

CHAPTER 2: SPORTS MEDICINE AND RISK MANAGEMENT

NUTRITION AND DISORDERED EATING

Like a spider spins its web to catch its prey, so can the athlete who diets to improve performance to meet her own expectations and perceived expectations of coaches, parents, peers and society. The athlete (female or male) spins a web...goes on a diet ... creates a disordered eating situation ... thinks s/he has control ... but can carry it too far and get caught in a web of destruction. It's only at the end of this cycle that it becomes an **eating disorder**. The coach may or may not be first to realize the situation, but clearly may not be the primary one to help the athlete deal with it. Many times the coach is actually part of the problem, especially if "making weight" is emphasized, or if seemingly "innocent" or "joking" comments are made about a player's weight or appearance.

If we look at it as a continuum of behaviors, then disordered eating habits represent the far left of the line, and eating disorders appear on the far right. While the presence of one or two signs or symptoms does not necessarily indicate an eating disorder, they may be early clues to the creation of disordered eating habits.

Coaches should inform parents if they feel eating is an issue with the athlete, and consult with a health care professional versed in the field of nutrition and addictions for advice on how to intervene; denial and depression are stages occurring before recovery. Coaches can have an effect on **disordered** eating habits by educating their athletes on fueling properly for volleyball, but once these behaviors move farther to the right on the continuum, coaches can have less effect on **eating disorders**.

⇒ **General Symptoms and Signs of Eating Disorders**

- Being secretive about eating habits and/or unwilling to discuss eating habits.
- A substantial increase in exercise levels.
- Intense fear of becoming obese.
- Feeling or perception of being fat even when emaciated.
- Weight loss greater than 15 percent of appropriate weight in a relatively short period of time (months).
- Refusal to maintain appropriate weight.
- Loss of menstrual period (due to insufficient body fat) for more than three months.

⇒ **Eating Disorder Dangers**

- Loss of menstrual period = decrease in bone density
- Higher risk of stress fractures and other injuries
- Dehydration, cramps, fainting, convulsions
- Muscle wasting, reduced strength and stamina

⇒ **Signs and Symptoms of Anorexia**

- Significant weight loss
- Distorted body image
- Intense fear of becoming fat
- Preoccupation with food, calories and weight
- Wearing baggy or layered clothing
- Hyperactivity
- Relentless, excessive exercise
- Social withdrawal; avoiding food related activities
- Mood swings
- Growth of fine body hair
- Hair loss, brittle nails
- Water retention
- Food rituals
- Anxiety at meals
- Sensitivity to cold

NOTES:

⇒ Signs and Symptoms of Bulimia

- Disappearance after meals and secretive behavior
- Swollen glands, puffy face, eroded tooth enamel
- Noticeable weight loss or gain
- Excessive concern about weight
- Strict dieting followed by eating binges
- Hand sores, calluses, bloodshot eyes
- Weakness, dizziness
- Depressive moods
- Increasing criticism of own body



For more information regarding Eating Disorders, visit this website: www.nationaleatingdisorders.org.

FUELING FOR VOLLEYBALL ATHLETES

It is part of a coach's responsibility to teach their athletes what good eating habits are all about and hopefully help them avoid a disordered eating situation. USA Volleyball has a number of resources to help coaches do this. USAV's Sports Medicine and Performance Commission (SMPC) created a one page guide to good volleyball nutrition, which is available on the USAV website and may be downloaded, printed and distributed to your athletes and their parents. A second great source of information on the topic may be found in the live online webinar, **Nutrition 101: Fueling for Volleyball Athletes**, produced several times each year. Announcements of date for this class are made in the Rotations e-newsletter as well as on the Events/CAP schedule page on the website.

SEXUAL HARASSMENT AND ABUSE

USA Volleyball continues to be a leader among youth sport organizations in protecting their young athletes from harassment and abuse of all types. In the summer of 2010, USA Volleyball created a special Commission on Athlete Safety to study the ways the organization could improve upon the already extensive safeguards in place for all aspects of athlete safety issues. The Commission's findings will be released later in 2010.

SEXUAL HARASSMENT

This is much more than just sexual attention. It is an abuse of power that can involve intimidation, threats, coercion and/or promises. Harassment can occur between any combination of members of the volleyball community, such as coaches, players, parents and organizers. It generally occurs when one person, the harasser, holds a position of real **or perceived** authority over another individual. This does not, however, rule out harassment between persons within the same level of authority, or co-workers. Nor is it limited to opposite gender harassment. What matters is the **perception** of the person on the receiving end of the unwanted attention.

Sexual harassment may involve any or all of the following:

- Suggestive comments about physical appearance, particularly when directed to only one person
- Leering, staring or ogling
- Use or display of sexually offensive or degrading pictures, or reading material not legitimately connected to coaching volleyball
- Sexual teasing
- Jokes with sexual themes
- Unwanted physical contact
- Promises or rewards in return for sexual favors
- Sexual assault

An employer **must** provide a work environment that is free of discrimination. **This means a workplace that is free of harassment, whether it is intentional or unintentional.** Employees and applicants for employment must be free from harassment on the basis of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex or age, and at the federal or national level this may also include sexual orientation. Harassment in the workplace is illegal no matter what its form; even innocently intended remarks or uninvited touching may be seen as harassment by the person on the receiving end. **The employer may become liable** if he/she knows or even **should have known** of conduct considered harassment and **failed to take immediate and appropriate corrective action.**

This applies not only to employers, but also to labor organizations, employment agencies, apprenticeship programs or any of their agents or supervisors. Employers are required to have a program in place to prevent discrimination and harassment in the workplace and must take all reasonable steps to prevent harassment and discrimination from occurring.

Exempted are religious organizations or corporations not organized for private profit. Harassment includes, among other things, verbal, physical or visual harassment. Sexual harassment includes conditioning a promotion or benefits on sexual favors.

Although other provisions of the Fair Employment and Housing Act apply only to employers with five or more employees, ***the harassment provisions apply to all employers who regularly employ one or more persons.***

However, ***where the employee establishes that the violation was willful, the employer becomes liable for damages and compensatory and punitive damages.*** Regardless of whether the employee proves intent, the employer will be liable for court costs and reasonable attorney's fees if a violation is proved. If an individual supervisor failed to take action to warn the harassing party and failed to report the incident, the supervisor may be individually liable.

