

Risk Management

FOR CAMPUS RECREATION

VOLUME 7

ISSUE 4

APRIL 2013

FEATURE TOPIC:

YOUTH
CAMPS



Preventing Child Abuse

Beyond the Background Check

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Purpose:

It's spring time and chances are program coordinators and directors are gearing up for another great summer of recreation and athletic camps on colleges and universities across the country. By now, hiring is probably in full swing as directors are interviewing and finding top quality counselors and instructors for their programs.

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Introduction

Summer Camps. Why are you running them? To make money? As a community service? To provide summer jobs for students?

Whatever your reasons, they better be good - otherwise why would you want to operate a program which is undoubtedly the highest risk program in the department? Since you are dealing with minors, the standard of care is extremely high, and hence you need to be absolutely sure that you can manage the risks.

This Newsletter focuses on Summer Camps and provides timely information to assist you in the Camps risk assessment and planning process.

Good luck – and have a great summer. See you in the Fall!

Ian McGregor
Publisher

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Preventing Child Abuse

Beyond the Background Check

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An integral piece of the hiring and screening process involves ensuring that all staff histories are appropriate for working with youth; this most likely includes a fingerprint background check to eliminate those with criminal histories. Another commonly used screening tool is the National Sex Offender Public Website. This is a free service that lists all registered sex offenders across the country and can be searched by name or neighborhood.

An integral piece of the hiring and screening process involves ensuring that all staff histories are appropriate for working with youth.

Although fingerprint background checks and use of the National Sex Offender Public Website are important steps in discovering staff histories, they cannot be our sole source of information. Unfortunately, most child molesters do not have a criminal background record. If you are relying on a criminal background check to be your only defense against child abuse, you may not be doing everything you can to prevent child molesters and abusers from being hired, gaining access to your participants and causing irreversible damage to individuals, your program and University.

Most child molesters do not have a criminal background record.

Fortunately, there are several other defense measures we can utilize as hiring managers to prevent child abusers from gaining access to our program. Procedures and strategies should be developed to guide hiring, training, supervision and response practices.

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National Sex
Offender
Public Website

Preventing Child Abuse

Beyond the Background Check

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Hiring Strategies:

Beyond the background check, deterring potential abusers starts with making your program known for taking allegations of abuse seriously. Consider making a statement about child abuse in your job posting, that you take it seriously and fully investigate all allegations of abuse. There are forums on the internet where child abusers converse about which organizations have minimal screening procedures in order to gain quick and easy access to their targets. By simply mentioning your screening practices and stance on abuse, these may be a deterrent for potential abusers and drive away individuals with ill intent.



Simply mentioning your screening practices and stance on abuse, these may be a deterrent for potential abusers.

A mandated reporter is an individual required by law to report suspected cases of child abuse.

In addition to stating your position on abuse in job postings, it is imperative to look closely at all resumes and applications for any concerns. Inconsistent timelines on resumes and applications can often be these red flags. Short durations of time from one job to another, or not listing past employers as references are other examples of red flags. Targeting a specific demographic (age, gender) and only having experience with one particular age group can also be an area for concern. Although none of these red flags may exclude a candidate from the interview process on its own, they should be addressed at one point during the hiring process.

Training Strategies: Train Staff as Mandated Reporters

Since the unthinkable situation at Penn State, Mandated Reporting laws have changed across the United States to broaden the definition of a mandated reporter. A mandated reporter is an individual, who based on their employment or profession, is required by law to report suspected cases of child abuse to appropriate authorities. Many states have adopted language to specifically include coaches at the collegiate level and post-secondary staff and administrators. Check your state's laws regarding child abuse reporting for specific information. Many states have online trainings available for staff to familiarize themselves with their responsibilities as a mandated reporter, what to do when you suspect abuse and how to report.



Preventing Child Abuse Beyond the Background Check

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Developing Strong Policies and Procedures

Training should also include your comprehensive procedures and policies regarding conduct and interactions with youth. In general, potential abusers need two things: Access and Privacy. Your policies and procedures should be created to minimize access and privacy for all of your staff.

Guidelines around Physical Contact and Verbal Interactions should be made clear for staff. Programs should establish boundaries for appropriate physical contact, making it clear what is acceptable and what is not. The same goes for verbal interactions including appropriate conversations. Programs should have clearly defined guidelines for one-on-one interactions. Some programs may prohibit this all together and have a "rule of 3." This means that at no time should a staff member be alone with a minor. Some programs may need to modify this to fit the needs of the program, such as meeting one-on-one with participants in a public place in full view of others. The important piece is to minimize the opportunity for staff to have private access with youth and to minimize the opportunity for youth to make allegations about the conduct of staff without another witness.

Programs should have clearly defined guidelines for one-on-one interactions. Some programs may prohibit this all together and have a "rule of 3."

