

Risk Management

FOR CAMPUS RECREATION

VOLUME 8

ISSUE 1

SEPTEMBER 2013

FEATURE TOPIC:
**ELECTRONIC
WAIVERS**



Signed waivers are
securely stored

Electronic Waivers Revisited

We have all heard the warnings that waivers are not worth the paper they are printed on, and while it is true that some courts do not like waivers and will void them if possible, it must be noted that in at least 45 states a well-written waiver, signed by an adult, is the most effective tool available to sport and recreation providers and their employees against a negligence lawsuit. [FULL STORY >](#)

WHAT'S INSIDE



High Intensity Workout

In the Health Section of the Aug 22, 2013 edition of the Vancouver Sun, the following article written by Erin Ellis appeared: "High-Intensity workouts could help couch potatoes as well as the super-fit". The sub text is 'Harder – but shorter – bouts of exertion could make it easier for people to get healthier'. [FULL STORY >](#)



"Responsible Tailgating" – an oxymoron?

In North America, tailgate has become nearly as important as the actual event. Extensive planning, preparation, food, attire, accessories, and location are key elements in enhancing the tailgater's experience. The very nature of tailgating is a great example of culture "a shared set of attitudes, values and beliefs held by a group of people." [FULL STORY >](#)



Hypoxic Training: A Risk Analysis

Shallow water blackout ("SWB"), also referred to as hypoxic blackout, is a term describing loss of consciousness arising from oxygen deprivation brought about by voluntary or involuntary hyperventilation.

In swimming, voluntary hyperventilation occurs when a swimmer intentionally "overbreathes," blowing off carbon dioxide. [FULL STORY >](#)



The Road Map to Successful Facility Management

As a facility manager you can at times feel like a lost tourist in a congested metropolitan area trying to navigate an unfamiliar city. Identifying what to focus on and where to allocate your limited resources (both time and money) can be overwhelming. Fear not, this article contains your road map to successfully managing your facility. [FULL STORY >](#)



Looking at Risk Management through a different

Lens Welcome back! It's back to the beginning for all of us - the beginning of the school year and of the programs we spent the summer preparing. We're moving from the planning (and relatively student-less) phase of our work into implementation and evaluation. It's time to see if our planning generates tangible results. [FULL STORY >](#)

Introduction

Welcome to the new look format of the Newsletter! We hope you enjoy it!

We also want to try something new – giving you an opportunity to interact and respond to what you read. The short article on ‘High Intensity Workout’ (see next page) should provoke some comments – so please respond! I’ll publish selected comments in the next Newsletter.

The 2013/14 Webinar Series is now launched – with a total of 28 pre-recorded Webinars in the ‘Virtual Library’ (9 new this year). Check out details on page 28.

Have a great year!

Ian McGregor
Publisher

WHAT’S INSIDE

High Intensity Workout	p 2
Electronic Waivers Revisited	p 3-6
2013/14 SportRisk Webinar Training Series	p 7
“Responsible Tailgating” – an oxymoron?	p 8-10
Fall/Spring Online Courses for 2013/2014	p 11
Hypoxic Training: A Risk Analysis	p 12-16
The Road Map to Successful Facility Management	p 17-20
Looking at Risk Management through a different Lens	p 21-23
Online Risk Assessment: New features!	p 24
Ball in Your Court – Six Risk Control Techniques for Sport and Recreation	p 25-26
Got something to say	p 27



High Intensity Workout

In the Health Section of the Aug 22, 2013 edition of the Vancouver Sun, the following article written by Erin Ellis appeared: “High-Intensity workouts could help couch potatoes as well as the super-fit”. The sub text is ‘Harder – but shorter – bouts of exertion could make it easier for people to get healthier’.

The article is based on the work of Martin Gibala from the Kinesiology Department at McMaster University, in which he advocates that High-intensity Interval Training (HIT) can benefit ‘everyday out-of-shape Canadians – even those who are obese or suffering from health problems like metabolic syndrome or pre-diabetes’.

High-Intensity workouts could help couch potatoes as well as the super-fit.

The definition of HIT cited is ‘exercising at 85-90% of your maximum heart rate for one minute, resting for one minute and repeating 10 times per session’. Hence a 20 minute workout, which at 3 times per week adds up to 60 minutes total time versus the 150 minutes per week of moderate to vigorous physical activity recommended by the Public Health Agency of Canada.

Reasonable approach or recipe for a lawsuit? What do you think? RESPOND HERE!



 **BACK TO COVER**

Electronic Waivers Revisited

John Wolohan
Professor of Sports Law
Department of Sport Management
Syracuse University



In at least 45 states a well-written waiver, signed by an adult, is the most effective tool available to sport and recreation providers and their employees against a negligence lawsuit.

We have all heard the warnings that waivers are not worth the paper they are printed on, and while it is true that some courts do not like waivers and will void them if possible, it must be noted that in at least 45 states a well-written waiver, signed by an adult, is the most effective tool available to sport and recreation providers and their employees against a negligence lawsuit. With the myth of the effectiveness of waivers still around, it is therefore not surprising that some sport and recreation providers are concerned about the legal impact of online or electronic waivers. For example, if a sport and recreation program requires its participants to go online and sign a waiver before being allowed to participate in the event, will it carry the same legal weight as off-line or traditional paper waivers?

The purpose of this article is to try and debunk the myth that online or electronic waivers carry less legal weight than other types of waivers. A good example of how the courts view online or electronic waivers is *Moore v. Minnesota Baseball Instructional School, 2009 Minn. App. Unpub. LEXIS 299*. During a summer baseball-instructional camp, operated by the Minnesota Baseball Instructional School (the School), one of the participants, T.J., sustained a permanent eye injury when he was struck by a woodchip thrown by another student. Since the injury happened off the baseball field, during lunch in one of the facility's courtyards, T.J.'s mother, Terry Moore, filed a claim of negligence against the School on behalf of his minor son. In defense of the lawsuit, the School argued that a waiver contained in the camp's registration materials insulated it from liability.

The purpose of this article is to try and debunk the myth that online or electronic waivers carry less legal weight than other types of waivers.



On appeal to the Court of Appeals of Minnesota, Moore argued that the district court erred in granting summary judgment since there was a question as to whether T.J.'s mother actually signed the form containing the exculpatory clause. In support of this claim, Moore pointed to the fact that the School was unable to produce the actual document signed by T.J.'s mother. In addition, Moore also argued that even if the exculpatory clause did exist, and T.J.'s mother did sign it, the exculpatory clause violated public policy.

Electronic Waivers Revisited

continued page 2

In reviewing, and rejecting, Moore's first claim, the Court of Appeals held that even though the School was unable to produce the actual online enrollment form that T.J.'s mother filled out, based on the undisputed facts, there was no dispute that T.J.'s mother signed the form containing the waiver. In support of this conclusion, the court noted that the School was able to produce a document generated from archived enrollment data that indicates T.J. enrolled in the camp. The School was also able to produce a roster of children who participated in the camp, containing T.J.'s name. Since the only way a student's name would show up on the list, and be allowed to participate in the camp, was if the emergency medical form was signed and returned to the School, the court concluded that T.J.'s mother must have signed the form containing the waiver.