The **Federal Equal Employment Opportunity Commission (EEOC)** has issued some guidelines that declare sexual harassment to be a form of sex discrimination in violation of Title VII:

1. **“Unwelcome” conduct:** The commission considers “unwelcome” conduct which the victim did not solicit or incite and which the victim regarded as undesirable or offensive. The commission will look at whether the victim’s conduct was consistent with the assertion that the sexual conduct was unwelcome.
2. **Evaluating evidence of harassment:** While not a necessary element of a claim, whether the charging party made a contemporaneous complaint may be something the commission will look at when evaluating evidence of sexual harassment.
3. **“Hostile” environment:** A “reasonable person” standard will be used in determining whether a hostile environment existed and no violation is likely to be found “if the challenged conduct would not substantially affect the work environment of a reasonable person.”
4. **Employer liability:** The employer will always be held responsible for acts of “quid pro quo” sexual harassment. In hostile environment cases, the commission will examine carefully whether the employer has in place an appropriate and effective complaint procedure designed to encourage victims to come forward, and if so, whether the victim used it.
5. **Remedies:** If it finds that the “harassment has been eliminated, all victims made whole and preventive measure instituted,” the commission normally will administratively close the charge on the basis the employer took prompt remedial action. Harassment because of sex, race, color, religion or national origin is a violation of the Civil Rights Act of 1964. The EEOC has published guidelines on harassment because of sex, which can be summarized as follows.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- A. Submission to such conduct is made a condition of employment
- B. Submission to or rejection of such conduct is used as the basis for employment decisions
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

In addition to the publication of a policy outlining corporate non-discrimination policy, employers need to specify the executive to whom complaints of harassment or any other form of discrimination may be directed. If in effect, an employer needs a policy and a mechanism to enforce the policy equitably.

NOTES:

Because the threshold of offense varies between and among individuals, and because avoidance of harassment is so important in the workplace, there needs to be some focus on the issue by supervision and management. The following dos and don'ts are offered for your consideration:

- **Do** write and distribute a clear statement of the company's position on harassment of employees and visitors to the workplace.
- **Do** set a good example as a member of management.
- **Do** take any complaints seriously, even if your initial judgment is that the complaint is trivial or unwarranted.
- **Do** investigate complaints and take corrective action.
- **Don't** use your management position to request personal favors of any kind.
- **Don't** wait for a complaint if you personally observe something that is likely to be offensive.

The employer is held strictly liable for harassment of an applicant or employee through the employee's supervisors or agents. **The employer also can be held liable for harassment if one employee harasses another employee and if the employer fails to have a policy about the harassment and fails to take corrective action.** If the employer, supervisor or agent turns his or her back on the situation, it does not relieve the employer of responsibility or liability. Therefore, the employer, supervisor or agent should take immediate corrective action at the highest level. This could include speaking to the involved employees, (complainant, accused and witnesses), and/or taking immediate disciplinary action. It would be wise to establish an ongoing program to eliminate harassment in the workplace.

When an incident occurs that involves harassment - sexual, racial or otherwise - the employer should:

1. Document the event.
2. Treat it confidentially.
3. Treat it seriously.
4. Have management treat the situation as far up the chain of command as possible. Incidents involving serious violations that appear to be deliberate or inexcusable may be subject to punitive damages. **Although the Federal statutes pertaining to harassment are specifically targeted at "for profit" business organizations, there may be a significant impact on "non-profit" organizations as well. USA Volleyball, its Regional Associations and Clubs should take all reasonable and necessary steps to minimize the threat of harassment within the overall Association.**

CHILD SEXUAL ABUSE

Each club organization needs a plan for dealing with incidents and accusation of child sexual abuse.

Regularly review each program's child abuse policies and procedures. Some suggestions for doing so include:

- ⇒ Develop a job description for each staff member and volunteer with a **written policy** detailing appropriate and inappropriate behavior and go over it with applicants.
- ⇒ Find out whether any staff or volunteer members of each program are "**mandated reporters**"—**those who are required by law to report any suspected child abuse cases (such as teachers)**. Laws vary from state to state, so check with someone who knows.
- ⇒ Involve the Board of Directors. **In some cases, Board members, as well as the organization, can be held legally liable in child abuse cases.** Have the Board members made aware of and approve any policy or procedure changes.
- ⇒ **Screen potential staff members and volunteers.** Make record checks on criminal backgrounds through your local police department.
- ⇒ Make sure **parents have access to their children** at all times.
- ⇒ **Provide training regarding appropriate and inappropriate contact** for all staff and volunteers. Be careful to advise that all sexual behavior is in appropriate.
- ⇒ As **volunteers generally have the same legal responsibility as staff members**, make sure all staff, new or old, orientate about this area. With staff, some questions for group discussion as part of orientation would include:
 - What activities or situations with our program are potentially the most dangerous in terms of child abuse incidents occurring or accusations being made?
 - Who are the people in the most vulnerable positions and why?
 - What would you do if you suspected a staff member or volunteer of inappropriate behavior toward an athlete or staff member?
 - What would you do if an athlete came to you accusing a staff member or volunteer of sexual abuse?

It has been proven over and over that **training is the best protection that children have against abuse**. Programs exist that teach children the differences between “good” touches and “bad” touches and how to say no to an adult who confronts them. Training directed at children should be handled by a qualified adult. Many local social service agencies may offer this type of training for your youth. Child abuse is a cycle that can only be broken when somebody tells. In the resource section of this chapter is information on an excellent video called “**Somebody Told**” - look in your local library for a copy.

A CAUTIONARY TALE FOR YOUNG MALE COACHES COACHING GIRLS’ TEAMS

This is a real situation that developed a few years ago and was contributed by a USAV IMPACT Instructor:

“A young male coach of rather impressive visual appeal had several players on his young female junior club team that were completely infatuated with him. Things got to the point where the coach felt that this very much NOT mutual attraction was preventing these particular players from being able to concentrate and improve as individual athletes. Since he could not remove himself from the team, he discussed it with his club director and they decided to move the players in question to another team where there was no such distraction. At first they were angry and resented him for it, but as the season went on, he felt they began to grow as players.”

The young male coach in the above tale found himself in a situation that is all too common ... his young players had developed a crush on him. He recognized it as such and handled it in a very mature way.

Such situations may be flattering to a coach, especially to one so close in age to his athletes. However, if this young man had allowed things to continue and perhaps escalate, he could have put himself in a very uncomfortable, and perhaps unethical and illegal, situation. This may have affected the lives of the coach, the players in question as well as the rest of the athletes on that team. Instead, he and his club director “nipped it in the bud” as the saying goes, and avoided a potentially serious scenario from developing.

A COACHES NIGHTMARE - AN ACCUSATION OF SEXUAL ABUSE OR MOLESTATION

One of the single most devastating accusations that can be leveled against a coach or team manager is that of sexual abuse or molestation of team members. Whether one is guilty or not of the charge, the mere accusation of child abuse can severely ruin an individual’s reputation. These types of claims make great “press” in the newspaper and are often the talk of the town once made public.

Once accused of being a “*child molester*” or “*pedophile*” it is very difficult to overcome the stigma, even if totally exonerated of all charges. ***It is for this reason that a great deal of personal care and protection should be taken to minimize placing yourself, your Club, the RVA, or the USAV in position of having to defend against a devastating claim.***

Child abuse can happen in any number of ways and is not limited to the physical touching of a child. Claims can arise out of a verbal utterance of sexual content; by over disciplining a player in practice; from the improper use of an auto; from negligent supervision; improper coaching or instruction; or supplying minors with alcohol. It is not uncommon for coaches or managers to be guilty of one or more of these activities in an “unknowing” way.