Programs should also have policies and procedures regarding non-program time. Some camps or programs fully prohibit staff from interacting with youth participants outside of camp. This includes babysitting and childcare. However, some programs that are more academically focused or mentoring based may need to modify this policy to meet programmatic needs; however guidelines should still be established. Group interactions should be encouraged and parents and guardians should always be informed.

Guidelines need to be established that prevent inappropriate electronic communication.

When working in the generation of technology, guidelines need to be established that prevent inappropriate electronic communication. Again, some programs may prohibit connecting on social networking sites such as Facebook, email, cell phone or texting. However, not all programs can live with this policy. Guidelines should be created that include informing parents of the nature of appropriate electronic communication. For instance consider copying camp administrators or parents on all emails to youth participants and/or only communicating on social networking sites via group pages such as the camps Facebook page. Don't let staff find the boundaries on their own. Develop boundaries that meet your program needs, train your staff and inform you parents and participants.



Supervision is also key to minimizing opportunities for private access.

Supervision Strategies:

Supervision is also key to minimizing opportunities for private access. Develop supervision procedures for monitoring facilities, establishing bathroom routines, shower procedures, policies for night games and transportation in order to minimize access. As a rule, staff and youth participants should never shower nor use restrooms at the same time. Staff should be positioned to be within earshot of these facilities and be nearby to respond if anything arises. Night games pose their own unique set of circumstances. "Zone monitoring" should be utilized to ensure all areas are monitored as well as head counts at random intervals throughout the activity. Finally, transporting youth should always be in University approved vehicles and at no time should a staff member be transporting only one youth participant. Always remember the "Rule of 3."

Preventing Child Abuse

Beyond the Background Check

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Staff Response Strategies:

Beyond mandated reporting for known or suspected child abuse, staff should know that abuse prevention is everyone's responsibility. If there is a policy against private, one-on-one interactions and a staff member is witnessed meeting one-on-one with a participant, this situation should be brought to the staff's attention as well as a supervisor. This is not to say that the staff member had any ill intent. We need to stop minor boundary crossing before it becomes a problem. A simple reminder from one staff to another can often be all that is needed. It can be phrased as: "I think you may have forgotten that we have a policy against meeting campers in private." Also, be sure a supervisor is made aware in case this staff member continues to violate the policy, and further action can be taken. The same type of reporting procedures should be established for inappropriate camper to camper interactions. Minor boundary violations on their own do not necessarily indicate abuse, but multiple violations witnessed by multiple individuals in different settings can sometimes be a sign that something else is going on.

Conclusion:

We will never fully eliminate the risk of child abuse within our programs. However, we can develop policies and procedures that will help reduce the risk, but this is only the first step. What is more important is that these policies and procedures are followed 100% of the time. Unfortunately, our world is full of far too many cases of situations where procedures were not followed resulting in irreversible damage and terrible consequences. What we do know is that staying silent on issues of alleged abuse is not a strategy worth implementing. Penn State is one example and findings in the Freeh Report cite multiple failures in reporting and follow-through on alleged inappropriate actions. The line "If you see something, say something" is one to live by when working with youth. If something does not change, and there are still concerns, keep saying something until actions are taken to investigate alleged inappropriate interactions.

Findings in the Freeh Report cite multiple failures in reporting and follow-through on alleged inappropriate actions.

 **BACK TO COVER**



The Power of **the Waiver:** Loychuk v. Cougar Mountain Adventures Ltd.

Bruno De Vita

Alexander Holburn Beaudin + Lang LLP

Waivers and releases of liability have been proven to be an effective risk management tool in avoiding liability, particularly for entities that are regularly engaged in the area of sport and recreation. A recent decision of the British Columbia Court of Appeal in *Loychuk v. Cougar Mountain Adventures Ltd.*, 2012 BCCA 122 demonstrates just how powerful a tool waivers can be and, when properly drafted, how resilient they can be to challenges of unfairness and unconscionability.



The case involved two plaintiffs, Loychuck and Westgeest. They were injured when Westgeest was allowed to be sent down a zipline by Cougar Mountain employees at a time when Loychuck, who had immediately preceded her, was suspended on the line before reaching the bottom. Although the guides employed by the operator were in communication by walkie-talkie, the individual directing Westgeest was not advised that Loychuck had become suspended in mid-course. Westgeest was allowed to proceed down the line and came into collision with Loychuck at considerable speed and without any ability to stop herself or slow her descent. The operator's employees were clearly negligent and so the only defence available to the operator was the waiver of liability that each of the plaintiffs had signed prior to the commencement of the activity.

The waiver was a one page document. At the top of the document was a box in large print which included the following:

RELEASE OF LIABILITY, WAIVER OF CLAIMS AND ASSUMPTION OF RISK AGREEMENT BY SIGNING THIS DOCUMENT YOU WILL WAIVE CERTAIN LEGAL RIGHTS, INCLUDING THE RIGHT TO SUE OR CLAIM COMPENSATION FOLLOWING AN ACCIDENT

PLEASE READ CAREFULLY!