There was no dispute that T.J.'s mother signed the form containing the waiver.

As for Moore's second argument, that since an injury from a thrown woodchip was not an inherent risk of playing baseball and therefore was not covered under the waiver, the Court of Appeals held that while this may be true, it is not important to the outcome of this case. A plain reading of the document, the Court of Appeals held, showed that the first time the word "activities" occurs in the document, it was used to describe "the activities that make up the School. It was not, the court held, limited to the activity of playing baseball; instead, it covered all of the activities encompassed by the School. Therefore, since lunch-break activities were part of the School, and T.J. was injured during the lunch break, the injury was covered under the exculpatory clause.

When creating a waiver or the exculpatory clause, be sure that the language is broad enough to cover all the activities associated with your organization, not just the main activity.

Finally, in reviewing Moore's argument that the waiver violated public policy, the Court of Appeals held that in order to determine if the document violates public policy, Minnesota courts must use a two-prong test. The first prong examines whether there was a disparity of bargaining power between the parties, generally known as a contract of adhesion. The second prong examines the types of services being offered or provided, taking into consideration whether it is a public or essential service. While the Court of Appeals found that the waiver clause was part of a take-it-or-leave-it agreement and that T.J.'s mother had no ability to negotiate the agreement, the services offered, instructional baseball training, was not an educational activity, nor was it a service that was either of great importance to the public, or a practical necessity for some members of the public. Therefore, the court held the exculpatory clause did not violate public policy.

The decision by the Court of Appeals of Minnesota in *Moore v. Minnesota Baseball Instructional School*, 2009 Minn. App. Unpub. LEXIS 299, illustrates some important points that administrators can use to ensure that their organization is better protected. First, keep better records. This is especially true when a camper is injured and needs to go to a hospital. In such cases, the organization should not only have an accident report on file, but it should also anticipate a lawsuit and saved all documents and waivers in use at the time of the accident.

Second, as the Court of Appeals of Minnesota noted, when creating a waiver or the exculpatory clause, be sure that the language is broad enough to cover all the activities associated with your organization, not just the main activity. For example, if the exculpatory clause only covered baseball, the School would have lost. Finally, if possible, make sure that both the minor and his or her parents sign all forms. Once again, while the legality of the waiver against the minor in such cases may not stand up in court, a growing number of states that are willing to enforce them against the minor as well as his or her parents.



Electronic Waivers Revisited

continued page 3

Before considering online or electronic waivers, it is important for the reader to understand how the courts traditionally view waivers in the off-line world.

In addition to the basic elements of contract law, the enforceability of electronic waivers and other electronic contracts are also governed by two additional laws

Therefore, when sport and recreation providers ask participants to click on or check a box to accept the terms of the waiver, once the participant clicks on the box he or she has accepted the contract or waiver terms and has entered into a legally binding agreement.

A CHECKLIST FOR WRITING AND USING ONLINE OR ELECTRONIC WAIVERS

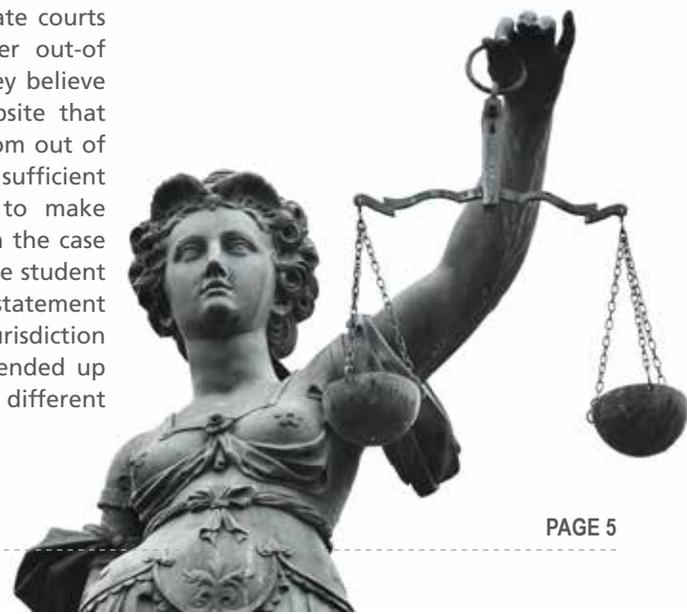
Before considering online or electronic waivers, it is important for the reader to understand how the courts traditionally view waivers in the off-line world. Basically, a waiver is a contract in which the sport and recreation participant agrees to relinquish his or her right to sue the service provider in any event the participant is injured due to the providers negligence. When reviewing the legality of waivers, therefore, the courts will apply fundamental contract principals. With the development of the Internet and electronic contracts, the courts are using the same basic contract theories they developed for other forms of communication such as telegrams, mail and telephones. In addition to the basic elements of contract law, the enforceability of electronic waivers and other electronic contracts are also governed by two additional laws: the Electronic Signatures in Global and National Commerce Act (E-SIGN), at the national level, and the Uniform Electronic Transactions Act (UETA) at the state level.

E-SIGN, which was signed into law by President Clinton in 2000, is designed to provide legal protection to online or electronic contracts and give them the same weight as paper transactions. In particular the law states that a "signature, contract, or other record relating to such transaction may not be denied legal effect, validity, or enforceability solely because it is in electronic form; and a contract relating to such transaction may not be denied legal effect, validity, or enforceability solely because an electronic signature or electronic record was used in its formation" 15 U.S.C. § 7001 (a) (1) & (2).

In addition to clarifying the legality of online or electronic contracts, E-SIGN also clarifies what constitutes an electronic signature. Under E-SIGN "the term "electronic signature" means an electronic sound, symbol, or process, attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record" 15 U.S.C. § 7006 (5).

Therefore, when sport and recreation providers ask participants to click on or check a box to accept the terms of the waiver, once the participant clicks on the box he or she has accepted the contract or waiver terms and has entered into a legally binding agreement. The benefit of using such "Click-wrap Agreements" is that they often remove many factual questions concerning whether the user had adequate notice of the terms of the waiver and whether he or she agreed to them.

Next, it is important that when using online or electronic waivers sport and recreation administrators always include a statement concerning which jurisdiction or state laws will apply in the case of a lawsuit. The reason this is so important with online or electronic waivers is because you do not want to be defending a lawsuit in an out of state court. A real possibility in today's electronic age, since most state courts are willing to exercise jurisdiction over out-of state and international businesses if they believe that the business, by operating a website that purposely solicits commercial activity from out of state participants over the internet, has sufficient commercial activity within the state to make jurisdiction reasonable. For example, in the case above, what would have happened if the student injured was from Iowa? Without a statement stating that Minnesota courts had jurisdiction over all disputes, the case could have ended up in the Iowa courts and have had a very different outcome.



Electronic Waivers Revisited

continued page 4

As a final word of caution, it must again be noted that if there is anything misleading or wrong with the waiver, a number of courts will void them and allow the lawsuit to continue. To ensure this does not happen, and to take some of the guess work out of using online or electronic waivers, the following checklist is provided.

