



## NADC – Workshop #17

*Essential Legal Duties for Directors of Athletics  
and Their Coaching Staff Members*

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*Follow along here:*





## *Essential Legal Duties for Directors of Athletics and Their Coaching Staff Members*

**“In leadership, there are no words more important than trust.  
In any organization, trust must be developed among every  
member of the team if success is going to be achieved.”**

**Mike Kryzewski**



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## **LEGAL DISCLAIMER**

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**The Information Provided In This Session  
Is *NOT* A Substitute For Legal Advice.**

**There May Be Nuances Of State Or Local  
Law That Could Affect Implementation Of  
Strategies Or Policies Discussed.**

**Participants Are Strongly Encouraged To Seek The  
Advice Of Their State Association Or School District  
Legal Counsel.**

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# ***AS COACHES AND ADMINISTRATORS WE HAVE CERTAIN LEGAL DUTIES***

1. PLANNING

2. SUPERVISION

3. SELECTING COACHES

4. TECHNIQUE INSTRUCTION

5. WARNINGS

6. SAFE PLAYING ENVIRONMENT

7. PROTECTIVE EQUIPMENT

8. EVALUATING CONDITIONING

9. EVALUATING INJURY

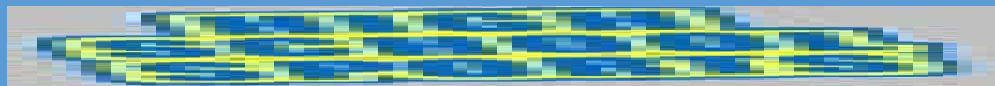
10. MATCHING & EQUATING

11. MEDICAL ASSISTANCE

12. EMERGENCY RESPONSE

13. SAFE TRANSPORTATION

14. ACCURATE DISCLOSURE





# **1. Planning**

- ▣ **The duty to plan transcends all other duties.**
    - **Developed Strategies:**
      - **Written Plans must be in place in order to fulfill all legal duties as imposed by the courts to protect student-athletes from harm.**
      - **A Coach can be held liable for a lack of planning:**
        1. **A complete absence of planning**
        2. **Poor or inadequate planning**
        3. **Plans created but not implemented or followed.**
- \* Keep all practice plans/expectations and rules etc... on file for 5-7 years.**



## *2. Supervision*

- ▣ **Specific Supervision:**

**Supervision of student-athletes while engaged in the activity.**

- ▣ **General Supervision:**

**Supervision of student-athletes for a reasonable period of time before/after the athletics activity.**

- ▣ **What is a reasonable time period?**





## **2. Supervision**

- ▣ **Harassment by A Student:** The harassment of other students or members of the staff, or any other individuals is not permitted. This includes any speech or action that creates a hostile, intimidating, or offensive learning environment. Conduct constituting harassment may take different forms, including, but not limited to the following: verbal, nonverbal and physical contact.
  
- ▣ **Social Media:** The use of Social Media in an inappropriate manner can have a disruptive impact on the morale and success of the team. Inappropriate use of technology can lead to disruptions in the classroom learning environment, school cohesiveness/morale and may constitute harassment or bullying. Inappropriate use of Social Media that could lead to athletic discipline and possible suspension or removal from participation would include but not be limited to: sexually explicit, profane, lewd, indecent, or defamatory language, the use of derogatory language regarding school personnel or other students, comments designed to harass or bully students/school personnel, nude/sexually-oriented/indecent photos/images or altered pictures/videos. The use of Northwestern Corporation computers to view inappropriate off-campus postings is prohibited. The use of student/athlete personal or non-school devices on school grounds to view or post inappropriate material is prohibited. The distribution of inappropriate hard copies of posts on school property is prohibited. The re-communication of inappropriate content on Northwestern School Corporation property is prohibited.





### **3. *Selecting/Training of Coaches***

- ▣ **Did you use reasonable care in the selection and training of all athletics personnel.**
  - **Did you assess the personal, professional and educational background before recommending coach.**
  - **Does the coach in question have relevant sport-specific background.**
  - **Did all members of your staff complete required certifications (Coaching Courses/CPR Etc...)**



### **3. *Selecting/Training of Coaches***

- ▣ **Mandatory Coach Accreditation**
- ▣ **IHSAA By-Law 7-1.4**
- ▣ **Must complete:**
  - **Sudden Cardiac Arrest**
  - **Concussion in Sports**
  - **Heat Illness Prevention**
  - **Protecting Students from Abuse**
  - **Student Mental Health and Suicide Prevention**
  - **Complete-every two years or when course is updated.**



## *4. Technique Instruction*

- ▣ **Use Qualified Instructors**
- ▣ **Use Proper Technique Instructions(sports specific)**
- ▣ **Adequate Safety Instructions (How to safely perform)**
- ▣ **Thorough Risk Instructions (Danger of unsafe methods)**
  - **Film and keep video of safety instruction (tackling techniques, sliding techniques, spiking techniques, taking charges etc...)**
  - **Use multiple methods of communication with techniques.**



## *5. Warnings*

- ▣ **We must provide student athletes with the warnings regarding all the risks related to participation in sports activities.**
  - **Sport Specific Cautionary Statements are provided on Final Forms to all Athletes in all sports that must be signed prior to participation. Provided with all other waiver forms.**
  - **All other warning stickers, signs should be left in place or put in place for protection of all involved.**