Immediately next to that warning was a space for the initials of the participants in order to show that the release was brought to their attention and the legal effect of the waiver made clear. Both plaintiffs also signed at the bottom of the release under the words, "I have read the Release Agreement above, and I agree to be bound by its terms."

In the body of the Release there was a description of the activity involved and a detailed description of the various risks and hazards associated with the zipline. Thus, the risks being assumed by the plaintiffs were brought to their attention within the document itself so they could not assert later that they were unaware of them.

The Power of the Waiver:

Loychuk v. Cougar Mountain Adventures Ltd.

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Finally, the agreement contained a specific waiver and release wherein the plaintiffs agreed:

TO WAIVE ANY AND ALL CLAIMS that I may have or may in the future have against the **RELEASEES AND TO RELEASE THE RELEASEES** from any and all liability for any loss, damage, expense or injury, including death, ... as a result of my participation in the (activity) **DUE TO ANY CAUSE WHATSOEVER, INCLUDING NEGLIGENCE, BREACH OF CONTRACT, OR BREACH OF ANY STATUTORY DUTY OF CARE... INCLUDING FAILURE ON THE PART OF THE RELEASEES TO TAKE REASONABLE STEPS TO SAFEGUARD OR PROTECT ME FROM THE RISKS, DANGERS AND HAZARDS OF PARTICIPATING IN THE ACTIVITIES REFERRED TO ABOVE.**

In dismissing the action, the trial judge made a finding that the plaintiffs were well aware of what they were signing and its legal effect. He also found that the defendant had taken the necessary steps to bring the contents of the release to the attention of the plaintiffs and that there was sufficient time afforded to the plaintiffs to read it. The appeal decision focussed, however, on the issue of whether the

Release was unconscionable or otherwise unenforceable at common law on policy grounds. In addressing the issue of unconscionability, the Court first made it clear that there is no power-imbalance where a person wishes to engage in an inherently risky recreational activity that is controlled or operated by another. Equally clear in law is that it is not unfair for the operator to require a release or waiver as a condition of participating in such an activity. Previous decisions have held that such agreements do not in any way diverge from community standards of commercial morality.



The Court then went on to consider whether there was an overriding public policy for not enforcing the release. Specifically, the court had to address the question of whether in circumstances where the participant's safety was left entirely in the hands of the operator, public policy dictates that waivers should not be applicable. The public policy concern is that the reliance on a waiver, and resultant immunity from liability, potentially discourages operators from employing proper safety practices, particularly where they involve financial cost. The Court considered several Law Reform Commission reports dealing with the issue of contractual fairness with respect to waivers. It concluded that none of the reports established an overriding public policy that would justify "judicial nullification of an agreement knowingly and voluntarily entered into by a person wishing to engage in an inherently risky recreational activity." The court referred extensively to the decision of the Supreme Court of Canada in *Tercon Contractors Ltd. v. British Columbia (Transportation and Highways)*, 2010 SCC 4, which dealt with the issue of unconscionability. In that decision, the Supreme Court of Canada held that while a residual power of the courts to decline enforcement of contracts may exist, such power "will rarely be exercised". Indeed, the court in *Tercon* suggested that it should only be exercised in circumstances where the person relying on a release has knowingly or recklessly put the public in danger by providing a substandard product or service. In other words, the conduct would have to be so reprehensible that it would be contrary to public policy and the public interest to allow the offending party to avoid liability through an exclusion or waiver.

The Power of **the Waiver:**

Loychuk v. Cougar Mountain Adventures Ltd.

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The facts of this case were such that the court did not see a need for judicial intervention into the voluntary contractual relationship that existed between the plaintiffs and the defendant. The court was “not convinced that where a participant is injured through the negligence of an operator, there is such a difference between situations where participants have some measure of control and those where they do not, that the latter rises to this high level of public policy.”

In concluding that the circumstances of this case did not warrant “judicial nullification” of the waiver agreement, the court made a point of stating that if there are policy reasons why such releases should be unenforceable, then any change in the law is properly a matter for the Legislature.

In the result, we now have an appellate decision which enforces a release of liability even in circumstances where the plaintiffs were subjected to the complete control of the negligent operator and had no means at their disposal to avoid harm. The decision suggests that judicial intervention into such agreements should not occur except where the operator knowingly or recklessly puts the public in danger. Of course, if conduct descends to this level, the participant would probably have a valid argument that the release wording (which excuses negligent, but not reckless or intentional conduct) is not sufficiently broad to release the operator of liability. In such circumstances, a public policy analysis would not be necessary. The court’s comments about a change in law being a matter for the legislature again raises the spectre of waking the sleeping lion of legislative reform. In the meantime, it appears the release of liability will continue to win the day in our courtrooms.

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 **BACK TO COVER**

Youth Camps: Scary Stuff!

Priority areas for managing risk

Ian McGregor, Ph.D.
President, Ian McGregor & Associates Inc.