As a final word of caution, it must again be noted that if there is anything misleading or wrong with the waiver, a number of courts will void them and allow the lawsuit to continue.

- The waiver should be clearly titled and descriptive (e.g., Waiver & Release of Liability);
- The waiver should use clear and easy to understand language;
- The waiver print size should be at least 10 point;
- The waiver should not contain any fraudulent statements;
- The waiver should clearly and unambiguously state that the signer is releasing the service provider from liability for injuries resulting from the ordinary negligence of the provider;
- The waiver should contain some statement denoting consideration (e.g., "In consideration for being allowed to participate in . . . , the signer agrees to");"
- The waiver should specifically identify the parties who are relinquishing their rights and the parties who are protected by the waiver;
- The waiver should be no longer than one page and all substantive terms should be visible and complete without hyperlinks to additional terms;
- The user should not be allowed to click on the accept button without being allowed the opportunity to review the entire agreement;
- The reader should have the opportunity to read the document at their own pace and should have the ability to browse through and to view all the terms of the agreement;
- The waiver should have a statement indicating that the signer read the entire statement
- Accept/Decline buttons must be at the end of the agreement;
- The buttons should clearly state Accept/Decline.

While most of the guidelines listed above should also be followed when writing any type of waiver, the checklist is designed specifically to help sport and recreation administrators write online or electronic waivers.

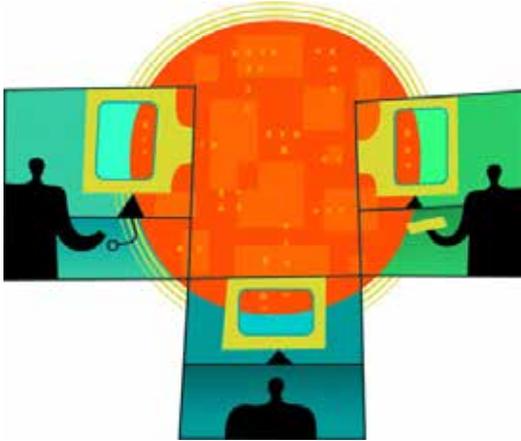
Attorney John T. Wolohan (jwolohan@syr.edu) is a professor of sports law in the Department of Sport Management at Syracuse University.



 **BACK TO COVER**

2013/14 SportRisk Webinar Training Series

Staff training is of critical importance to a successful Campus Recreation operation!



In conjunction with NIRSA, McGregor & Associates have developed 28 Webinars (9 NEW!) designed to complement your fall/winter training programs. These Webinars are strategically organized into 7 unique Series:

(A) Negligence & Liability (B) Risk Management (C) Sport Clubs (D) Travel (E) Emergency Response (F) Waivers (G) General

All Webinars are \$50, and there is One FREE Webinar (see Series G #4)

Special 'NIRSA-only' deal – purchase all 28 Webinars for \$675 (a 50% saving)!

General Information

All Webinars	Accessible at any time, on any computer, for whole academic year (Sept 1, 2013 – Aug 31, 2014)
Delivered by	Content experts - saving staff time in preparing and delivering training material.
Webinar length	Typically 15-30 minutes.
Target Audience	All Campus Recreation staff <i>(Note: All 'Negligence Awareness Training' Webinars focuses on student staff)</i>
Pricing	All Webinars are \$50 (except the Freebee!)

WEBINAR TRAINING MODULES

Series A: Negligence & Liability Series

1. Understanding Negligence
2. Negligence Awareness Training for (part-time) Intramurals Staff
3. Negligence Awareness Training for (part-time) Summer Camps Staff
4. Negligence Awareness Training for (part-time) Weight Room Staff (tracking option included!)

Series B: Risk Management Series

1. **Risk Management Committee NEW!**
2. Determining Risk Profiles of programs and facilities **NEW!**
3. Nuts & Bolts of Risk Management Planning

Series C: Sport Clubs Series

1. Budgeting **NEW!**
2. Transitioning **NEW!**
3. Classification Systems **NEW!**
4. Sport Clubs Council **NEW!**
5. Sport Clubs Officer Leadership and Training **NEW!**
6. Concussion Management
7. Hazing
8. Safety Officer Training
9. Negligence Awareness Training for Sport Clubs Officers

Series D: Travel Series

1. Travel: The Basics (for all staff responsible for travel)
2. Travel Planning Tools using 'Google Docs' (for all staff responsible for travel)

Series E: Emergency Response Planning Series

1. Emergency Action Plan – Putting it Together
2. Emergency Action Plan – Training, Rehearsals & Drills
3. EAP Best Practices **NEW!**
4. Emergency Response Plan: Student Training **NEW!**

Series F: Waivers

1. Waivers Simplified
2. Waivers 101 (more detailed)

Series G: General

1. Medical Screening Simplified
2. Event Planning Simplified
3. Climbing Wall Safety
4. Using Google Docs in Recreation (**FREE**)

For more information and to order: go to www.sportrisk.com/nirsa2013

“Responsible Tailgating” – an oxymoron?

Alison Epperson, Ph.D.
Assistant Professor, Health Ed.
Murray State University

In North America, tailgate has become nearly as important as the actual event. Extensive planning, preparation, food, attire, accessories, and location are key elements in enhancing the tailgater’s experience. The very nature of tailgating is a great example of culture “a shared set of attitudes, values and beliefs held by a group of people.”

In North America, tailgate has become nearly as important as the actual event.

However, as the popularity of tailgating has increased (and in particular, the alcohol consumption associated with it), so have some significant risk factors which can have detrimental effects on the participants as well as the property/ ownership of the event location.

Football touts elaborate tailgating on both the collegiate and professional level.

It is not to say that other sports do not participate in tailgating, but by in large, the two sports most closely associated with large-scale pre and post event drinking (and sometimes even during) is football and NASCAR racing. Football however, touts elaborate tailgating on both the collegiate and professional level.

With reports estimating products and services related to tailgating accounting for revenue generation of approximately \$12 billion, it’s not likely that this trend is going to decrease anytime soon. Furthermore, tailgating is not limited to just students supporting their home team. According to Katherine Dyson’s (2008) article ‘Turn Tailgating Into Fine Art’, the demographics of tailgaters may or may not surprise you:

- 60% have a college degree
- 40% spend more than \$500 per season on supplies, 46% of which are purchased by husbands & wives together
- 47% tailgate six to 10 times per season
- 28% prolong the tailgate between five and six hours before the game;

Should there be some limitations in place as far as the amount of time pre and post-game fans would be allowed to tailgate?

Oftentimes, the battle lines are drawn between the home team (college or NFL) and their own fans. Many venues, in an effort to act in a risk management aspect will at least attempt to have some control over those consuming large amounts of alcohol over an extended period of time. Unfortunately, efforts to remain diligent and responsible are often met with resistance from alumni or long-time season ticket holders who are just trying to ‘uphold the tradition and school spirit’.

