

COACHES NEGLIGENCE LIABILITY

The one constant in life is that everything continues to change. What we learned as student/athletes, what we saw and participated in might not be acceptable today. The coach, school and district can be sued for a participant or spectator injury, regardless of fault. The injured person is not alleging that the staff intentionally caused them harm, simply that the coach failed to act in a reasonable or prudent manner.

DUTY TO ACT

As the coach, you are the expert and must do and act in a reasonable or prudent manner. For example, failure to inspect for and remove a slippery or dangerous foreign substance on a playing surface. A court may find that your failure to inspect and remove the foreign matter was a substantial factor in the cause of the injury.

DUTY TO PROPERLY CONDITION

The coach must properly PREPARE AND CONDITION the athletes. Physically conditioning your players, generally and specifically, for the sport in which they are participating is imperative. Start slowly and progress. Always include a warm-up and stretching period before participating. When an athlete collapses on the field of play, one of the first things the lawyers will look into is your conditioning program. Did the coach get them ready?

DUTY TO OFFER PROPER INSTRUCTION

The coach who does not teach proper techniques in a progressive manner would be considered negligent. You must not only teach what to do, but also what not to do! This area also includes teaching your athletes what to do in case of a teammate's injury. You MUST attend clinics and seminars in your specific sport so that you can stay up-to-date on current trends and techniques.

DUTY TO SUPERVISE

The lack of supervision, being physically present, is the most obvious and also most often cited reason for coaches being sued. Do NOT take the chance of leaving your players on the court or on the field without supervision. Supervision is tied to the term foreseeable. Is it foreseeable that there may be horse play if a coach is not present? You had better believe it. This supervision is NOT limited to the practice/playing area. It also includes the locker rooms and any other areas in which your players gather.

DUTY TO WARN

A coach must always warn their athletes about the dangers of the sport and the equipment being used. Coaches need to go over all protective equipment with the players and how it is to be worn, the dangers of NOT wearing the equipment or using equipment incorrectly. Courts have stated that the coach must be prudent and must warn the players about potential risks.

DUTY TO GIVE PROPER CARE AND AID

The coach is responsible for proper care and aid of their student/athletes. Therefore, the coach must always place the welfare of the student first and foremost. The coach must also be trained in emergency first aid and CPR. They must have a written emergency plan that others can follow.

STRATEGIES FOR COACHES

1. Always put the welfare of the student first. If you err, err on the conservative side.
2. Do not issue any equipment or allow the student to participate until you have written clearance from the athletic director.
3. Inform your athletes of the risks of the sport and the importance of following instruction.
4. Record and keep accurate practice plans. They should have timed and detailed progressions of your daily schedule.
5. Develop a medical response plan according to resources available.
6. ALWAYS have your student emergency medical cards with you.
7. Inspect your equipment and practice facilities daily.
8. Post signs regarding safety and behavioral expectations.
9. Always have supervision on site and in charge.
10. Keep your parents informed. Start with preseason meetings and use phone calls to keep parents up-to-date on any questionable behavior or situations. COMMUNICATE!!
11. AVOID terminology such as suicide drill, death runs, killers and hamburger drills. These terms will come back to haunt you in court.
12. Join professional organizations that reflect your professional standing in athletics. Be sure to join local, state and national groups. Your professional standing will be called into question if a negligent liability lawsuit is filed against you. The National Association of High School Coaches Association offers a one (1) million dollar liability coverage to all members.
13. In the event of injury, always follow-up with a visit or a call to the athlete and family. NEVER, never place or admit blame.
14. Isolate and keep under lock and key any equipment involved in a serious injury.

COACH EVALUATION

The purpose of an evaluation process for coaches is to develop and assess the goals and objectives for the school's athletic program. An effective evaluation needs to take into account the broad spectrum of competencies that help make a coach successful. Some of these competencies include honesty, integrity, knowledge of growth and development patterns, learning curves, sound educational principles, up-to-date strategies, training techniques, and program administration. Interscholastic athletics is about much more than just a winning record.

New athletic directors may want to collect examples of evaluation devices used by other programs and develop a process that fits into their style of management and their principal's expectations. In most schools, the varsity head coaches are evaluated by the principal and the athletic director, while assistant coaches are evaluated by the head coach and the athletic director. This evaluation process is usually concluded with a conference where the written evaluation is discussed at length. According to the right of due process the coach will always have the opportunity to write a written rebuttal to the evaluation.

The ATHLETIC ADMINISTRATORS REFERENCE MANUAL published by the NIAAA lists the following purposes of an evaluation appraisal system:

1. To afford an opportunity to identify, recognize and praise quality coaching and instruction.
2. To provide an opportunity to identify potential leadership within a system.
3. To create a climate to achieve individual improvement through job targets.
4. To provide information necessary to make objective assessment of the performance of a coach.
5. To identify those factors which interfere with a coach's overall contribution to the athletic program.
6. To assure that quality coaching is responsibility shared by the entire coaching staff and the Athletic Director.