Since your clients are MINORS, the standard of care is very high.

The recent 'Freeh Report' has brought into sharp focus the enormous duty universities accept when minors venture onto campus.

This article focuses on what you MUST take care of as a top priority.



Guess which Campus Recreation program has the highest risk profile? That's right - Youth Camps!

Since your clients are MINORS, the standard of care is very high. The 'reasonable parent test' requires you to take care of minors as if they are your own children. That's a pretty high standard!! Hence program planners need to pay extra attention and apply sound risk management principles when planning camps.

The recent 'Freeh Report' has brought into sharp focus the enormous duty universities accept when minors venture onto campus to participate in an amazing variety of programs and activities aimed specifically at minors. (How has your school reacted to the Freeh report? You may want to find out!)

Your planning list is long e.g. staffing, supervision, training, documentation, emergency response – to name only a few issues. This article focuses on what you MUST take care of as a top priority.

1.Criminal Background checks for staff (or Vulnerable Sector checks)

Determine:

- Who needs to be checked (contact HR for advice) and how often.
 - all staff or only part-time staff?
- Process and lead time needed to carry out checks.

2.Supervision Ratios

Look at:

- Type of activity (e.g. soccer game; crafts or science project)
- Age group
- Special needs situation
- Environment (e.g. open vs. closed space; hazards?)
- Transitions (getting from one place to another)
- Breaks (lunch; snacks)
- Pre and post camp activities
- Day trips
- Residence (overnight) camps

Youth Camps: Scary Stuff!

Priority areas for managing risk

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3. Lesson Plans with progressions

Require:

- All programs to have lesson plans
- Plans to include progressions (if teaching skills)

4. Staff Training Plan

Incorporate:

- Pre-camp training and orientation (what must you cover?)
- Awareness training (i.e. why staff need to pay attention all the time!)
- Emergency Response (First Aid/ CPR; heat and sun issues etc.)

5. Documentation

Collect:

- Parental Consent Forms
 - Consent for child to participate/ allow emergency care/ EpiPen administration/ taking photos etc.
- Medical information
 - Allergies/ medical problems/ medications/ behavioral issues
- Pick-up & drop-off procedures
 - Sign-in/ sign-out process (critical!); procedures for late pick-up
- Emergency contact information

6. Emergency Response

Plan:

- Staff response procedures for different emergencies
- Communications procedures (who gets called; how communicate)
- Missing camper procedures (a biggie!)
- Accident follow-up procedures

7. Employee Issues

Review requirements regarding:

- Child abuse (Mandated Reporter requirements?)
- Sexual misconduct and sexual harassment
- ADA

Your situation may also require you to address other high-risk scenarios unique to your campus or program (e.g. day trips; residence camps). But you must address the key issues flagged above – irrespective of what your program looks like!

(Hint: make sure you seek help and advice on these issues e.g. from Risk Management and/or Human Resources. Their guidance will be invaluable.)

 **BACK TO COVER**



Make sure you seek help and advice on these issues e.g. from Risk Management and/or Human Resources.

Mandatory Reporters of Child Abuse and Neglect

Jen Rose
Assistant Director, Sports and Youth & Family Programs
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A report must be made when, during the course of your job, you suspect a child has been abused or neglected.

Mandated reporters can be held legally responsible if they ignore this obligation.

Mandated reporter training programs are very helpful and provide counselors with a better understanding of how to deal with these difficult situations.

Many people involved with the operation of camps and youth programs feel an obligation to protect and support the kids who become involved in their programs, but it is important to know that for most of us it is also a legal obligation. "Approximately 48 States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands designate professions whose members are mandated by law to report child maltreatment" as stated in the Child Welfare Information Gateway in 2010. If your camp falls into one of the above mentioned geographical areas the counselors are most likely required, by law, to report issues. The US Department of Health & Human Services points out that although laws vary from state to state, typically a report must be made when, during the course of your job, you suspect a child has been abused or neglected, or you observe or have knowledge of a situation in which conditions could result in harm to the child. Mandated reporters can be held legally responsible if they ignore this obligation.

Regardless of whether it is a requirement in your state, mandated reporter training programs are very helpful and provide counselors with a better understanding of how to deal with these difficult situations. Most communities have a local organization that will come to your camp's training and provide a session for your staff. These sessions range from 2-4 hours typically and are filled with important information and tools for dealing with suspected abuse or neglect situations. Some states are now offering web-based training programs. If you need to find a training program in your area, a good place to start is your local department of social or family services.



Mandatory Reporters of Child Abuse and Neglect

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Throughout my experiences directing summer day camps I have personally reported several suspected incidents and have had counselors go through the reporting process themselves. If it wasn't for the mandated reporter training programs we went through each year I would not have been comfortable looking for the signs, understanding my responsibility to report, and knowing how to actually file a report. As a professional, these trainings were important, but even more so for the college-aged counselor staff we employ. It is important to know not only the legal requirements and how to file a report, but also what signs to look for in recognizing potential situations and what happens after a report is made. When we take on the legal responsibility to supervise children we often take on the role of mandated reporter and this role should not be taken lightly.