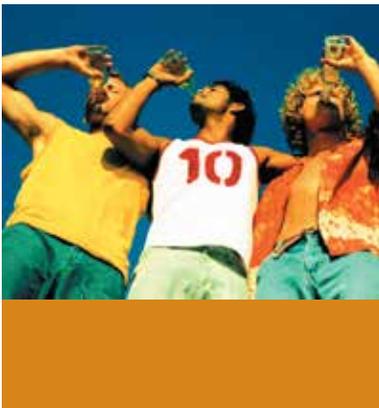
The question then becomes, who is responsible for whom/when, and should there be some limitations in place as far as the amount of time pre and post-game fans would be allowed to tailgate?



“Responsible Tailgating” – an oxymoron?

continued page 2

The phrase
“Pre-gaming” is almost
as widely used among
college students as
“Tweeting.”



Likewise, as tailgating develops into a mainstay of American culture, it has as a result become a learned behavior across generations. This has the potential to explode into an ongoing battle of risk management vs. school/team spirit as enthusiastic fans may be drawn to other events (sporting or non).

So why is this *really* a problem?

The phrase “Pre-gaming” is almost as widely used among college students as “Tweeting.” If you are not familiar with the term, pre-gaming is drinking prior to the actual event, much like the tailgate. This pre-event drinking (and it can be any event) is highly prevalent among under-age college students, for a variety of reasons. First of all and in most cases, they will not be able to purchase their own alcohol at the event, due to the fact that most sanctioned student organizational events require an ID policy in which those under 21 are stamped or must wear an arm band. Secondly, students will often justify this behavior so that they feel more comfortable/relaxed, or to be “at the same level” [of drunkenness] as their older peers.

As listed on the Center for Disease Control and Prevention’s (CDC) website (<http://www.cdc.gov/alcohol/fact-sheets/binge-drinking.htm>):

The National Institute on Alcohol Abuse and Alcoholism defines binge drinking as a pattern of drinking that brings a person’s blood alcohol concentration (BAC) to 0.08 grams percent or above. This typically happens when men consume 5 or more drinks, and when women consume 4 or more drinks, in about 2 hours.

Furthermore, the following statistics in regards to binge drinking and associated behaviors are included on the same site;

- One in six U.S. adults binge drinks about four times a month, consuming about eight drinks per binge.
- While binge drinking is more common among young adults aged 18–34 years, binge drinkers aged 65 years and older report binge drinking more often—an average of five to six times a month.
- Binge drinking is more common among those with household incomes of \$75,000 or more than among those with lower incomes.
- Approximately 92% of U.S. adults who drink excessively report binge drinking in the past 30 days.
- Although college students commonly binge drink, 70% of binge drinking episodes involve adults age 26 years and older.
- The prevalence of binge drinking among men is twice the prevalence among women.
- Binge drinkers are 14 times more likely to report alcohol-impaired driving than non-binge drinkers.
- About 90% of the alcohol consumed by youth under the age of 21 in the United States is in the form of binge drinks.
- More than half of the alcohol consumed by adults in the United States is in the form of binge drinks.

“Responsible Tailgating” – an oxymoron?

continued page 3

The combination of these two interrelated trends (pre-gaming and binge drinking) sets the stage for the perfect storm.

I don't have any research based evidence, but I have grown up and currently work on a college campus where I advise a sorority. For the most part, in my personal observation, underage females don't typically gravitate towards beer as their drink of choice. Again, in my personal observations, females like to start out with drinks with 'flavor.' Most often these drinks with 'flavor' are 'hooch' (which is normally a proof of 151 – the highest, purest form of alcohol), or mixed drinks which contain a number of different hard liquors. Take for example, the LIT (Long Island Iced Tea), which is comprised of the five “clears” – Rum, Tequila, Vodka, Gin, and Triple Sec.

The combination of these two interrelated trends (pre-gaming and binge drinking) sets the stage for the perfect storm. From a realistic standpoint, changing the culture of American traditions is not going to happen anytime soon, but from a risk management perspective, any opportunities for alcohol education should be identified.



This past June, Everfi (the parent company of Alcohol Edu) held their Annual Research Summit in which Kyle Pendleton from Zeta Tau Alpha fraternity presented a very clever media campaign which they co-sponsored with Alpha Chi Omega and Pi Kappa Phi. This very simple poster displayed the image of a red Solo Cup. “When you fill me up,” is written across the top of the poster and the message continues down the front of the cup with the words “Know the Strength (proof),” “Know the Amount (ounces),” and “Know the Pour (consumption rate).” Along the sides of the cup are indicators of the alcohol value of 1.25 ounces of liquor (80 proof), 4 ounces of wine and a 12 ounce beer.

As concerned professionals, we should continually be exploring new strategies to increase people's awareness of the issue of alcohol overconsumption, especially at tailgate parties.

This type of visual aid is simple and effective. In a less than a couple of seconds the brain is able to see and equate exactly how much alcohol is consumed in a 12 ounce cup. It is not invasive or intrusive, merely informative. Ultimately, the poster is successful if just one person is able to make a connection between the amount and rate of drinks they are consuming in any given time frame and consciously make a behavior change.

To conclude, I love the idea of tailgating as much as anyone and I am fully supportive of all my university's sports teams. However, I also fully support the idea of due diligence in that as an employee of a post-secondary institution, we must also always keep the safety of our students in the forefront of minds. As concerned professionals, we should continually be exploring new strategies to increase people's awareness of the issue of alcohol overconsumption, especially at tailgate parties.

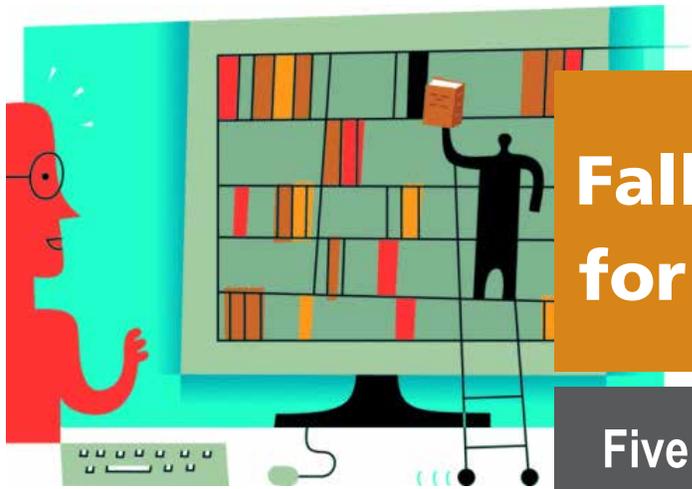
Dyson, K. Turn tailgating into fine art. (2008). The Citizen. (24) C5.

National Institute of Alcohol Abuse and Alcoholism. NIAAA council approves definition of binge drinking. NIAAA Newsletter. (2004); No. 3, p. 3.

Pendleton, K.A. Just say yes! Utilizing harm reduction as a prevention practice. Alcohol Prevention Coalition's Annual Research Summit. (2013).

Center for Disease Control and Prevention (CDC) <http://www.cdc.gov/alcohol/fact-sheets/binge-drinking.htm>

 **BACK TO COVER**



Fall/Spring Online Courses for 2013/2014

Five Online Training Courses focusing on Risk Management!