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So, how can USA Volleyball or its coaches/managers/ volunteers protect against such accusations? How can the Association, its Regions, or Clubs guard against allowing **known pedophiles, “closet” pedophiles, or others with serious criminal histories** from associating with junior players and exposing the players to undo harm?

These are difficult questions to answer due to the various legal issues, rights of privacy issues, and organizational issues that come into play regarding this subject. Some common sense approaches to this problem can be addressed that would go along way in minimizing this problem.

LEGAL RESPONSIBILITY

The *Volunteers for Children Act*, signed into law in 1998, captures the importance of preventative measures that must be taken by sports organizations with regard to abuse. Under this law, if a volunteer or employee of the organization sexually molests a child in his or her care – and it can be shown that the molester had been **previously convicted of a relevant crime elsewhere in the U.S.**, then the organization may be held liable for negligent hiring practices.

HOW TO PROTECT THE USAV, THE REGION, OR THE CLUB

Create and adopt a sexual abuse and molestation policy statement that is universal within the Association that includes the following provisions:

- A. **Any adult** with a legally documented history of child molestation, physical abuse, or other criminal activity that would pose harm to members of the Association **would be excluded from membership participation.**
- B. **Establish a policy of screening potential coaches, managers, or volunteers by conducting comprehensive criminal background checks prior to their involvement in the program.** The background check should include: social security verification, address history, a local & national search of criminal records and sex offender registries. It is important that all misdemeanors and felonies be included in this search as often serious crimes or felonies are pled down to lesser crimes or misdemeanors. Knowledge that such a background check is required is often helpful in keeping “pedophiles” and other predators from infiltrating the organization. This activity would require the permission of the individual before conducting a background check.
- C. Establish a policy or procedure that limits who and what information is made available as a result of the background check. **Confidentiality is extremely important and any discussions relating to this information should be limited to those individuals who have “a need to know”.** It is recommended that this responsibility rest with a “board member” of the organization to insure discretion and confidentiality.
- D. **Establish a training or awareness program** for current and new coaches, managers or volunteers regarding abuse and molestation issues. To develop procedures or rules is only half the battle. The organization needs to continually inform, remind, and train its members in order for the procedures or rules to be truly effective.

HOW TO PROTECT YOURSELF

As a coach, manager, or volunteer you can **minimize your risk by not putting yourself in a position that could lead to a claim of abuse or molestation.** This is often times easier said than done. Some rules to live by would include:

- A. **Never coach alone.** Encourage a player’s parent to assist in or monitor the practice.
- B. **Never encourage or allow players to share a room with a coach** without another adult present.
- C. If a male coach coaching females or vice versa, **avoid physical touching** in demonstrating a technique, concept or drill. Use another coach or parent as the model in lieu of a player. Keep hands in your pockets.
- D. **Avoid transporting players in your vehicle,** by yourself. When transporting players, obey all traffic laws. Require the use of seat belts.
- E. Try to **refrain from giving personal one-on-one coaching or counseling** without another adult present.
- F. **Routinely communicate with parents** concerning their sons or daughters. Address discipline or coaching problems promptly with the parents and the player. Let the parents know what the outcomes will be if change is not fostered.
- G. **Be observant and provide proper supervision** of the practice or game. Do not depend on players to be responsible for their activities in your absence.
- H. If your Club Director allows it, and **if you use social media outlets to communicate with your team members, your page and communications should be open to all** (encourage and accept your club’s coaches, directors and parents to be “friended” so they can check-in at any time; post communications concerning only club info (not personal); do not post photos without club/director/parent/athlete permission; if you have a personal page, do not co-mingle the two; follow established club/RVA guidelines,

Following these types of rules will help you from having to defend yourself against an unwarranted claim of abuse or molestation. Whether it is feasible to implement these personal rules or policies for the USAV is solely dependent upon the effort and concern placed by the USAV, RVA, Club or its members in minimizing this exposure. For an organization or its members to ignore or down play the potential risks of abuse or molestation accusations pose a tremendous threat to the overall organization.

“Sticking our head in the sand” and only dealing with this potential problem when it occurs is not the solution. We do not want to find ourselves in “damage control” after the fact, but rather we want to be in control and prevent the damage from ever happening.

BACKGROUND CHECKS

Mandatory Background Checks for all adults associated with USAV Junior Club programs were first instituted in 2005. Now, when adults affiliated with a junior program, such as but not limited to, junior coaches, club administrators, chaperones, and officials register for USAV membership with their Region Offices, many include the background screen as a membership benefit and as part of the insurance and risk management compliance. Background screens are required of all adults affiliated with a junior program every two seasons to remain eligible to participate within a USAV junior program.

In 2005, the USAV Coaching Accreditation Program (CAP) also began requiring that candidates for initial certification or re-accreditation at any level pass the same background screen prior to becoming accredited as a USAV-CAP coach. This check must be repeated prior to re-accreditation at the same level (every four years) or for anyone newly accredited at any level. If a coach who is a CAP candidate for certification is already a current year USAV member, then the background screen may already have been completed in accordance with USAV policy. In this case no further screening is necessary.

For coaches who are not current members of their USAV Region or who do not have a current background screening on record, a background screen must be purchased from USA Volleyball in order to complete the CAP accreditation process. In this case, background screens for these USAV-CAP candidates will cost the coach a \$25.00 processing fee, collected at the time of course registration.

REGIONAL VOLLEYBALL ASSOCIATION of USA VOLLEYBALL BACKGROUND SCREENING POLICY (Last revised 5/26/2011)

It is the policy of the Regional Volleyball Associations (RVAs) that **any club/entity intending to hire or use registered individuals in any sanctioned junior volleyball events and/or activities** (examples of events or activities that can be sanctioned with regional approval are: tournaments, practices, clinics, tryouts, and fundraisers) **will accept and abide by this background screening policy.** The following individuals, 18 years of age or older, will be screened: club directors, club administrators, team reps, coaches, chaperones, and trainers who intend to register, affiliate and/or participate with a junior volleyball club or team in a RVA. Any official 18 or older who intends to work a junior sanctioned event will also be screened with the exception of a junior player. Each RVA may also choose to require other members (such as Tournament Directors) of their organization to submit to and pass a background screen in order to affiliate with their organization.

Additionally, the club/entity will enforce the penalties resulting from a negative background screening report. Failure to do so is grounds for automatic suspension of membership privileges to participate in RVA/USAV sanctioned junior events and/or activities. All disqualified individuals have the right to dispute the findings of the background screening directly with the RVA’s approved Background Screen Vendor.

NOTES:

The RVAs of USAV will not register, or allow to be registered, any individual who refuses to consent to a background screen if he/she intends to affiliate and/or participate with a junior club team in the RVA. Junior members are any members under the age of 18. A background screen will not be required for those individuals who will be classified only as junior players or those individuals not registered, affiliated and/or participating with a junior volleyball club or team in a RVA.