 **BACK TO COVER**

Online Course: Risk Management for Recreation Professionals

Spring 2013
April 22 – May 17

Course lasts 4 weeks, with a Class Limit of 16 participants.

To view the Course Outline or to Register, go to:
<http://www.sportrisk.com/online-course/risk-management-for-recreation-professionals/>

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Emergency Response Training: Part 2

A Student-Based Team Approach to Prepare for Emergencies

Ryan Rudesill, Interim Coordinator of Intramurals and Sport Clubs
Mo McAlpine, Associate Director
University of Wisconsin-La Crosse

The purpose is to create a non-intimidating environment with real life situations for staff members to practice and become comfortable implementing EAP's.

Scenarios may be based on previous injuries and emergencies experienced in your organization and/or those you have learned about from similar settings.

Editor's Note: This article is Part 2 of the series, focusing on 'Red Shirt Reviews'. Part one discussed 'Developing an Emergency Response Team'.

In Part 1 of this series we looked at how to form an effective Emergency Response Team (ERT). The current article will describe the role of the ERT in performing 'Red Shirt Reviews' - hands-on, mock situations that simulate emergencies. The purpose at the University of Wisconsin-La Crosse (UW-L) is to create a non-intimidating environment with real life situations for staff members to practice and become comfortable implementing EAP's.

Steps to implement Red Shirt Reviews

1. Develop scenarios: scenarios may be based on previous injuries and emergencies experienced in your organization and/or those you have learned about from similar settings. Writing the scenario in the format of a checklist is beneficial to the facilitators as it walks them through the review process. At UW-L, common cases such as rolled ankles, injured fingers, and minor lacerations were the initial reviews created. A checklist of proper procedures for each incident was developed with collaboration between Certified Athletic Trainers (ATC) on campus, the Student Health Center (MD), University Police, and the ERT members. Through time, additional reviews were developed, including cardiac emergencies and head trauma.

A color code is indicated on the checklist for ERT members to know the level of emergency, what to check for, what questions to ask, and how to role-play during the review:

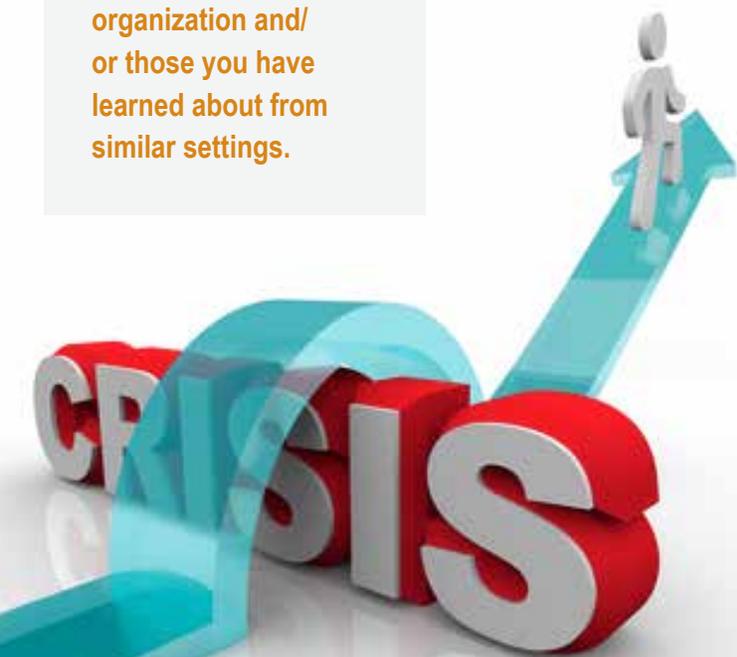
- **RED** – more serious, life-threatening review; typically involves factors beyond the certification level of staff members; includes shock, CPR, AED, a call to 911 or campus police, and/or major first aid treatment.

Example: http://www.uwlax.edu/recsports/PDF%20Files/ERT/RSR/CPR_RED_CardiacArrest.pdf

- **GREEN** – less serious, non-life-threatening review that falls within the scope of certification level of staff members; includes minor first aid treatment that does not progress to shock or require a call to 911 or campus police.

• *Example:* http://www.uwlax.edu/recsports/PDF%20Files/ERT/RSR/IFA_GREEN_DislocatedFinger.pdf

Hint: it is easier to create a red shirt review after an incident occurs. Use feedback from your staff, ATC's, the Student Health Center, and/or campus police.



Emergency Response Training: Part 2

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2. Schedule reviews: scheduling red shirt reviews can be done in a variety of ways to accommodate ERT members. At UW-L, a student coordinator develops a schedule in a Google Doc with five to seven review times per week. This schedule is shared with all members of the ERT so they can sign up for one or more reviews based on their availability.

