



# United States Fencing Coaches Association

Member, Academie d'Armes Internationale (AAI)

Member, National Collegiate Athletic Association (NCAA)

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## Risk Management Summary

This document reviews the elements of Risk Management for Fencing Coaches. This information, in addition to being applicable to all coaches, is required for the Prevot level of certification. This document is a summary of Risk Management information. Please refer to the Recommended Reading List for additional sources on this topic.

## RISK MANAGEMENT DEFINED

Risk management is an ongoing, proactive leadership function that:

- 1. Involves the development and implementation of a risk management strategic plan.**
- 2. Reduces or transfers the hazards and risks inherent in athletics.**

No Risk management plan will ever eliminate injuries from fencing or any other sport. Thus the need to use “best practices” and prudent care in teaching, conditioning, inspection of facilities & equipment and warning athletes and parents about risks they may not understand.

## ELEMENTS OF NEGLIGENCE

**If any of the below four elements are not present or cannot be proven, the negligence assertion cannot be sustained in court.**

- **Duty** - The defendant coach or administrator owed a specific duty (obligation of reasonable care) under all circumstances to an injured player.
- **Breach** - The defendant coach or administrator failed to fulfill the defined duty.
- **Causation** - That the breached (unfulfilled) duty was both the actual and proximate cause of the player's injury or loss.
- **Damages** - Proof of actual damages.

## DEFENSES AGAINST ASSERTIONS OF NEGLIGENCE

- **Statutory Immunity-** A state enacts legislation that prevents an injured party from bringing suit against a public institution including schools or school districts. This is rare in the United States.
- **Assumption of Risk-** The fencer accepted risk inherent in a sport, was fully warned or apprised of risks that are not immediately apparent and was injured as a result of an unforeseeable event.
- **Contributory/Comparative Negligence-** The fencer is properly instructed in safety techniques and warned of one or more hazardous activities inherent in a sport. The fencer ignores warnings and is injured.
- **No Supervisory Responsibility-** The fencer is not under general or direct supervision when she/he suffers an injury or loss. (Going home after practice the fencer is in an accident.)
- **Unforeseeable Event-** It is well known that injuries occur in sports practices and competitions. To predict that a particular injury would occur at a particular time and thus be foreseeable is not a sustainable defense.
- **Lack of Causation-** The cause of injury or loss was connected to a circumstance other than the performance of a coach or administrator.

## FOURTEEN DUTIES RELATED TO NEGLIGENCE LITIGATION

### 1. Duty to Plan

- The fencing coach must conduct focused analyses of potential hazards in the fencing gym and other areas/facilities used by the fencers.
- Develop responsive strategies that prevent or reduce the potential for injury and loss
- These are the areas to focus on
  - Coaching competence
  - Medical screenings
  - Age maturation, environmental conditions
  - Facility and equipment evaluation/improvement
  - Injury response
  - Warnings to athletes and parents
  - Insurance of athletes
  - Child advocacy in abuse situations

- Proper planning of all activity
  - Need for lesson plans/practice plans
  - List skills needed
  - Novice coaches need assistance in this area

## **2. Duty to Supervise**

- Coach must be:
  - Physically present – a qualified supervisor must be in the fencing gym when activity is going on
    1. Consider appropriate supervision of other areas including locker rooms, gyms, phone areas, waiting areas
    2. Coach can not leave before all fencers have been picked-up
    3. The younger the student, the greater the duty to supervise
  - Provide competent instruction – instructors should receive training and certification
  - Instruction must be age/developmentally appropriate
  - Respond appropriately to emergency/injury situations
  - Red cross first aid/CPR certified
  - Lock all facilities when not present
  - Make sure that
    1. Equipment/facilities is safe
    2. Environment is safe
    3. Athletes and spectators use appropriate conduct

## **3. Duty to assess fencers' readiness for classes, practice and/or competition**

- Many state school systems require athletes to have a medical exam before being allowed to participate in school sports. Fencing coaches of non-state supported institutions should also ask competitive fencers to have pre-participation physical exams.
- All students should have a medical history questionnaire, which would include special medical conditions, allergies, emergency contact information, medical insurance information. Special medical conditions such as high blood pressure, heart conditions, etc., must receive medical clearance.
- A fencer's return to competition after a serious injury must be cleared by a physician

- Special considerations
  - American With Disabilities Act/Education of All Handicapped Children Act of 1975
- Progression of Conditioning
  - Less to more rigorous
- Attention to
  - Temperature/humidity/hydration
  - Attention to readiness
  - Attention to maturity

#### **4. Duty to maintain safe fencing conditions**

- Fencing coaches have a higher level of knowledge/skill and therefore they should be responsible for identifying:
  - Selection & Setup of Environment
  - Regular inspections of environment
  - Maintenance of environment
  - Compliance with safe building laws/codes
  - Homemade equipment liability
  - Defective equipment
  - Hazardous conditions
  - Temperature of the fencing gym must be considered and water must be available at all times
  - Weather conditions must be considered for outdoor activities (bad weather: wind storm, lightning, etc.)
- A plan must be developed to monitor and respond to dangerous conditions:
  - Unsafe fencing actions and dangerous horseplay – fencers must be masked when working with another person at all times.
  - Facilities: free from dangerous debris, slippery floor, safe run-off areas at the end of the strip, etc.
  - Equipment must be periodically inspected for safety
  - An emergency plan should be in place (and well known by the staff), which clearly outlines the steps taken in an injury situation and in a hazardous situation, such as a fire.