For those regions that allow individuals under 18 to be an assistant coach, any individual who is not yet 18 years old and who is in a non-player role affiliated with a junior club must be background screened immediately upon reaching 18 years of age. A 30-day grace period shall apply from the date of the 18th birthday in order to allow time for the background screening to be processed. During the 30-day grace period, the same restrictions apply to the individual and should be enforced as are in place for junior coaches regarding supervision by a qualified adult. It is the responsibility of the individual, club and region to identify the individuals in this situation and to meet the BGS requirement. Upon the conclusion of the 30-day grace period, the individual may not participate in a non-player role affiliated with a junior club unless the background screening requirement is met.

All screens will be good for two membership seasons (maximum of 26 months). **Anyone that fails a background screen cannot reapply for another screen until the following season. The RVAs retain the right to require additional background screens at any time** with the exception of reissuing an application that was previously disqualified due to falsification.

THE BACKGROUND SCREEN PROCESS

Every individual required to submit Background Screening must complete, sign and date the Consent and Waiver Release Form. Electronic signatures are only accepted on the USAV Online Registration System. The Background Screen Consent and Waiver Release form will be submitted and the applicant cleared before the applicant may participate in RVA/USAV sanctioned junior events and/or activities. **As of September 1, 2011 any "international" level Background Screen applications, in particular for Puerto Rico, will require the applicant's mother's maiden name.**

Upon receipt of the above described documents, the RVA will request that the RVA's approved Background Screen Vendor perform the background screen.

All information received as a result of a background check will be strictly confidential. Notice of clearance or disqualification for all applicants will be provided to:

1. The designated contact of the RVA that submitted the application
2. USA Volleyball National Office

A notice of automatic disqualification will be sent by certified mail by the RVA's approved Background Screen Vendor to the hiring or using club/entity. The complete profile will be sent by certified mail by the RVA's approved Background Screen Vendor directly to an automatically disqualified individual, along with a copy of the "Summary of Your Rights under the Fair Credit Reporting Act" (FCRA), and a notification that the individual is prohibited from participating in RVA/USAV sanctioned junior events and/or activities.

All disqualified individuals have the right to dispute the findings of the background screening directly with the RVA's approved Background Screen Vendor. A disqualified individual may not appeal the automatic disqualification or the results of the findings of the background screen vendor to the RVA. Each RVA is required by the policy to accept the findings of the approved background screen vendor.

Individuals automatically disqualified are excluded from participation in any RVA/USAV sanctioned junior events and/or activities.

EFFECTIVE SEPTEMBER 1, 2010, AUTOMATIC DISQUALIFIERS FOR PARTICIPATION IN SANCTIONED JUNIOR EVENTS AND/OR ACTIVITIES: Anyone found guilty, entering a plea of guilty, or a plea of nolo contendere (no contest) regardless of adjudication for the following criminal offenses -

- Regardless of time limit:
 - All Sex offenses
 - Murder/and Homicide
- Past 10 years:
 - Felony Violence
 - Felony Drug offenses
- Past 7 years:
 - Any misdemeanor violence offenses
 - Any multiple misdemeanor drug and alcohol offenses, to include but not limited driving while intoxicated (DWI), operating while intoxicated (OWI), operating a motor vehicle while intoxicated (OMVI), driving under the influence [of alcohol or other drugs] (DUI), driving under the combined influence of alcohol and/or other drugs, driving under the influence per se or drunk in charge [of a vehicle].
 - Any other crimes (not listed) against children.

The time frames associated with the categories of crime listed above are calculated based on the date of the offense ***Individuals found to have pending court cases for any of the disqualifying offenses will be disqualified.*** If the disposition of the pending case does not meet the criteria for disqualification as listed above, the individual would then be cleared and reinstated. ***Falsification of information on any membership application or the consent/release form is grounds for membership revocation or restriction of membership.*** Individuals that are automatically disqualified must wait one season before reapplying for affiliation and/or participation with a junior club or team (or to receive a CAP accreditation).

ENFORCEMENT:

The hiring entity is responsible for ensuring adherence to this policy, and ensuring that those individuals who are disqualified do not participate in RVA/USAV sanctioned junior events and/or activities.

PENALTY:

Failure of a club or entity to request background screens (BGS) or enforce disqualification is cause for the RVA to impose penalties. The minimum penalty shall be suspension ***of all members of the offending club/entity*** until the BGS & enforcement requirements are met. Additional measures may include financial penalties and/or extended suspensions against disqualified individuals and/or the club/entity.

Information on how to obtain the following necessary background screening forms is included in the Resources section at the end of this chapter:

- RVA Background Screening Consent Waiver and Release Form
- CAP Accreditation Candidate Background Screening Consent Waiver and Release Form

INJURY PREVENTION AND FIRST AID

Every coach owes the duty to their athletes to both do what they can to prevent injuries from occurring and to apply the proper first aid measures should an injury occur in a practice or competition. However, the USA Volleyball/RVA IMPACT Manual is not designed to certify coaches in any way in the areas of athletic training or sports medicine, other than to inform them of the need for training in this area.

That said, a July 9, 2010 **USA Today** article titled, ***In school sports, make safety part of the game***, by Kim Painter, reported that Girls' Volleyball was the safest in comparison with the female sports listed - highest was Soccer, then Basketball and third was Softball. In 2010 the Center for Injury Research & Policy reported that volleyball was a very close second in safety with soccer first.

SPORT FIRST AID

To make sure coaches are prepared to handle injury situations, coaches and club directors can contact their local Red Cross agency to set up standard First Aid and CPR courses for their volleyball programs. Sport First Aid courses may also be taken on-line from **ASEP**, the **NFHS**, or the **American Red Cross**, each accessible from the links under the Resources/CAP links on the www.usavolleyball.org website.

CONCUSSIONS IN VOLLEYBALL

Again, USA Volleyball is being proactive in addressing the topic of concussions injuries in our sport. The Zachery Lystedt Law, passed in May of 2009, originated in the state of Washington in response to a football injury situation to a young athlete in 2006. As a result, the Centers for Disease Control and USA Volleyball have made available a set of materials for distribution to athletes, their parents and their coaches detailing the signs and symptoms of concussion head injuries, along with a set of guidelines for the athlete's return to practice and competition.

NOTES:

INJURIES BY THE NUMBERS*

Injury rates in high school sports (per 1,000 practices or competitions):

GIRLS

- Soccer 1.93
- Basketball 1.73
- **Volleyball 0.96**
- Softball 0.94

* Center for Injury Research & Policy, 2010-2011

These materials (and links to those on the CDC website) can be found on the USA Volleyball website (under the [Grassroots](#) tab). Club directors and coaches are highly encouraged to download and print out these valuable materials and distribute to their athletes and parents. Coaches are also encouraged to keep a list of the signs and symptoms on their clipboards at practices and game. It is also suggested that clubs/coaches address this topic in their annual (or more often) parent/player meetings.