Typically, a review requires three ERT members: a victim, a primary facilitator to conduct the review, and a secondary facilitator to cover for reviewee.

Typically, a review requires three ERT members: a victim, a primary facilitator to conduct the review, and a secondary facilitator to cover for reviewee (staff member being reviewed).

3. Gather equipment: equipment used for red shirt reviews can vary based on your organization. At UW-L, the following items are used and stored in the same office where the ERT members prepare for a review, ensuring each item is readily available:

- red shirts ("DRILL IN PROGRESS" printed on the front and back to eliminate panic of patrons)
- clipboard with red or green checklist
- training first aid kit
- AED trainer
- manikin
- CPR mask
- two-way radios (different than those used in work environment to avoid causing panic)
- moulage (mixture of Vaseline and corn syrup to create fake skin)

4. Prepare for review: when the time comes for a review, ERT facilitators should meet in a pre-determined, designated space, such as a back room or office. Arriving early allows time for members to determine roles for the review. Below are other factors to consider or items to have ready prior to starting a review:

Victim

- red shirt
- moulage (if needed)
- understanding of scenario (ability to imply shock, excessive pain, etc.)

Primary Facilitator

- red shirt
- clipboard with red or green checklist
- mock first aid kit
- AED trainer (if needed)
- manikin (if needed)
- CPR mask (if needed)
- one two-way radio
- understanding of scenario and ability to coach staff member through review as needed

Secondary Facilitator

- red shirt
- clipboard with front desk checklist
- second two-way radio
- ability to cover for reviewee to ensure continued customer service
- understanding of emergency procedures at front desk to coach staff members not at scene through review



Emergency Response Training: Part 2

continued page 3

During a red shirt review, reviewees are expected to follow procedures as if a real emergency were taking place.

5. Perform review: during a red shirt review, reviewees are expected to follow procedures as if a real emergency were taking place. In a **RED** level medical emergency, staff radio for assistance, instruct someone to call 911 and campus police, begin CPR, apply and use an AED trainer on a manikin, and complete an injury report. Supplies are available in the training first aid kit to apply gauze, band aids, etc. if necessary.

While review is taking place, the secondary facilitator at the front desk reviews any additional staff members not at the scene to ensure they know what is expected of them. Topics covered include how you would help if you leave the information counter, how you would help if you remain at the information counter, and what additional steps need to be taken after EMS arrives. The secondary facilitator also assists patrons to ensure customer service is not impacted during the review.



ERT members conducting the review must act professionally and perform as the victim to the best of their abilities. It is imperative that all ERT members and reviewees take the situation seriously and act as if the scenario is real. This video http://www.youtube.com/watch?feature=player_embedded&v=_0oB82WJtK4 shows an example of a common red shirt review at UW-L.

1. Debrief reviewees: after a review has finished, all staff members involved sit down with the ERT facilitators for a debriefing. Facilitators discuss positive aspects of the review as well as address any issues. The debriefing can also be used to help answer questions staff members may have to ensure their comfort level if an actual emergency were to occur.

The success of ERT and red shirt reviews is heavily dependent upon the leadership and professionalism of the ERT members.

The success of ERT and red shirt reviews is heavily dependent upon the leadership and professionalism of the ERT members. They must be confident and proficient with all emergency action plans and procedures while keeping the scenarios as realistic as possible. Their assistance with red shirt reviews as well as their commitment to evaluating procedures is critical to the ongoing training of student staff members. For further information regarding the UW-L Rec Sports ERT, consult our website (<http://www.uwlax.edu/recsports/ert.htm>)

The UW-L Recreational Sports Department is indebted to many students who have assisted with the development and presentations of ERT over the past three years. Thank you for your commitment!

 **BACK TO COVER**



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by Ian McGregor Ph.D., McGregor & Associates

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Effective Communication

What are you doing about it?

Alison Epperson, Ph.D.
Assistant Professor, Health Ed.
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Facebook, Twitter, texting, email. Instant, spontaneous, and silent, these forms of communication are effective in reaching the target audience quickly, but run the risk of unintentionally offending the receiver.

We carry portable devices to meetings, lunches, doctor's appointments.

Communication today is an extremely broad topic that can cover a vast array of information dissemination. A majority of our communication today takes the form of person-to-person, email, phone conversations, and texting. While technological advances have certainly created significant benefits via quicker routes of information dissemination, they have certainly not gone without their share of notable shortcomings.

