



United States Fencing Coaches Association

Member, Academie d'Armes Internationale (AAI)

Member, National Collegiate Athletic Association (NCAA)

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