SPORTS MEDICINE RESOURCES

For additional information, contact the following organizations:

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| <p>American College of Sports Medicine 401 West Michigan Street Indianapolis, IN 46202 (317) 637-9200 www.acsm.org</p> <p>American Medical Association 515 N. State Street Chicago, IL 60654 (800) 621-8335 www.ama-assn.org</p> <p>American Orthopedic Society for Sports Medicine 6300 N. River Road Suite 500 Rosemont, Illinois 60018 (847) 292-4900 www.sportsmed.org/tabs/Index.aspx</p> <p>Center for Disease Control (CDC) National Center for Injury Prevention & Control 4770 Buford Hwy, NE (MS F-63) Atlanta, GA 30341-3717 (800) 232-4636 www.cdc.gov/concussion/sports</p> | <p>National Athletic Trainers Association 2952 Stemmons Freeway #200, Dallas, TX 75247 (214) 637- 6282 www.nata.org</p> <p>The President’s Council on Fitness, Sports and Nutrition 1101 Wootton Parkway, Suite 560 Rockville, MD 20852 240-276-9567 Fax: 240-276-9860 www.fitness.gov or www.presidentschallenge.org</p> <p>American Medical Society for Sports Medicine 11639 Earnshaw Overland Park, KS 66210 (913) 327-1415 Fax: (913) 327-1491 www.amssm.org</p> <p>United States Anti-Doping Agency 5555 Tech Center Drive, Suite 200 Colorado Springs, Colorado 80919-2372 www.usada.org</p> |
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SPORT PSYCHOLOGY

GOAL SETTING

It is part of your duties as a coach to help each player, and the team as a whole, to set well defined **SMART** goals to help them measure their development and progress as individuals and as a team or program. What is a **SMART** Goal? It is a goal that is **SPECIFIC, MEASUREABLE, ATTAINABLE, REALISTIC** and **TIME SPECIFIC**. Google the phrase “*SMART Goals*” on the internet and you will find many helpful resources to help you guide a discussion with individual players and the team about setting smart, and SMART, goals for their season! At the end of this chapter we have also listed some specific resources to help coaches explore this topic. Look for new Webinars on Sport Psychology topics on the USAV website under the Events/CAP Course schedule tab.

SPORT PSYCHOLOGY RESOURCES

There are many books available specifically relating to sport psychology that can help you in this discipline. If you live near a university, call to see if there is either a specialist in the Physical Education Department or in the Psychology Department who specializes in sport psychology. Coaches might be able to get volunteers to work with their programs. For additional information, you can also contact the following organizations.

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| <p>United States Olympic Committee, Sport Psychology Dept. One Olympic Plaza Colorado Springs, CO 80909-5760 (719) 578-4516 www.teamusa.org/resources/usoc-sport-performance</p> <p>American Psychological Association 750 First Street NE Washington, DC 20002-4242 800-374-2721 www.apa.org</p> | <p>USA Volleyball – www.usavolleyball.org/resources/sports-medicine Sports Medicine & Performance Commission (SMPC) 715 South Circle Drive Colorado Springs, CO 80910-2368 (719) 228-6800 CAP@usav.org</p> <p>Association for Applied Sport Psychology (AASP) 2424 American Lane Madison, WI 53704 www.appliedsportpsych.org (608) 443-2475 (Fax) 608-443-2474</p> |
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RISK MANAGEMENT MATTERS

INTRODUCTION

The **INSURANCE HANDBOOK** produced by Entertainment and Sports Insurance Experts, Inc.(ESSIX) is a valuable reference and organizational tool for the USA Volleyball Regional Commissioners.

The handbook provides coaches with an insurance Phone Directory, a recap of the current USA Volleyball insurance program, Claims Procedures, Risk Management Information, and information on Directors & Officers Insurance. Information from this **HANDBOOK** on the Law and Athletics appears on the following pages of this **IMPACT Manual**. The majority of the handbook is on-line under the *Resources/About USA Volleyball* tabs at www.usavolleyball.org.

From time to time, additional information will be supplied and posted on the website for coaches to download and insert into their **INSURANCE HANDBOOK**. Hopefully, this information will be of help to all in managing the insurance program within each Region.

It's recommended that you keep this **INSURANCE HANDBOOK** with you when attending any USA Volleyball approved or sanctioned events as it provides "Incident Reports" as well as "Medical Claims Reports" to be used in the event of an injury or liability/loss. Be sure you fully understand the Claims Reporting Procedures in the **HANDBOOK**. A Medical Incident Form must be sent first to the RVA; the Medical Claims Form goes directly to the insurance company.

THE LAW AND ATHLETICS

Over the past several years the interest in sport activities as a means to keep one's body in peak performance has greatly escalated. The desire to keep one's body in top physical condition has taken many people from the occasional morning jog, to the three-day a week aerobics and, for the very serious minded, to long daily workouts. Being a competitive society, Americans have always had the urge to test our stamina and physical prowess against others to see who the best is. No longer get self-satisfied by just working out and seeing the physical results of training, competing against others has become the gauge for determining the effectiveness of training programs and the method for achieving satisfaction for the pain and strain we put ourselves through to be "#1". All of this has led to a tremendous rise in the number of part-time and professional athletes participating in various individual endurance events and team sports.

The tremendous rise in interest in participating in athletics has required that more and more events be sponsored to satisfy the needs of the athletes. As a result, one could probably find some sort of endurance event or competition in any given city or town across the United States on each and every Saturday or Sunday throughout the year. All of this competition, although healthy for mind and body, is not without its detriments. With the increase in participation and events, has come an increase in the number of participant and spectator injuries.

Many of these injuries have arisen out of the negligence of others resulting in the rapid escalation of lawsuits filed and large monetary awards given.

In the past, athletic participation was virtually immune from civil liability. If one participated in or was a spectator of an athletic event, one assumed the risk involved and thus was barred from any recovery. That thinking and immunity has been eroded in today's judicial process.

The primary defenses of *assumption of a risk*, *contributory negligence*, and *consent* have become porous as a result of the high standards that are placed upon the athletic sponsors, promoters, coordinators, coaches, and participants.

NOTES:

Current court cases have demonstrated that coaches, trainers, and national governing bodies can and will be held responsible for failing to warn athletes or spectators of the inherent risks, dangers, and potential injuries or death that may result from participating in athletic events.

With the erosion of common law defenses and the increase in standards to which people involved in athletics are held, it has become paramount that strategies be implemented to counterattack these trends and improve the overall quality of sporting activities. The key ingredient to effectively minimize potential injuries and resulting litigation is the implementation of specifically designed safety guidelines. It cannot be stressed enough that failure to conduct athletic events with the utmost care will increase the vulnerability of event promoters, directors, coaches, and governing bodies to litigation.

THE ELEMENTS OF NEGLIGENCE

The single factor that probably leads to more litigation resulting from participant or spectator injury is the limited knowledge coaches, trainers, administrators and directors have concerning the elements constituting negligence. A better understanding of how civil law works will better prepare coaches to foresee potential negligence and thus take steps to minimize the loss that may result.