1. Special Events Special Events have become a big issue for many Campus Recreation Administrators. This course will focus on a simple process, techniques and tools to assess and manage the complex risks involved in planning, organizing and running Special Events. While the course is aimed primarily at staff new to special event planning, seasoned planners will especially benefit from the hands-on exercises included in the course. (Note: a 4 week course spread over 8 weeks)

2. Sport Clubs Sport Clubs are initiated and managed by Club members with the primary role of the University being to support, assist and advise the student leaders. The key to a successful Sport Clubs program is strong student leadership and involved University support. Since risk management is a key concern for all Sport Clubs Administrators, the course will focus on how to develop an operational 'framework' for Sport Clubs to facilitate better oversight and management – and help ensure a safer environment for Sport Clubs participants.

3. Risk Management for Recreation Professionals The course explores Negligence Liability and the Risk Management planning process. Students will learn the critical concept of Reasonable Standard of Care and how this impacts and guides all risk management planning efforts. By the end of the course, students will have a clear understanding of the concept of Negligence as it applies to the area of sport and recreation, and will acquire valuable risk management planning tools and the skills necessary to develop and implement a comprehensive risk management plan.

4. Strategic Risk Management This course is aimed at the department 'Risk Manager' or Chair of the Risk Management Committee – the staff member who has been delegated by the Director to assume overall responsibility for leading and coordinating all risk management efforts in the department. The primary goal of the course is to provide the Risk Manager with the tools and leadership skills needed to successfully lead and champion risk management within their department.

5. Youth Camps The Standard of Care required for Youth Camps is very high – mostly because you are dealing with minors. While some of the risk management issues discussed are identical to those handled on a day-to-day basis in other Campus Recreation programs, many issues are unique to Youth Camps. This course will focus on how to develop an operational 'framework' to help organize and manage safe Youth Camps.

Online Courses	When Scheduled	For Course Outline and to register
Special Events	Oct 21 - Dec 6	http://www.sportrisk.com/online-course/special-events/
Sport Clubs	Oct 21 – Nov 15	www.sportrisk.com/online-course/sport-clubs
Risk Management for Recreation Professionals	Nov 11 – Dec 6	www.sportrisk.com/online-course/risk-management-for-recreation-professionals
Strategic Risk Management	Oct 21 – Dec 6	www.sportrisk.com/online-course/strategic-risk-management
Youth Camps	Starts Feb 3, 2014	www.sportrisk.com/online-course/youth-camps

Hypoxic Training: A Risk Analysis

Shawn P. DeRosa, J.D.
Mgr. of Aquatic Facilities & Safety Officer for Intercollegiate Athletics
The Pennsylvania State University



Shallow water blackout (“SWB”), also referred to as hypoxic blackout, is a term describing loss of consciousness arising from oxygen deprivation brought about by voluntary or involuntary hyperventilation.

In swimming, voluntary hyperventilation occurs when a swimmer intentionally “overbreathes,” blowing off carbon dioxide.

Involuntary hyperventilation can occur as a result of stress and physical exertion during a workout that pushes the swimmer beyond his/her maximum aerobic capacity (VO₂ max).

This “silent killer” of otherwise healthy, accomplished swimmers should give pause to every coach and aquatic director around the world. Do we need to rethink how we run our practices or manage our facilities?

The dangers of breath holding are well known and well documented. The U.S. Naval Center website contains multiple examples of competent swimmers who lost their lives to shallow water blackout. Media outlets continue to highlight drownings of swimmers found unconscious, underwater following breath holding activities. In February 2013, swimmer Alex Bousky of the Peoria Notre Dame Varsity swim team suffered a non-fatal drowning. Bousky’s team is reported to have been working on how far they could swim underwater.

Industry groups including USA Swimming, the American Red Cross, the National Swimming Pool Foundation and the U.S. Navy have long cautioned against underwater breath holding activities, particularly those involving hyperventilation. Other groups, such as the YMCA of the USA and the Department of Morale, Welfare and Recreation of the U.S. Navy outright ban such extremely dangerous activities. Why? Because SWB has been proven to kill otherwise healthy swimmers.

While USA Swimming has not mandated a ban on restricted breathing training on the surface of the water, the national governing body for swimming admits that there is “no evidence that swimming without oxygen necessarily trains the anaerobic system.” USA Swimming states that there is a difference “between having swimmers hold their breath while swimming under water versus an extended breathing pattern while swimming on the surface.” The latter, is thought to improve oxygen management capacity. The former has proven to be deadly.

Hypoxic Training: A Risk Analysis continued page 2

While USA Swimming and the American Red Cross continue to educate coaches regarding the difference between extending the breathing pattern on the surface and breath holding drills beneath the surface, some coaches continue to place athletes at risk of injury or death by doing “over/unders” or “lungbuster repeats.”

Even more dangerous is when a coach puts pressure on the athlete to swim extended distances underwater, such as by requiring an entire team to repeat an underwater drill if any one athlete surfaces to breathe. This creates a concern for athlete welfare as well as a potential area of liability, both for the coach and the employer.



Aquatic programs are advised to follow a risk management approach to addressing safety and liability concerns presented by hypoxic blackout. This entails evaluating the nature of the risk before selecting a risk aversion or risk management strategy. This also requires distinguishing between underwater drills and those conducted on the surface of the water. As both drills can lead to SWB, an evaluation must be made as to the likelihood or frequency of SWB resulting from such drills as well as the possible severity of such occurrence.

The frequency of an event can be described as frequent, probable, occasional, seldom (remote) or improbable.

The severity of an occurrence is often classified into the following levels:

- **Catastrophic:** may result in death;
- **Severe:** may cause severe injury or financial loss;
- **Moderate:** may cause property damage or minor injury resulting in hospitalization;
- **Minor:** may cause minor injuries requiring basic first aid or minor medical treatment.

Using the basic risk matrix below, we can classify activities into low, medium, high and extremely high risk categories. The level of risk management required increases as the level of risk rises.

	Frequent	Probable	Occasional	Seldom	Improbable
Catastrophic	Extremely High	Extremely High	High	High	Medium
Severe	Extremely High	High	High	Medium	Low
Moderate	High	Medium	Medium	Low	Low
Minor	Medium	Low	Low	Low	Low

- **Low:** Minimal risk and/or unlikely to occur. These risks may be assumed.
- **Medium:** Remove or mitigate risks where possible, such as through rules, regulations, policies and procedures.
- **High:** Aggressive risk management required to reduce the likelihood of occurrence. Consider whether risks may be eliminated. Transfer risk through insurance.
- **Extremely High:** Consider eliminating activity. Aggressive risk management and monitoring required. Transfer risk through insurance.

Hypoxic Training: A Risk Analysis continued page 3

Hypoxic Training – On the Surface

USA Swimming cautions that any drills that require breathing on a restricted schedule should occur on the surface of the water and only “in a training program of experienced swimmers in good physical condition with proper supervision and instruction.”



The risk of a swimmer losing consciousness on the surface is lower than during underwater swimming drills. While on the surface, swimmers are more likely to take a breath when needed whereas underwater they may resist the urge to breathe. Further, any loss of consciousness while swimming on the surface is more readily apparent to lifeguards allowing for a more timely rescue. If a swimmer loses consciousness underwater, that swimmer may go unseen for a period of time thereby increasing the likelihood of death or brain injury.