## **6. Safe Playing Environment**

- ▣ **Be aware of the safety of your playing environment.**
  - **Practice Fields/Courts**
  - **Game Fields/Courts**
    - **Playing surface condition (Holes etc...)**
    - **Protection of the spectators**
  
- **Notify me of any issues that you see immediately.**



## **6. Safe Playing Environment**

- ▣ **Lightning Information- Leave fields and find shelter when you hear or see lightning.**
- ▣ **Coaches/Athletes may not return to activity on fields until 30 minutes after the last lightning or thunder.**
  - **Dugouts do not provide adequate protection**



## *7. Protective Equipment*

- ❑ Be sure that your athletes are wearing appropriate protective equipment for the activity.
- ❑ Enforce consistent use of safety equipment.
- ❑ Coaches will now be required to film and keep video of equipment fitting (Helmets, pads)
- ❑ Make sure your equipment and environment is safe. Do not ignore problems. Check daily.
- ❑ Athletes should be adequately warned(informed) of dangers of specialty equipment in your sport. (Must document specific training)





## **8. Evaluating Conditioning**

- ▣ **Evaluate your athletes for initial preparedness to safely participate in a sport/activity when you begin practices.**
  - **You must adjust to athletes that are not ready to go all out**
  - **Work unprepared athletes back into shape slowly**
  - **Know heat indexes, listen to the trainer, get individuals help immediately if athlete is showing signs of heat problems**
  - **Never go against heat warnings by trainer and athletic director**
  - **Use good judgment, you do not get a second chance**



## *8. Evaluating Conditioning*

- ▣ **IT IS YOUR RESPONSIBILITY AS A COACH TO MAKE SURE THAT EVERY PARTICIPANT HAS A VALID PHYSICAL/WAIVER COMPLETED ON FINAL FORMS BEFORE THEY PARTICIPATE IN YOUR PRACTICE**
  - **(Summer Workouts from Day 1).** If Athlete is not Green on Final Forms then they may not participate in any physical workouts)
  - **THE ATHLETE IS NOT A VALID SOURCE OF INFORMATION.**
- ▣ **IF SOMETHING GOES WRONG, IGNORANCE IS NOT AN EXCUSE. YOU AND I WILL BE NAMED IN THE LAWSUIT.**  
The Court system has as a standard of care that requires a Valid Physical is on file prior to participation.



## ***8. Evaluating Conditioning***

- ▣ **Handbook Pages 8-14 <http://www.nwhstigers.com/>**
- ▣ **Make sure you fully understand Concussion return to play protocol. Work closely with Trainer on athlete return.**



## **9. Evaluating Injury**

- ▣ **Who evaluates injuries to athletes?**
- ▣ **Who makes a judgment on whether an athlete should play?**
  - **Under no circumstances should you as a coach talk to an athlete about treatment methods**
  - **Under no circumstances should you as a coach discuss with the athlete issues regarding whether they should continue to play with an injury or sit**



## **10. Matching/Equating Athletes**

- ▣ **Match and equate your athletes in practice and competition based on the following criteria:**
- ▣ **Size**
- ▣ **Age**
- ▣ **Strength**
- ▣ **Skill Level**
- ▣ **Experience**
- ▣ **Incapacitating Conditions**



## ***11. Medical Assistance***

- ▣ **Provide immediate care to athletes that are injured:**
- ▣ **Call for training staff**
- ▣ **Call 911**
- ▣ **Stop Bleeding with pressure**
- ▣ **CPR/AED Assistance**
- ▣ **Do you know where your AED is? Signage? Battery?**



## ***12. Emergency Response Plan***

- ▣ **Posted outside and inside all athletic facilities.**
- ▣ **Take the time to understand the plan based on your location.**
- ▣ **Do your teams practice your ERP?**





## **13. Safe Transportation**

- ▣ **Coaches are to be spread out on bus trips, separate freshman from seniors on large teams and boys from girls. **Talk to your athletes about proper behavior.** Have an idea of where your athletes are sitting on the bus. **Expectations!****
- ▣ **Transportation policy-Athletes can only ride home with a parent or guardian from an away contest. Athlete must be signed out on a sign out sheet by the parent prior to their departure. (Keep sign out sheets for the entire season). If a parent has a special request they must put it on a Private Auto Form-Minimum 3 days in advance.**



## ***14. Sport Related Disclosures***

- ▣ **All information as part of the IHSAA/Northwestern Physical documents on Final Forms.**
- ▣ **Be sure to always give your athletes factual, precise and true information about all issues regarding insurance, technique, safety, playing skill, NCAA, NAIA.**



## ***15. Bonus – Best Practices for Preventing and Addressing Bad Acts***

- ▣ **Communication**
- ▣ **LISTEN**
- ▣ **Report**
  - **Conduit for reporting**
  - **Policy for self reporting**
- ▣ **Get the information out there**
- ▣ **ALWAYS follow your policies**
  - **Do you train your coaches on these policies?**
  - **Are these habits instilled in your staff?**



## ***15. Bonus – Best Practices for Preventing and Addressing Bad Acts***

### ***Action Steps***

- ▣ **Call SUPT/Principal – IMMEDIATELY!!**
- ▣ **Thorough follow through**
  - **Seek guidance on reportable offenses or police action**
  - **Coach your coaches to respond immediately**
  - **Never ignore the fringe**



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**Discussion?**



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