There are four key elements that must be present to bring a cause of action for negligence:

1. A "duty" or obligation must be owed to another, which requires one party to conform to a certain standard or conduct for the protection of the other party from unreasonable harm.
2. A breach of that duty to conform to the standards.
3. An injury must arise from the breach of duty. It must be shown that the breach of duty was the **proximate cause** of the injury.
4. Monetary damages are warranted as compensation for the injury.

The commonly accepted "rule" with respect to an action of negligence is the "Reasonable and Prudent Person" doctrine.

This means that if an individual acted in a manner that was consistent with how a reasonable and prudent person, given the facts at hand, would have acted, then a cause of action for negligence would be unfounded.

With the increase in sports technology, medicine, and equipment, the foresee-ability of injury or loss has been increased. Thus ***individuals involved in sporting activities have been held to a higher level of supervision and accountability.***

There are no specific criteria for determining negligence. Every cause of action must stand on its own merits. Accidents do occur and in every instance, someone can be held negligent for that accident. It has always been incumbent upon the plaintiff to prove the elements of negligence. **There must be sufficient evidence that alleged negligence was the proximate cause of the loss and that no other intervening factors contributed to the loss.** Courts have not been holding defendants liable where substantial evidence proves that the defendant acted with prudence and caution in performing their duties.

THE DEFENSES AGAINST NEGLIGENCE

Although eroded in effectiveness, there are generally accepted defenses against a cause of negligence. The following are the most widely used defenses (check to see which your own state accepts):

1. **Failure to prove one or more of the elements** of negligence necessary to recover damages.
2. **Assumption of Risk** is one of the oldest defenses against a cause of action for negligence and is one that has probably eroded the most over the years. When one voluntarily assumes the risk of injury or harm arising from the conduct of others, he or she cannot recover if the harm or injury actually occurs. Erosion of the Assumption of Risk defense has occurred as a result of the higher standard of care required of a defendant in advising the plaintiff, prior to injury or harm, of the potential risks involved in participating in the event.
3. **Last Clear Chance.** This defense puts the burden of responsibility on the plaintiff as the plaintiff had the "last clear chance" to avoid the injury or harm. This defense was only held to be valid if the harm or injury was foreseeable by the plaintiff and the plaintiff could have taken action to avoid the harm or injury.
4. **Contributory Negligence.** This defense varies by state and **prevents a cause of action in negligence if the plaintiff, even in the slightest degree, contributed to his or her own harm or injury.** With this defense, courts will evaluate the standard of conduct required of the defendant based upon the age, physical capacity, sex and training of the plaintiff before making a decision as to fault.

5. **Comparative Negligence.** This is a relatively new defense and one that was established by state statute to offset the unfairness associated with the contributory negligence defense, which barred a plaintiff from recovery even though they may have been only 1% at fault. Under the comparative negligence doctrine, **recovery for damages is pro-rated based upon the percentage of fault associated with the plaintiff. Unlike contributory negligence, a plaintiff may be 1-49% negligent and still recover damages from the defendant.** The plaintiff's percentage of fault to recover under comparative negligence varies by state and 40 states have enacted some form of comparative negligence statute. Typically, a plaintiff with 50% or more of the fault will be barred from recovery.

FACTORS THAT CONTRIBUTE TO NEGLIGENCE

There are five fundamental factors that contribute to a cause of action of negligence. It is important that coaches **be very aware of these factors and take steps to minimize or eliminate these factors whenever possible.**

1. **Failure to Warn** - A great deal of responsibility to warn participants of any potential hazards associated with the event is being placed on the event director or official by the courts. Knowing conditions of the facility and making these conditions known to the participants prior to the event are essential. **Failure to warn of hazardous or potentially hazardous conditions, especially when known, is the #1 factor leading to large monetary damages being awarded to injured athletes.** This includes coaches warning their athletes of potential risks associated with participation in the sport as well.
2. **Ignorance of the Rules** - Someone once said "ignorance is bliss" meaning that if one was not aware of the rules then how could one be held accountable. **In today's litigious society, ignorance of rules is not an acceptable basis on which decisions should be made.** It is vitally important to the success of any sporting event that all parties involved know the rules.
3. **Ignoring the Rules** - Ignoring the rules under which a sporting event is to be conducted is to ignore safety. USA Volleyball has a specific set of rules designed to insure the safety of participants and spectators of the sport. USA Volleyball's number one priority is to insure the safety of all those involved in the sport of volleyball. **To ignore these rules not only subjects the participants to potential harm, but exposes USA Volleyball to a great deal of liability.**
4. **Failure to Act** - Success of any sporting event is dependent upon the **people directing the event to respond quickly to problems and act in a "proactive" manner** instead of a "reactive" manner.

Unfortunately, too many event directors or officials tend to react after a tragedy or serious injury occurs. They *react* to crisis when *prevention* is the key.

They fail to:

- a. Assign competent personnel to supervise, maintain, inspect and repair the court or equipment
- b. Review all aspects of event prior to tournament, with supervising personnel to insure a coordinated effort
- c. Conduct clinics for officials, safety teams and medical teams

NOTES:

5. **Money - Insufficient funds to properly conduct a safe sporting event often times prevents action.**

- The lack of funds or unwillingness to spend money leads to:
- Reduction in safety and services
 - Not training or hiring competent personnel
 - Not securing safe equipment
 - Not inspecting and maintaining equipment and facilities

WAIVERS

USA Volleyball has developed a "**Waiver, Release of Liability and Indemnity Agreement**" which must be signed by each participating coach and athlete, or if the athlete is a minor then also by the athlete's parent or guardian. A note to Club Directors here – **you cannot sign a coach's or athlete's waiver for them!** This could constitute fraud and invalidate the waiver if you do! **EACH member must sign their own waiver forms.** The waiver includes:

- An acknowledgment of the risk involved in playing a sport
- Agreement by participant to follow the rules and regulations of the sport of volleyball
- A statement of the USA Volleyball Participant Code of Conduct essential to participating in the sport
- Waiver of liability provision
- Indemnification and Hold Harmless provision

This agreement is invaluable in assigning responsibility to the athlete or parent/guardian and for providing good public relations by advising the athlete and/or parent/ guardian of the risks of injury. It is important to remember that there is no foolproof way for USA Volleyball, program directors or others to transfer responsibility for conducting a reasonably safe event. **Reliance on a waiver or "hold harmless" agreement without utilizing good common safety practices in conducting an event is the equivalent of putting a fire out with gasoline.** It just will not work and will no doubt make matters worse than they would have been.

