require specialized medical assessment to ascertain the existence of congenital disorders or the existence of a physical condition that predisposes the athlete to injury. In addition, injured athletes who require the services of a physician may not return to practice or competition without written permission of the physician. A new area of concern that may grow from the duty is the difficulty of assessing the readiness of handicapped children who are referred for practice and competition under the American With Disabilities Act or the Education of All Handicapped Children Act of 1975. In these cases, it is imperative that medical and multidisciplinary team approval and recommendation be obtained before a handicapped student becomes a candidate for practice and competition.

4. DUTY TO MAINTAIN SAFE PLAYING CONDITIONS – Coaches are considered *trained professionals* who possess a higher level of knowledge and skill that permits them to identify foreseeable causes of injury specific to a sport and inherent in defective equipment or hazardous environments. Courts have held athletics supervisors responsible to improve unsafe environments, repair, or remove defective equipment or disallow access to unsafe equipment or environments. The use of *sport-specific equipment safety checklists* can be helpful in enhancing the safety of participants. In addition, weather conditions must be considered. Athletes should not be subjected to intense or prolonged conditioning during periods of extreme heat and humidity or when frostbite may be a factor. In addition, a plan for monitoring and responding to dangerous weather conditions is necessary. Building codes and laws must be observed and implemented with respect to capacity, ventilation, air filtration and lighting.

5. DUTY TO PROVIDE PROPER EQUIPMENT – Coaches and athletic administrators must ensure athletes are properly equipped with equipment that is appropriate for the age and maturity of the athletes and that is clean, durable and safe. Fitting should be carried out in accordance with manufacturer's specifications. This is especially important for protective equipment which must carry a National Operating Commission on Safety in Athletics Equipment (NOCSAE) certification and must be checked for proper fit and wearing. Athletes must wear protective equipment any time they are exposed to the full rigors of contact in practice or competition. Selection of equipment must also consider the age and maturity of the athletes.

6. DUTY TO INSTRUCT PROPERLY – Athletics practice must be characterized by instruction that accounts for a logical sequence of fundamentals that consider the developmental level of the athlete and that lead to an enhanced progression of player knowledge, skill and capability. In this regard, instruction must move from simple to complex and known to unknown. Instructor-coaches must be properly prepared to provide appropriate and sequential instruction and to identify and avoid dangerous practices or conditions. Instruction must demonstrate appropriate and safe techniques and must include warning about unsafe techniques and prohibited practices.

7. DUTY TO MATCH ATHLETES –Athletes should be matched with consideration for maturity, skill, age, size and speed. To the degree possible, mismatches should be avoided in all categories.

8. DUTY TO CONDITION PROPERLY – Practices must account for a progression of cardiovascular and musculo-skeletal conditioning regimens that prepare athletes sequentially for more challenging practices and competitive activities. Consideration must be given to student readiness and maturational factors. In addition, consideration should include weather conditions and their impact on student health.

9. DUTY TO WARN – Coaches are required to warn parents and athletes of unsafe practices that are specific to a sport and the potential for injury or death. This warning should be issued in writing and both athletes and parents should be required to provide written certification of their comprehension. Videotapes of safety instruction and warnings to players and parents are recommended.

10. DUTY TO ENSURE ATHLETES ARE COVERED BY INJURY INSURANCE – Athletic administrators and coaches must screen athletes to ensure that family and/or school insurance provides a basic level of medical coverage. Athletes should not be allowed to participate without injury insurance. Deductible and co-payment requirements should be clearly explained to parents and athletes. Certain schools may need to publish this information in several languages. Comprehensions should be required of parents and athletes.

11. DUTY TO PROVIDE EMERGENCY CARE – Coaches are expected to be able to administer accepted, prioritized, standard first aid procedures in response to a range of traumatic injuries – especially those that are potentially life-threatening.

12. DUTY TO DEVELOP AN EMERGENCY RESPONSE PLAN – Athletic administrators and coaches must develop site-specific plans for managing uninjured team members while emergency care is being administered to an injured athlete. In addition, plans must be in place to: ensure access to a telephone, a stocked first aid kit, spine board and other emergency response equipment. The plan should also account for a timely call to EMS and an expedited access by EMS to the injured athlete by stationing coaches or team members at driveways, parking lots, entry doors and remote hallways.

13. DUTY TO PROVIDE PROPER TRANSPORTATION – In general, bonded, commercial carriers should be used for out of town transportation. Self or family transportation for local competition may be allowed if parents have adequate insurance coverage for team members other than their family members. The age and maturity of athletes should always be considered when allowing athletes to use public transportation to travel to a local contest. Athletes should be prohibited from driving to an out of town competition, scrimmage or practices.

14. DUTY TO SELECT, TRAIN AND SUPERVISE COACHES – Athletic administrators will be expected to ensure coaches are capable of providing safe conditions and activities as outlined in the preceding list of thirteen duties.