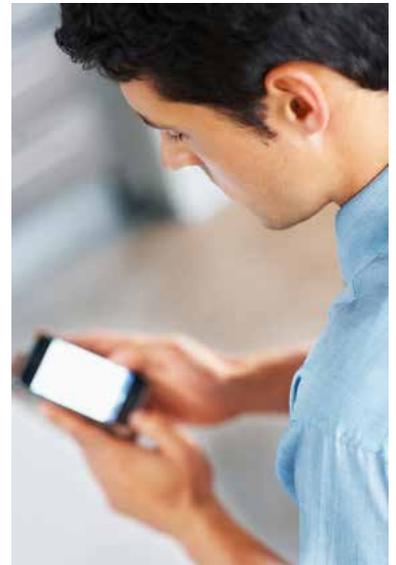
Facebook, Twitter, texting, email. Instant, spontaneous, and silent, these forms of communication are effective in reaching the target audience quickly, but run the risk of unintentionally offending the receiver. All forms of communication implies a certain "tone." As a result, we've resorted to adding smiley faces to represent positive communication, and ALL CAPS and bold, to underscore a point, while Italics may be used for sarcasm.

Likewise, responding with a simple "K" often implies anger, disappointment or an end to the conversation. Furthermore, electronic methods of communication can often lead to carelessness, and as a result, we may find ourselves saying things that we would not normally say in person, lends itself to dishonesty, increases spelling and grammar errors.

As a society, we've grown so attached to portable devices that we sometimes are upset and may respond inappropriately when we are interrupted. We carry portable devices to meetings, lunches, doctor's appointments, etc. By doing so, this non-verbal communication can send a message that we are closing ourselves off and unreceptive to others, or "too busy." Sadly, most of us cannot go a full day without utilizing our cell phones; even to the point that if asked to be without it, or not allowed to access it, physical feelings of anxiety or nervousness can arise.

From time to time, it may be useful, or even necessary to really take a hard look at your own personal habits as well as those with whom you work, or supervise. Take a few minutes to just consider the following:

- How many times have you had an encounter with someone and thought "how rude!"
- Do you really listen, or are you just hearing?
- Do you stop to think before you respond?
- How many times have you fired off an email as a reaction and then realized it could have been received as abrasive or impolite and you later felt regret or found yourself having to explain/apologize?



Effective Communication

What are you doing about it? *continued page 2*

Taking the time to politely and fully speak to a patron exemplifies true customer service.

In terms of your staff, oftentimes, the counter workers, office workers, supervisors, scorekeepers, etc. are a first point of contact. The way they greet or respond to your customers/participants is very impressionable. Taking the time to politely and fully speak to a patron exemplifies true customer service. You want them to feel as though they are comfortable and welcome in your facility or involved in your programs. A few ways to reflect upon whether or not your staff is practicing customer service would be to think about the following:

- How often do you evaluate your staff on their ability to really be helpful?
- Are you with them when they are working with customers/participants?
- Are comment/suggestion/customer satisfaction cards readily available to the persons who utilize your programs and services?
- How many of you have implemented, or ever tried the 'secret shopper' approach to determine if you are really as customer services oriented as you may think you are?
- Do you have policies in place for your staff to not be distracted by their phones, iPads and laptops?



Consider the differences between the Baby Boomers and the Generation Xers.

Another point worth considering may be the differences in communication styles in, and among the various generations who have now found themselves blended in the same workplace. I would be willing to bet that misunderstandings and frustrations have occurred based solely on communication methods.

Consider the differences between the Baby Boomers and the Generation Xers. Baby Boomers (1946-1964) and Generation X (1965-1980) have been through land lines busy signals, dial-up email, and snail mail, all of which required time and patience. Generation Y (1981-2000) probably don't even know what a busy signal is because they are so used to immediate response times.

With regards to communication and technology, there are some key differences to consider about each of the 3 major generations in the workplace today (either as students or professional staff).

Effective Communication

What are you doing about it? *continued page 3*



Baby Boomers;

- Often see technology as a learning process;
- Tend to have more regards for authority, tradition and hierarchal structure.



Generation X

- Experienced the innovation and technological advances as they've grown up (i.e. some were in schools without computers, while some learned on the early computers);
- Later Generation Xers start the trend of spending less "one on one time" with others as video games and VHS/DVD movies are available for in-home use, etc. thus resulting in less personal communication.



Generation Y

- Prefer digital learning and communication as that is all they have known;
- Expect people, and services to be available 24/7 and want immediate responses
- And, by in-large are products of helicopter parents who have held their hands for far too long, which can oftentimes hinder their acceptance of responsibility, created poor work ethic, or a lack of accepting consequences for certain behaviors.

As a final thought regarding strong communication skills, think about the word "need." If you "need" to get groceries or gas, that is in fact a necessity. However, when using the word "need," it can imply a demand and may also spark a defensive response from the receiver. Instead, consider using phrases such as "could you please," "when you get time," "If you don't mind." These statements make a request, but take into consideration other's time and schedules.

Here's an example "I **need** you to go make me 20 copies of this waiver today." Versus, "When you get a free minute today, would you please make 20 copies of this waiver." Say aloud those statements to yourself and think about in which manner you would like to be addressed.

Effective communication skills go a long way and can enhance a working environment, relationships and a higher quality program. The bottom line is to remember how you would like to be treated or addressed.

