

YOU AND THE LAW

Steps to Reduce Sports Injury Liability

Thomas H. Sawyer, Ed.D. and Tonya L. Sawyer, Ph.D.

Introduction

Despite legislation to control and safeguard student-athletes from athletic injuries, preventing injuries requires intense monitoring and an effective risk management strategy. Each year, thousands of student-athletes suffer a wide variety of injuries including, but not limited to:

- Strains,
- Sprains,
- Dislocations,
- Muscle tears,
- Fractures,
- Concussions, and
- Other injuries.

Reducing liability in interscholastic sports necessitates a proactive safety and risk management approach. The role of an athletic director, coach, and athletic trainer is crucial in ensuring a positive and safe athletic experience. The job descriptions of each should

Thomas H. Sawyer, Ed.D., Emeritus Professor, Kinesiology, Recreation and Sport, Indiana State University, Terre Haute, IN; Tonya L. Sawyer, Ph.D., Chair, Department of Business and Leadership, Assistant Professor of Sport Management, Saint Mary-of-the-Woods College, Saint Mary of the Woods, IN.

encompass effective management practices and prevention of negligent behavior. The challenges for athletic personnel are to comply with standards and demonstrate their competence in delivering an optimal athletic experience.

Steps to Reduce Sports Injury Liability

While each public school district and private school may have specific guidelines and policies in place, here are a few steps that should be considered to minimize injuries and liability in an athletic program. These steps are endorsed by the American College of Sports Medicine (ACSM)(<https://www.acsm.org>) and the National Athletic Trainers Association (NATA)(<http://www.nata.org>):

Develop Comprehensive Policies and Procedures

Establish clear and detailed policies and procedures for all aspects of sports, including safety protocols, equipment maintenance, emergency response plans, emergency contacts, and student supervision to ensure sports safety.

Provide Proper Training

Ensure that all coaches, athletic directors, and other administrative personnel receive proper training in safety protocols, first aid, CPR, and any specific requirements for the sports or activities the athletic trainer is charged to oversee. For example, Title IX provides that student-athletes cannot be discriminated against based on sex. Coaches and players need to put this into practice to provide an inclusive environment during practice and actual sporting competitions. You are also responsible for preventing hazing or other conduct considered to be harassment.

Conduct Thorough Background Checks

Implement a robust screening process for all personnel involved in sports, including coaches, athletic trainers, and volunteers, to ensure their suitability and minimize potential risks.

Maintain Proper Equipment

Regularly inspect and maintain sports equipment and facilities to ensure they are safe, functional, and meet industry standards. Replace any damaged or outdated equipment promptly. Even if the

coach thinks factory-direct items are safe, you must check for flaws, defects, and damage affecting its integrity to protect athletes.

Enforce Safety Guidelines

Emphasize the importance of your athletic trainer adhering to safety guidelines and rules during practices, games, and other athletic events. Enforce and document disciplinary measures for violations to promote a safety culture. Any successful athletic trainer program will include an established pursuit of training and guidance from physicians who already care for injured high school athletes. This is probably the best way to avoid court and injured victims nationwide in the many schools and sports stadiums.

Provide Appropriate Supervision over Athletic Trainers'

Ensure adequate supervision by qualified personnel during all sports and athletic activities, including practices, games, and transportation.

Conduct Regular Athletic Trainer Safety Audits

Periodically evaluate the safety protocols, equipment, facilities, and procedures to identify potential hazards or improvement areas. Address any identified issues promptly.

Maintain Proper Records about Student-Athletes and Coaches

Keep detailed records of safety training, certifications, background checks, incident reports, and other relevant documentation. This helps demonstrate compliance and can be invaluable in the event of a liability claim.

Communicate with Parents/Guardians of Each Student Athlete

Maintain open and transparent communication with the student-athlete's parents or guardians, providing them with necessary information about safety measures, risks, and expectations.

Obtain Appropriate Insurance Coverage

Ensure the school or district has adequate insurance coverage, including liability protection for sports and athletics-related inci-

dents. Buy a professional liability policy to protect yourself against unpredictability and the unforeseen. There seem to be risks everywhere.

Encourage Informed Consent

Obtain signed consent forms from parents or guardians acknowledging the risks associated with participation in sports and athletics. This will help establish awareness and assumption of risks.

Continually Educate and Update

Stay informed about best practices, industry standards, and any legal updates related to sports and athletics. Provide ongoing education and training for personnel to update them on safety practices and risk management strategies.