- Spectator safety and management: It is particularly important in fencing that spectators are seated a safe distance from any fencing and that people walking around the fencing area also stay clear of any fencing.

## **5. Duty to provide proper equipment**

- If fencing equipment is provided to students or competitive fencers then it is the duty of the coach to:
  - Provide clean, durable and safe equipment
  - Equipment must meet minimum USFA rules and standards
  - Equipment must be regularly inspected for safety
  - Equipment must be selected that is appropriate for age and maturity of fencers
  - Consistent/Required use of protective gear and proper wearing of protective equipment.

## **6. Duty to instruct properly**

- Qualified instructors
  - Practices must be organized in a logical sequence of skill progression
  - Proper technical instruction
  - Instruction should go from simple to complex
- Fencers knowledge, skill and capability should show improvement during the year
- Safety instruction
  - Adequate safety instruction
  - Thorough risk instruction
  - Identify and avoid dangerous situations/skills
  - Fencers should demonstrate appropriate/safe skills and practices

## **7. Duty to appropriately match fencers**

- When mixing fencers of various levels and/or age groups the Fencing Coach must consider the following when matching up pairs
  - Maturity
  - Age
  - Size

- Skill
- Speed
- Incapacitating Conditions
- May use older athletes to help instruct younger athletes

## **8. Duty to condition properly**

- Practices should demonstrate the following:
  - Progression of cardio-respiratory training
  - Progression of musculo-skeletal training
  - Strength programs appropriate for fencers
  - Macro-cycle to meet requirements of fencers
  - Consideration towards:
    1. Maturational factors
    2. Temperature factors
    3. Skill readiness factors

## **9. Duty to warn**

### **A. Warn of unsafe practices**

- All fencers and students must receive a warning of unsafe practices related to the sport
- Warning should be written and issued to both fencers and parents
- Written confirmation should be kept on file
- Videotaped presentations should be utilized

### **B. To warn of inherent dangers of fencing and related training practices**

- All fencers and parents should receive a written warning of the inherent dangers of fencing and a waiver of liability
  - Limited effectiveness as disclaimers of liability
  - Parents may not sign a minors rights away
  - Minor must sign
  - Parent legal guardian must sign

- This is nationwide and courts have upheld that parents/legal guardians can not sign away a minors rights Utah, 2001; Washington 1992; Colorado 1999
- Useful in educating parents and athletes about risks of sport
  - The younger the child the greater the responsibility to inform about the assumption of risk
  - Only those inherent dangers which are fully comprehended are defensible
- Mention the claims clearly
  - Any not mentioned are not released
  - Publish in foreign language as appropriate
  - Signed comprehension statements recommended
  - Have an attorney review your waiver

#### **10. Duty to ensure fencers are covered by injury insurance**

- Must certify that all competitive fencers have basic medical coverage
  - No competitive fencer should participate in any practice or competition until medical insurance is verified
  - All USFA members are covered under accident medical insurance
  - Records should be kept of athletes insurance coverage and USFA membership
  - Privately owned fencing institutions should carry liability insurance

#### **11. Duty to provide emergency care**

- Fencing coaches are expected to be able to provide basic emergency care to injured fencers. **DO NOT EXCEED ARC STANDARDS OF CARE!!**
  - Should be trained in Red Cross First Aid and CPR
  - **DO NOT EXCEED ARC STANDARDS OF CARE!!**
  - Don't exceed your expertise
  - Should have an emergency plan in place
- Initial diagnosis of incapacitating conditions
  - Coaches trained in first aid and CPR or other qualified personnel
  - Coaches should have additional information on sport specific injuries
  - Procedure for calling 911 and coordinating response

- Adequate first aid kits present
- Phone/radio
- When are athletes ready to return to activity
  - Seriously injured fencers should have a medical release before being allowed to return to practice

## **12. Duty to develop an emergency response plan**

- Fencing coaches and fencing facility owners must develop site-specific plans for emergencies
- Includes management of uninjured teammates/visiting team/spectators while rendering care
- Plans should include access to:
  - Location of phone (make emergency call)
  - Who to contact and how to make initial contact
  - First aid kit
  - How to direct emergency personnel to the site
  - Emergency evacuation procedures
  - Should be rehearsed with staff and students
- Maintaining a Medical History on All injuries
  - Explaining the difference between “owies” and “injuries”
  - Minor discomfort Vs ability to perform normally
  - Follow-up injury reports
  - Records of consent forms, medical releases, etc.
  - Permission to render care at home-site and at away competitive sites

## **13. Duty to provide proper transportation**

- Bonded, commercial carriers should be used for team travel
- Appropriately certified drivers holding current license when traveling in vans, carpools, or other forms of travel
- Under age fencers may be allowed to drive to local contests if their families give permission and they have adequate insurance
- No competitive fencer under the age of 18 should be allowed to drive to out-of-town contests without written parental consent and adequate insurance.



#### **14. Duty to select, train and supervise coaches**

- Coaches must be able to provide safe conditions and age/developmentally appropriate activities for their fencers
- Coaches should be current on best practices/safe-teaching/conditioning techniques
- Coaches should be current on First Aid/CPR
- Coaches should regularly take advantage of professional development and continuing education opportunities (attend seminars or take courses in a variety of sport and recreation related subjects – specific and general)
- Should have appropriate background and certification
- Orientation and Training for new staff