Using the risk management matrix to classify the level of risk for a SWB occurring while swimming on the surface, we arrive at severity level of severe and a frequency of seldom. With observant lifeguards and coaches, it is unlikely that death would result should a swimmer lose consciousness while swimming on the water. However, submersion, aspiration of water and resultant seizures could result in hospitalization. This places the level of risk at medium. Policies and procedures are needed to help reduce the risk of a SWB incident, as is education of patrons, instructors and coaches.

Common risk reduction strategies include:

- Lifeguards required.
- Prohibit voluntary hyperventilation.
- Structure practice so as to minimize involuntary hyperventilation immediately prior to a hypoxic set.
- Encourage swimmers to breathe as needed.
- Allow adequate time for recovery, which will vary from swimmer to swimmer.

Underwater Drills

Common underwater activities that can lead to SWB include repeated underwater swims or kicking drills as well as stationary breath holding competitions for time. In both instances, the nature of the risk is clear: possible death. Even with successful resuscitation, complications including hypoxic brain damage and respiratory infection can occur.

Following many recent deaths of competent swimmers, including swim team members, lifeguards and young adults with military aspirations, it cannot be said that the risk of SWB is remote or improbable. Far too many young adults have died because of SWB, and the industry, media and general public has become increasingly aware of the real and present dangers of underwater swimming drills. The likelihood of a SWB incident can be classified as *probable*. With time, if underwater breath hold activities are allowed to occur it is likely (probable) that a swimmer will suffer a hypoxic blackout.

Hypoxic Training: A Risk Analysis continued page 4

Given that underwater breath holding activities resulting in SWB have led to death, the evaluation of the severity of this risk requires a finding of *catastrophic*.

With a classification of both *catastrophic* and *probable*, underwater drills would be considered an extremely high risk activity. Organizations would be well advised to eliminate the risk all together through a ban on underwater drills in all but a carefully and closely regulated environment. Indeed, USA Swimming's most recent update to the Safety Training for Swim Coaches program advises that hypoxic training should only occur on the surface of the water.



However, as underwater swimming is a required skill for many programs, including SCUBA and lifeguarding programs, strict rules must be developed to guide instructors and coaches in supervising underwater drills.

Considering the guidelines established by USA Swimming and the American Red Cross for hypoxic training, facilities should consider the following before allowing underwater drills:

- Instructor/coaches need additional experience and training before considering underwater drills.
- When swimming underwater, instruct swimmers to surface and breathe when necessary. Never resist the urge to breathe.
- Only allow one breath prior to submersion. SWB is closely linked to hyperventilation.
- Only allow underwater drills at the start of a workout when swimmers are not close to their maximum aerobic capacity (VO₂ max).
- Only allow a distance of one length, one time. No repeats or challenges to see who can swim the greatest distance underwater.
- Allow adequate time for recovery, which will vary from swimmer to swimmer. A rule of thumb is to require a two minute recovery time before attempting another underwater swim.

In summary, SWB presents a very real risk to the health and safety of our patrons and athletes. Strict guidelines must be established prior to allowing any sort of hypoxic training at your facility.

From a recreational perspective, the risk of SWB from underwater swimming for time or distance may be considered extremely high. Facilities should ban this practice, educate patrons and staff, and post signs to help encourage compliance. Given the number of deaths attributable to SWB, allowing patrons to practice underwater breath holding could be tantamount to gross negligence.

Hypoxic Training: A Risk Analysis continued page 5

From a competitive standpoint, there is no proven benefit to underwater drills. There is a potential benefit in extending the breathing pattern on the surface. Hypoxic training during swim team practice should be limited to drill on the surface, consistent with USA Swimming guidelines. Education of coaching staff and support from administrators and risk management officers is highly recommended.

For instructional programs that require underwater swimming, such as SCUBA or lifeguarding courses, education of instructors is critical to creating a safe environment. Lifeguards should be positioned to render assistance, and strict limitations on the underwater practice are needed. Hyperventilation must be prohibited.

Ultimately for many universities, coach education will be of paramount importance. Working with coaching and medical staff to develop a reasonable approach to hypoxic training, based in science, will allow coaches to reap the benefits of training without putting athletes at an unreasonable risk of injury or death.



 **BACK TO COVER**

Online Course: Risk Management for Recreation Professionals

Fall 2013
Nov. 11th – Dec. 6th

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/>

Register NOW!

“One of the great advantages of the online format is that you can work at your own speed, in your own time...”

The Road Map to **Successful Facility Management**

Jimmy Francis
Director, Student Recreation Center
CSU, Northridge

*Editors note: This article is the first of a 3-part series. **Part 1: Human Resource Management, Part 2: Building and Equipment Management, Part 3: Budget Management.***

This article contains your road map to successfully managing your facility.

As a facility manager you can at times feel like a lost tourist in a congested metropolitan area trying to navigate an unfamiliar city. Identifying what to focus on and where to allocate your limited resources (both time and money) can be overwhelming. Fear not, this article contains your road map to successfully managing your facility.

Along the path to successfully managing your facility, a manager must keep in mind three important areas: the people or the human resources you have, the building and the equipment inside of it, and your budget. Successfully focusing on these areas will allow you to position yourself to accomplish your main goal, which should be to create a clean, safe and welcoming environment for your participants.

There are certain core values, or “soft skills,” that will help you to be successful as well.

As a facility manager, not only is it important for you to put your “hard skills” to work operating your facility, but it is also necessary to understand that there are certain core values, or “soft skills,” that will help you to be successful as well. Throughout the course of this article, you will not only learn about the different tools you can use to manage your facility, but you will also gain knowledge about some of the core values that are typically found in successful facility managers.



The Road Map to Successful Facility Management continued page 2

Part 1: Human Resources Management

A manager who is going to successfully lead his/her staff must be personable, caring, diplomatic, and loyal.

A manager who is going to successfully lead his/her staff must be personable, caring, diplomatic, and loyal. Developing these soft skills will be essential to forming and leading an efficient team of professionals and student employees. By being a personable and caring leader, your team will develop a comfort level with approaching you that allows for the constant exchange of information that is essential to managing a facility. They will come to you with their suggestions, feedback, and challenges and, as a result, you will maximize their potentials and your resources. By staying loyal to your staff, you will undoubtedly see their amount of ownership and “buy in” reach a level where they are fully invested in the success of your facility.

Developing a sound facility staffing strategy is essential to the successful management of a recreation facility. Ultimately, the people who work in your facility will be what determines your success as a manager. In this section five key points to developing a successful staff will be outlined.

It is important that the students who work in your facilities understand their roles.

1. Establish Structure – For a facility to function well there needs to be a clear organizational hierarchy in place so that employees (and users) understand who is responsible for what. Establishing this structure will also clearly identify who is in charge at various times of operation. Guidelines differ from one campus to another, but many facilities across the country operate in absence of a professional staff member. For this very reason, it is important that the students who work in your facilities understand their roles. Additionally, it is vital that there is a structure in place where students matriculate from entry level positions to supervisory roles. As these students work in various positions they acquire both the hard and soft skills that allow them to manage the operational and employee challenges that come up in the absence of professionals. Never forget, students are the backbone of campus recreation facilities.