LEGAL DUTIES AND RESPONSIBILITIES OF ALL COACHES: *The following is not all inclusive, but represents SOME EXAMPLES.*

In any sport, coaches have both a **general** and **specific** legal duty to:

- Warn of the inherent risks in volleyball**
 - ✓ Understand your duty
 - Post signs describing risks
 - Meet with the team and parents to discuss risks
 - Use participation agreements signed by parents & athletes
 - Use films or videotapes to show inherent risks
 - ✓ How to fulfill your duty
 - Warn athletes of inherent risks
 - Use written notices, releases, videos to warn of risks
- Provide a safe environment**
 - ✓ Understand your duty
 - The greater the risk, the more regular the inspections
 - Develop a facility inspection list for your sport
 - ✓ How to fulfill your duty
 - In writing, note hazards of entire facility
 - Develop a written checklist for facilities & equipment
 - Change dangerous conditions & document
 - Give rules for using the facility
 - Constantly monitor the environment for changing conditions
- Properly plan the activity**
 - ✓ Understand your duty
 - Teach skills in correct progression
 - Consider each athlete's developmental level
 - ✓ How to fulfill your duty
 - Develop a written season plan
 - Test athletes physical capacity and skill level
 - Adapt plans to individual needs of athletes
 - Keep all records of planning & testing
- Provide Proper Instruction**
 - ✓ Understand your duty
 - Teach in accordance with accepted practices
 - Instructional duty cannot be delegated



- ✓ How to fulfill your duty
 - Keep current on instructional standards
 - Use customary teaching methods
 - Make instructions clear, complete, consistent
 - Head coach is always responsible for athletes
- 5. **Evaluate students for injury or incapacity**
 - ✓ Understand your duty
 - Insure the athlete is healthy before the season
 - Determine if an injury or illness during the season should stop their participation
 - Insure an injured athlete is ready to return
 - ✓ How to fulfill your duty
 - Require proof of physical exam
 - Follow AAP (American Academy of Pediatrics) guidelines for serious conditions
 - Keep a written medical history of each athlete
 - Use good judgment in deciding if an athlete stays involved
 - Get parental and physician's written permission for participation
- 6. **Match and equate players**
 - ✓ Understand your duty
 - Contact & collision sports or activities especially
 - Match by size, experience & conditioning
 - Put them in safe situations
 - ✓ How to fulfill your duty
 - Match by size, maturity, skill & experience
 - Enforce eligibility rules
 - Modify drills if mismatched for some reason
 - Be alert to mismatches by gender
- 7. **Provide adequate and proper equipment**
 - ✓ Understand your duty
 - Inspect equipment regularly (posts, official's stand, pads, wires, ropes, etc.)
 - Buy the best & make sure it meets standards set
 - Keep equipment properly & safely stored
 - ✓ How to fulfill your duty
 - Buy the best you can afford considering age & skill
 - Teach athletes how to properly fit, use, & inspect
 - Inspect equipment regularly
 - Allow only qualified people to install, fit, & repair equipment
 - Warn of hazardous equipment (verbal & written)
 - Watch for changes in equipment & document
- 8. **Supervise the activity closely**
 - ✓ Understand your duty
 - Provide general supervision at all times (see & hear)
 - Be immediately accessible, be alert to dangerous situations, be able to react to emergencies
 - ✓ How to fulfill your duty
 - Provide general & specific supervision
 - Know your sport to anticipate danger
 - Use signs & posters to support your supervision
 - Watch for aggressive or reckless behavior
- 9. **Know/provide emergency procedures and first aid**
 - ✓ Understand your duty
 - To provide or secure appropriate medical assistance
 - Have a written emergency plan
 - Transfer risk to qualified medical personnel or drivers
 - Only use first aid you are qualified to provide (no more, no less)
 - ✓ How to fulfill your duty
 - Protect injured athlete from further harm
 - Provide appropriate First Aid / CPR
 - Attempt to maintain/restore life with CPR when necessary

NOTES:

- Comfort and reassure the athlete
- Activate your emergency medical plan & use medical personnel

SOME ADDITIONAL CONSIDERATIONS:

- ✓ Keep adequate written records - ***if it's not in writing, then it does not exist!***
 - Pre-season and regular player evaluations
 - Practice and Season plans
- ✓ Provide safe transportation – use public carriers if possible
- ✓ Follow due process – protect their constitutional rights
 - Right to fair treatment, freedom of expression, not to be discriminated against, right to confidentiality on medical information
- ✓ Procedural due process – inform the athletes of violations and penalties, and allow athletes to present their side; keep written record of findings
- ✓ **Proper training of coaches**
 - ***An untrained coach increases the risk of injury and lawsuits***
 - **Make sure all assistants are qualified and certified to coach**
 - **Certification doesn't guarantee safety**
 - **Stay current - get/provide continuing education**
- ✓ General notes on Waiver & Participation Agreements
 - **Waivers *may* have limited legal value, since:**
 - Minors cannot enter contracts & parents/guardians cannot waive the minor's right to sue
 - Courts reject contracts to waive negligence
 - Frequently considered a violation of public policy to require a release prior to participation in a sport
 - However, valid Participation Agreements require a written and signed acknowledgement that parents and kids **do**:
 - Understand the inherent risks or dangers
 - Appreciate the consequence of participation
 - Know the rules and procedures of the sport **and that...**
 - Knowing all this, they still request to participate in the sport

INSURANCE COVERAGE:

No coach should coach without Insurance!!! USAV Members do have Liability and Sport Accident coverage for sanctioned events. If an incident occurs, contact your Region Office for the proper forms (Medical Claim Form &/or Incident Reports). An Incident Report must be filed with the Region Office to initiate a Medical claim - usually a tournament director would complete and submit it. However, if the injury happened at a practice, the club or coach might need to submit it. Both forms may be found on the USAV website (www.usavolleyball.org), though contacting the Region is the best first step, as no claim may be processed without an incident Report on file. The Medical Claim Form must be sent directly to the USAV insurance company. **Remember that one of the most frequent claims against the USAV insurance policy is for floor damage caused by using improper types of floor tape!** A handout on proper types of floor tape is posted on the USAV website (IMPACT Resources) and can also be obtained from your RVA Office.

Insurance certificate requests (if required by a facility) are handled through the Region. Additional insured status or other requests should also be communicated to the Region administrator. **USAV Liability Insurance is per occurrence**, unlike other organizations which, even if they have coverage, is a single aggregate policy - meaning once the limit of the policy is used up, there is no insurance available for others who may need the coverage. In some cases these policies may even be covering other sports organizations, clubs, sponsors and others under the same pool of "aggregate" insurance money!

USAV provides Sport Accident medical insurance to USAV Members if injured during participation in **any sanctioned USAV event** (such as practices or tournaments). For USAV insurance purposes, a "sanctioned event" includes direct travel to/from sanctioned practices and competitions. One caution here - coaches should not just assume that their practices or other team activities are sanctioned! Coaches can inquire with the Region about what needs to be done to apply for sanction. This **coverage is secondary for those with insurance** (with \$250 deductible) and **primary with a \$1,000 deductible for those without**. While the coverage may not apply in the case of an average sprained ankle, it becomes more important, for example, in a more serious knee injury situation.