Effective communication skills go a long way and can enhance a working environment.

 **BACK TO COVER**



Online Risk Assessment: New features!

Do you have the skills and knowledge to conduct an internal Risk Management audit of your department? How well do you stack up compared to other schools—and how will you know?

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- Focus is on 'high-risk' areas ensures audit process is not overwhelming
- Conducted by McGregor & Associates – THE experts in Risk Management.

Don't put it off – act now!

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Sports Law 101: Negligence



Katharine M. Nohr, Esq
Nohr Sports Risk Management, LLC

The most important type of tort to understand in sports risk management and sports law is negligence. Negligence is conduct that falls below a reasonable person standard. In other words, it is the failure to exercise reasonable care that a reasonably prudent person would have in the same or similar circumstances. This standard applies to acts as well as omissions.

There are elements that a plaintiff in a lawsuit has to prove in order for a defendant to be found to be negligent. The four elements of negligence are as follows:

Negligence is conduct that falls below a reasonable person standard.

1. Duty or Duty of Care – There is a relationship between the defendant and the plaintiff so that the defendant owes a duty to exercise reasonable care to the plaintiff. This duty could arise out of a relationship, such as between a general manager of a sports team and a spectator. It could arise out of a voluntary assumption of a duty, such as a coach giving a player a ride home from a game. Or, the duty could be imposed by statute, such as a law requiring that spectator's bags be searched before entering a sports stadium. In these relationships, the defendant has a duty to anticipate foreseeable dangers and take necessary precautions to protect the plaintiff.

2. Breach of Duty – The defendant breached the duty of care that he or she owed to the plaintiff. In other words, did the defendant's actions or failure to act fall below the standard of care applicable to the given situation? If there is a safety rule that is in place, that rule might be determined to be the standard of care. For example, if there is a rule requiring a soccer field to be inspected for potentially hazardous objects before play can begin, then such inspection may be determined to be the standard of care. If there is no such rule and a standard of care cannot easily be discerned, the question is how a reasonably prudent person would have behaved in the same or similar situation.

Sports Law 101: Negligence

continued page 2

3. Proximate Cause – There must be a proximate causal connection between the negligent conduct and the resulting injury. For example: there was a hole in the netting that was designed to protect spectators behind home plate at a baseball stadium. A spectator got hit in the face by a foul ball that went through the hole, causing a serious eye injury. Evidence at trial established that the manager of the stadium knew that the hole in the netting was there, failed to fix it and so the court found that his negligence was the proximate cause of the spectator's injury. If the court found that the spectator had a pre-existing eye injury and the errant ball was not the cause of her injury, the element of proximate cause would not have been met.



4. Damages – The plaintiff has to suffer an actual injury or damages. If in the previous example, the spectator could not prove that she was injured by the ball that hit her, then the fourth element would not have been met.

In order for your organization to avoid lawsuits alleging negligent behavior, it is best to train employees and volunteers to do their best to exercise reasonable care that a reasonably prudent person would have in the same or similar circumstances.

 **BACK TO COVER**

Got something to say - or an idea to share?

Across N. America, recreation professionals are finding creative ways to implement unique solutions to a number of challenging risk management issues. Many of their ideas have already appeared in this Newsletter.

Earn CEU/PIC credits for writing an article!

Are you willing to share your ideas? You may believe what you're doing is not of interest to others. **WRONG!** Professionals are always on the lookout for new/ different/ unique ways of doing things:

- Staff training programs
- Emergency Response Planning strategies
- In-service training ideas
- Participant medical screening strategies
- Online training courses
- Risk Management Committee operational guidelines
- etc. etc.

Share your ideas – by writing an article for the 'Risk Management Newsletter for Campus Recreation'!

This is not a 'refereed' publication. The focus of the Newsletter is simply the communication of ideas, procedures and programs that work.

If you'd like to explore this, or receive the 'Guidelines for Authors', contact Ian McGregor at mcgregor@sportrisk.com

 **BACK TO COVER**

Risk Management Newsletter for Campus Recreation

Our goal is to provide timely information and practical resources to assist Campus Recreation professionals manage the risk of injury to participants.



Talk to Us!

Tell us about ...Your Best Practices (practical, hands-on policies/ procedures/ training programs that really work for you)

Your 'sweaty-palm' issue (what keeps you awake at night). Ask for our feedback!

Your interest in contributing to the 'Risk Management Newsletter' by writing an article for an upcoming issue.

Contact us at mgregor@sportrisk.com

Next Issue Sept. 2013

Featured Topic: 'Facilities'

Topics include:

- Minors on Campus
- More on Waivers
- Sport Clubs
- Risk Assessment
- Online Learning Opportunities

Publishing Information

The 'Risk Management Newsletter for Campus Recreation'

is published 4 times a year by Ian McGregor & Associates Inc., P.O. Box 561, Blaine, WA 98231-0561. Phone: 604.839.5816

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The 'Virtual Library' is growing!

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