Whether you are dealing with student or professional staff members, expectations need to be consistent.

2. Define Expectations – It is very difficult for employees to be successful as facility managers if we don't define what success actually is. Whether you are dealing with student or professional staff members, expectations need to be consistent. As professionals we must hold ourselves accountable to the same standards and expectations as our students because we work so closely together with them. Here are a few expectations to consider as you lead your staff.

- Attentive – Engaged and aware of what is happening around them
- Informed – Equipped with the knowledge and the resources they need
- Responsive – Quick thinkers with good problem solving skills
- Uniform – Outfitted with apparel and nametags so they are easily identified
- Welcoming – Courteous and approachable people with smiles on their faces

The Road Map to Successful Facility Management

continued page 3

You must establish an evaluation program where employees are provided with quick feedback on their performance, both good and bad.

3. Create Accountability – Your employees will respond best to your leadership when you have established clear expectations and you respond in a timely manner when performance issues occur. For this to occur, you must establish an evaluation program where employees are provided with quick feedback on their performance, both good and bad. A main component of that program should be a performance tracker that allows you to maintain a chronological record of employee challenges and successes. An additional component of this program that is essential for success is an opportunity for the employees to evaluate themselves and, if time allows, include peer evaluations as well.

4. Train and Prepare – Establishing a comprehensive training program is a key step to establishing a staffing strategy. As a manager you should create a list of all the duties employees will be responsible for. After this list is created you can then begin the process of formulating a plan on how you will accomplish the training. A few key areas to consider vital for employee training include the following:

- Organizational philosophies and employment guidelines
- Emergency procedures and preparedness
- Customer service
- Facility operations orientation
- Special event execution
- Maintenance and custodial issue reporting

It is also very important to utilize learning outcomes when you are preparing your training program. In fact, learning outcomes should be used in all aspects of your work with your employees. If you break down learning outcomes to their most basic element, it essentially means that you should have a purpose and an outcome for everything you do. Keep an eye out for these outcomes that have become popular targets for campus recreation colleagues:

- Time management skills
- Problem solving ability
- Customer service skills
- Communication skills
- Accountability

Establishing a comprehensive training program is a key step to establishing a staffing strategy.



The Road Map to **Successful Facility Management** continued page 4

5. Recognize and Reward – A great capstone to an employee training program is an energetic recognition and reward program. A successful leader and manager not only points out the areas of improvement for employees, but also praises their successes. Establishing a reward program can be a tricky undertaking. If you are working in a university setting there are often many hurdles in place that will need to be overcome to appropriately use either campus funds or student dollars to recognize your staff. In fact, in some cases you might even need to dig into your own pocket.

One of the most important keys to a successful recognition program is to get the employees involved. If you have not already done so, you should create a recognition team or, at the minimum, designate an employee to take the lead in establishing the program. By getting the employees involved, you immediately increase your potential for success because you can now obtain valuable information in regards to what really inspires your employees, i.e. what will they actual view as rewards.

Successful leader and manager not only points out the areas of improvement for employees, but also praises their successes.

It should be noted that recognition programs do not always have to be expensive. There are many no cost or low cost ideas that will surface through your discussion with your staff. Examples could include:

- Seasonal events: pumpkin carving, hayride, costume contests, ornament decorating, flower planting around facility, barbeques
- Movie night
- Sponsored IM teams
- T – Shirts, sweatshirts and other uniform supplements
- Simple hand written thank you cards

By all accounts, managing and leading the staff that you supervise is going to be one of the most challenging road bumps (and sometimes detours) on your map to being successful. However, without a well-structured, accountable, trained, and appropriately rewarded staff your facility is destined to underachieve. By utilizing the core values of being personable, caring, and loyal to your staff combined with a well thought-out staffing strategy, you should be well on your way to avoiding major delays in your trip to realizing your goals.

Part 2 in this series will focus on **Building and Equipment Management**

 **BACK TO COVER**



Looking at Risk Management through a different Lens

Kate Dorrity
Assistant Director – Risk and Facilities Management
Purdue University, Division of Recreational Sports

As you begin the implementation phase of your programming, be aware of the ways in which risk management plays a part in your organization.

Welcome back! It's back to the beginning for all of us - the beginning of the school year and of the programs we spent the summer preparing. We're moving from the planning (and relatively student-less) phase of our work into implementation and evaluation. It's time to see if our planning generates tangible results.

We all evaluate our programs, right? We look at participation numbers, satisfaction levels, budget changes... the list seems endless sometimes. But it is through that evaluation that a program grows and becomes the best it can be.

It's time to take that same approach to risk management. As you begin the implementation phase of your programming, be aware of the ways in which risk management plays a part in your organization. Step back, take out your wide-angle lens, and look at the big picture:

- Are there consistent risk management procedures and training across program areas?
- Are there opportunities for staff to bring up safety concerns and discuss possible solutions?
- Are industry trends and hot topics being considered at the department level?
- Is risk management the responsibility of individual program areas or is there an organization-wide strategy?
- How can we better serve our participants and staff to ensure their safety and security?

How can we better serve our participants and staff to ensure their safety and security?



Looking at Risk Management through a different Lens

continued page 2

It's that last question that I find most powerful. In fact, I spent all summer thinking about it. *Am I fully utilizing my resources, both internally and externally? Am I adequately preparing my staff to mitigate risk? Am I doing everything that I can?*

The truth is, there is always something we can do better. We encourage our students to strive for excellence, to continue their education and professional growth even after graduation. We must do the same with our risk management procedures.

The first step along the path to excellence is to analyze current conditions. *Where are we now in relation to where we want to be? What are we already doing well and where can we improve?*

The SWOT matrix is a great tool for identifying a program's current climate. By identifying Strengths, Weaknesses, Opportunities and Threats, we get a clear picture of both the internal and external variables impacting the program.



In the case of our organization, I found that our greatest weakness could be balanced by my own greatest strength. We cannot know everything, and this limits our effectiveness. However, I am a great researcher. Looking at these statements side-by-side helped me to discover our greatest opportunity: to utilize our widely skilled and experienced staff to generate cross-discipline research and ideas. By coming together and brainstorming, we can find ways to combat the threats (both tangible and abstract) that pose an imminent danger to our facilities and programs.

Looking at Risk Management through a different Lens

continued page 3

“The whole is greater than the sum of its parts.”

Defining the role of a risk management program in your organization is certainly important. However, it is how you implement your program that directly leads to its success. A flawless program is useless if only half of the organization is on board. Implementation varies across the board, but is most often the responsibility of a Risk Manager or Risk Management Committee.