USAV Sport Accident Insurance will NOT however, cover an illness or sickness while participating (such as a heart attack), **nor will it cover re-injury and/or pre-existing conditions, overuse ("wear and tear") injuries, injuries occurring other than on designated competition premises during a sanctioned event.**

It also does not cover suicide or attempted suicide, fighting (unless an innocent victim), hernias, non-prescription drugs, or expenses incurred outside the United States. Whatever additional insurance coverage you possess, make sure you have an understanding of what is and is not covered.

EFFECTIVE RISK MANAGEMENT RECOMMENDATIONS

Although not all-inclusive, the following list of risk management recommendations, if implemented, will help to prevent situations that may lead to injuries and subsequent litigation.

1. **Warn, in specific terms**, the athlete and parent/guardian of all the possible risks inherent in the sport activity in which they are participating.
2. **Consistently use a waiver and release of liability** that has been prepared by a competent attorney knowledgeable of sports law. Never allow a participant to participate without reading and signing the waiver.
3. **Establish an effective medical plan** for accident emergencies.
4. **Establish a plan for the proper supervision** of the athlete's while participating in the sporting event.
5. **Follow all the sanctioning guidelines** for the proper set up and conduction of a volleyball event as established by USAV.
6. **Affect a public relations program** with all parties involved in the event, especially with parents and athletes.
7. **Conduct ongoing clinics** to keep officials and volunteers apprised of changes in rules and new techniques.
8. **Conduct periodic safety audits**; inspect equipment and facilities for any possible hazards; keep records.
9. **Implement an Approach to Remedy a Risk**
 - ✓ Eliminate risk by removing hazard or dropping the activity
 - ✓ Avoid risk by taking steps to protect athletes
 - ✓ Accept the risk (benefit outweigh risks)
 - ✓ Transfer the risk:
 - Hire a professional driver
 - Have legal liability insurance
 - Have a participant agreement
 - Can't transfer legal duties, but **CAN transfer some risk!**

THE WAIVER AND RELEASE – JUST HOW IMPORTANT IS IT?

A major concern with many, if not all, Sporting Event Directors or Promoters is how to conduct an event so that it is both profitable and, more importantly, enjoyable for the participants as well as the spectators. The various demands placed on the event Directors and Promoters from Sponsors, Participants, Governmental Agencies, Insurance Companies, etc., has taken most of the enjoyment out of conducting the event and turned the activity into a **business**. The days of getting a group of people together with similar sporting interests for some good old competition and fun has been replaced with the business need to advertise and promote the event, raise sponsorship money for prizes, fight with municipalities over securing a permit, find and train volunteers to help conduct the event, and the constant need to continue looking over one's shoulder to see what attorney is following to serve legal papers over some frivolous claim.

Since it has now become a **business** and no longer just a **game**, how can Event Directors or Promoters shelter themselves from the ravages of litigation or claims for damages that can or will arise out of the business of conducting a sporting event? Most people respond by saying "buy insurance" and look at no other alternatives.

NOTES:

If one of those people, keep looking over your shoulder because the “big one” is about to bite and it’s going to hurt. Insurance is just one aspect of an overall process called Risk Management that each and every Event Director and Promoter should be practicing on a daily basis.

The process of Risk Management is to evaluate the potential areas of the event that could cause a financial loss and develop action plans to help minimize or eliminate the potential for loss. Risk Management is a dynamic process requiring continuing observation and review. The purpose of this article is on one element of the process called Loss Control – that element is the *proper use* of Waivers and Releases.

Probably the one single most important risk management action that an Event Director or Promoter can take to shelter themselves from litigation by participants is the use of a Waiver and Release. ***By using a valid waiver and release form, event directors are advising the participant of the hazards of the sport and are placing more of the burden of responsibility squarely on their shoulders.*** USA Volleyball has developed a valid waiver and release that is believed would be upheld in most if not all jurisdictions. Using a waiver and release that is valid and enforceable provides one with a greater degree of security than one that is not. It is for this reason that Event Directors and Promoters should be using the USA Volleyball Waiver and Release in each and every event.

Using the USA Volleyball Waiver and Release is one of many risk management techniques that can be used. It is not the total answer to solving litigation problems but its use, coupled with a comprehensive insurance program, doing what a “Reasonable and Prudent” person would do, and abiding by the “rules of the sport” will go a long way in minimizing litigation and claims problems.

USA Volleyball encourages all tournament directors to use the USA Volleyball waiver and release as the standard. By complying with a set of standards, as evidenced by the event sanctioning process, USA Volleyball is able to work with all in establishing a safe and enjoyable event.

ADDITIONAL RESOURCES

⇒ If you want to read more about the volleyball topics below, or others related to this chapter, download and print out the articles found at www.usavolleyball.org under the Resources tab, then click on the Education/IMPACT/Articles links.

- [2011-2012 USAV INSURANCE HANDBOOK and FORMS](#)
- [2012 USAV RVA and CAP - Background Screening Consent Waiver and Release Form](#)
- [What To Do After An Ankle Sprain](#), by William W. Briner, Jr., MD, FACSM, USAV SMPC
- [Zachery Lystedt Law – Concussion Compliance Handout](#)
- [NFHS Free Online Concussion in Sports Course \(www.nfhslearn.com\)](#)
- [Trainers take giant leap in establishing head trauma protocol](#), By Marty Maciaszek, Chicago Daily Herald Columnist
- [Center for Disease Control & Prevention Concussion Handouts \(www.cdc.gov/concussion/sports/resources.html\)](#)
- [United States Anti Doping Agency \(request Printed Athlete Handbook from the Outreach tab\) and USAV Anti-Doping Guidelines](#)
- [Injury Prevention through Proper Reaction, Reading and Anticipation](#), by John Kessel
- [Offside Hitting](#), by John Kessel
- [Your Health: In school sports, make safety part of the game](#), By Kim Painter, *USA TODAY*, 7/9/2010
- [Sports Safety Video](#) from National Center for Sports Safety: Topics Covered- Heat Illness, Concussions, Heart and Genetic Disorders, Pre-participation Physical Exams, Staph Infections/MRSA (www.sportssafety.org)
- [Nutrition for Volleyball Athletes - Poster](#), USAV-SMPC, 2006.
- [Athletes and Eating Disorders article \(from www.edreferral.com\)](#)
- [F - as in Fat \(view full report at www.healthymamericans.org/reports/obesity2010/\)](#)
- [Eating Disorders websites: www.nationaleatingdisorders.org or www.edreferral.com](#)
- [USAV Floor Tape Handout](#)
- [List of Sport Psychology & Goal Setting Websites and Videos](#)

⇒ **ALSO LOOK FOR THE FOLLOWING IN YOUR LOCAL LIBRARY OR ONLINE:**

- Look for the Video called “**Somebody Told**” at your local library, school or video store.
- **Spoilsports: Understanding and Preventing Sexual Exploitation in Sport**, by Celia Brackenridge, Routledge Publishing (2004). Available at Amazon.com.