At Purdue University, we are exploring the idea of incorporating both the Risk Manager and the Risk Management Committee into our program. The synergistic relationship created between a Risk Manager and the Risk Management Committee may be the stepping-stone we need to pursue our vision. Risk management cannot be the sole responsibility of one individual; everyone must be held accountable. Effective risk management cannot be done from behind one desk in the office; it must be a team effort. The old adage “are better than one,” is certainly true. For us, eight heads are better than one. Here’s a brief look at our strategy:

The Risk Management committee will act as an advisory council, assembled to discuss risks and industry trends, consider alternative courses of action, and make recommendations to the Risk Manager and/or Director. The Committee comes together as a diverse staff, pulling from their individual experiences, to focus on actions that are in the best interest of the Division as a whole. As a whole, the Committee will discuss big picture issues like staff development, facility and program audits, mock drills, and industry trends. The Committee will include a mix of administrative professionals, student staff, and service team members.

This is our platform to bring all of our players to the table to express their views and take ownership of the risk management process. As the Risk Manager, it is my role to sort through all of the information, ideas and research generated by the Committee to formulate an effective risk management plan. I am responsible for the action items but rely on the Committee members to

assist in evaluation and edits. As these plans and policies are pieced together, I present that information to senior management for consideration (and occasionally approval). Ultimately, I am the enforcer of our plan. I work with the managers to ensure we meet deadlines and expectations and offer assistance when needed.

Our new Risk Committee is another new beginning for us. We’re just getting started and hope to do some amazing things in the semester to come. It’s great to say “Here’s what we are going to do.” It’s another to actually do it. We’ll keep you posted on progress made and lessons learned. Wish us luck!



The Risk Management committee will act as an advisory council, assembled to discuss risks and industry trends, consider alternative courses of action, and make recommendations to the Risk Manager

Our new Risk Committee is another new beginning for us.

 **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?

Why not leave it to the experts?

McGregor & Associates' exclusive 'Online Risk Assessment' provides key benchmark data for your department (relative to over 100 North American universities), and uncovers critical gaps in your risk management plan.

Which programs and administrative areas are addressed?

- 8 individual program surveys: Aquatics; Fitness/Wellness; non-credit Instruction; Intramurals; Outdoor Program; Youth Camps; Sport Clubs; Weight Room (each survey takes 5-10 minutes to complete).
- 6 administrative surveys: Risk Management Plan; Emergency Response Plan; Facilities & Equipment; Rentals & Special Events; Waivers; Travel.

What do you get from McGregor & Associates?

A detailed report which includes:

- Graphic comparisons with other universities of program and administrative scores: your benchmark data!
- Graphic internal comparisons between all program unit scores: highlights program inconsistencies.
- Detailed analysis and breakdown of program and administrative scores: pinpoints vulnerable areas.
- A comprehensive list of recommended (and doable) strategies for immediate action.
- The 'Top Five' priorities identified for your department.

Added bonus! – our new 'Global Risk Assessment'

This new (optional) survey looks at the other key risks your department confronts on a daily basis: Financial Risks; Human Resources Risks; Reputational Risk; Security Risks; Data Risks.

Cost of Online Risk Assessment: \$1250

NIRSA members receive

20% discount

- Cost effective (no need to fly in someone to conduct audit)
- 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!

For more information: Go to
<http://www.sportrisk.com/risk-assessment>



Six Risk Control Techniques for Sport and Recreation

Understanding the basics of risk control techniques is a first step in establishing a risk management program for your organization.



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

Avoidance

Avoidance means electing to eliminate an activity completely in order to avoid the risk all together. An example of this would be to decide not to have surfing as a high school or university sport due to the high risk of injury or death. However, an organization may not wish to use this risk control technique as it might conflict with its goals.

Loss Prevention

Loss prevention means to reduce the frequency of claims from activities that either can't be eliminated or your organization chooses to continue. In order to prevent loss or make it less likely, loss prevention means to break the sequence of events that lead to loss. Examples of loss prevention are padding your goal posts in order to prevent serious injuries or providing padlocks for gym lockers in order to prevent theft.

Loss Reduction

Loss Reduction is taking action to reduce the severity or financial consequences of losses and claims that are not prevented. An example of this is to install firewalls or fire suppression equipment such as sprinklers in athletic facilities. Another example would be to provide players with helmets or other protective gear which would serve to reduce the severity of physical injuries.

Six Risk Control Techniques for Sport and Recreation

continued page 2

Segregation, Separation or Duplication

Segregation means to design or designate a certain area within a building or structure. For example, your organizations computer room or administration area might be segregated to a portion of the building with security controlled access in order to reduce potential losses.

Separation means to spread activities over several geographical locations so that if one suffers a loss, the other would be sufficient to satisfy the needs of both. A university might have multiple campuses with gymnasiums on each campus. If one campus is destroyed by a natural disaster, the gymnasium on another campus can be used for all activities.

Duplication means to have a backup for critical systems or operations. An example of this is backing up your computer system and so if it crashes, you have a back up. Another example would be to have extra sports equipment or spare parts that can be used if there is a loss or break down of the primary equipment.



Transfer

Risk transfer means to reduce risk by transferring a portion of the risk to another organization. An example of this would be to hire a commercial bus company to transfer athletes rather than using your own vehicle. Contractual transfer is another form of transfer, which means to use hold harmless or indemnification agreements, waivers of subrogation, limit of liability clauses or exculpatory agreements.

Combination

All of the above (except avoidance) can be used in combination with other risk management techniques. For example, an organization might be concerned about the impact of a building fire and so might install fire walls (loss reduction technique) and have a second gymnasium in another location available should one be damaged by fire (separation).

In short, a risk manager should understand how to utilize the above risk control techniques in order to establish and maintain a risk management program.

 **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

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

The 'Risk Management Newsletter for Campus Recreation' is protected by Copyright. Reproduction or retransmission of this newsletter, or of any portion by any means, is prohibited by law without the express written consent of the corporation. All rights reserved. Copyright © 2013 by Ian McGregor & Associates Inc.

This publication is written as a general guide only. Its contents are intended to be and should be considered risk management counseling only and not legal advice. If legal advice is necessary, the services of a licensed attorney in the appropriate jurisdiction should be sought. The editors and authors of this publication are not responsible or liable for any actions taken or use of content and opinion expressed within this newsletter.

Next Issue Dec. 2013

Featured Topic: 'Risk Profiling'

Topics include:

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

Advisory Board

Wallace Eddy, Ph.D.

Associate Director
Campus Recreation
University of Maryland

Jim Fitzsimmons

Director,
Campus Recreation & Wellness
University of Nevada (Reno)

Jean McClellan-Holt,

Ed.D. Assistant Director
Recreation & Wellness
Old Dominion University

Tom Roberts

Director
Recreation & Wellness
University of Richmond

Judith Sperling

Sperling Aquatic Consulting
Los Angeles

Shelley Timms

Timshel Services Inc., Toronto

Editor

Ian McGregor, Ph.D.

President
Ian McGregor & Associates Inc.

The 'Virtual Library' is growing!

You can now access all articles which have appeared in previous editions of this Newsletter!

This means you can download (free) over **200 articles** focusing on risk management issues relating to Recreation.

Go to <http://www.sportrisk.com/newsletter/> and search by topic (e.g. Aquatics, Sport Clubs) or tag (e.g. AED, hazing) providing a 'virtual library' of valuable resource information.

New articles are added to the 'Virtual Library' every month.

 **BACK TO COVER**

