

COACHING WITHOUT FEAR

KNOWING THE PLAYBOOK

Special Olympics
New Jersey



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Attorneys at Law

Is there a Negative Trend in Volunteer Sports?



- Some say yes
- Some say it's no worse, we are just more aware of it
- Regardless, be mentally prepared for negative experiences

Legal Liability

- a. Notwithstanding any provisions of law to the contrary, no person who provides services or assistance free of charge, except for reimbursement of expenses, as an athletic coach, manager, or official, [...] for a sports team which is organized or performing pursuant to a nonprofit or similar charter or which is a member team in a league organized by or affiliated with a county or municipal recreation department, shall be liable in any civil action for damages to a player, participant or spectator as a result of his acts of commission or omission arising out of and in the course of his rendering that service or assistance.
- b. The provisions of subsection a. of this section shall apply not only to organized sports competitions, but shall also apply to practice and instruction in that sport.
- c. (1) Nothing in this section shall be deemed to grant immunity [...] to any coach, manager, or official who has not participated in a safety orientation and training skills program which program shall include but not be limited to injury prevention and first aid procedures and general coaching concepts.

N.J.S.A. 2A:62A-6

What are the Key Elements?

- Provides Service or Assistance Free of Charge
- Athletic Coach, Manager, or Official
- For a Nonprofit or a County / Municipal Recreation Dept
- Participate in safety orientation and training skills program

Immune from Liability

Does This Mean You Cannot be Sued?

- Anyone can be sued for anything at any time
- Means you should not be found liable
- SONJ Insurance provides legal defense

Exceptions to Immunity

- Can be held liable if cause damage to another by:
 - Willful
 - Wanton
 - Grossly Negligent Act
- Negligent Operation of Motor Vehicle
- Permitting a competition or practice to be conducted without Supervision

Examples

Likely Immune

Bat slips out of coach's hand during infield drills and hits athlete

During routine soccer drills athlete twists an ankle causing injury

Pushing an athlete carefully or slightly past current abilities for limited duration

Potentially Liable

Intentionally forcefully striking an athlete with a bat

Having goalie take penalty kicks with such excess force as to cause serious injury

Knowing athlete's medical limitations, push athlete for extended duration, refusing requested water breaks, resulting in significant medical emergency.

Don't Do This



Definitely Don't Do This



Acting Within Your Capacity

- Also, not liable for decisions made in your capacity as coach for legitimate coaching reasons, such as:
 - Play time
 - Position
 - “Benching”
 - Placement on a particular team roster
 - Practice times and locations
 - Requirement a parent / guardian must stay
 - Requirement a disruptive parent / guardian cannot stay
 - Refusal to converse with abusive parent / guardian

Accommodations

- “Entitled” to an accommodation is VERY FACT SPECIFIC
- Do not make this decision on your own
- Burden is on the athlete (parent / guardian) to make the request for the accommodation

Accommodations

- Accommodations must be:
 - Requested
 - Reasonable
 - Athlete “otherwise qualified” with or without accommodation
 - Does not fundamentally alter the nature of the competition
 - Athlete is not entitled to a specific demand. The athlete is entitled to an **opportunity**

Avoiding Conflict

“What we’ve got here is ... failure to communicate.”

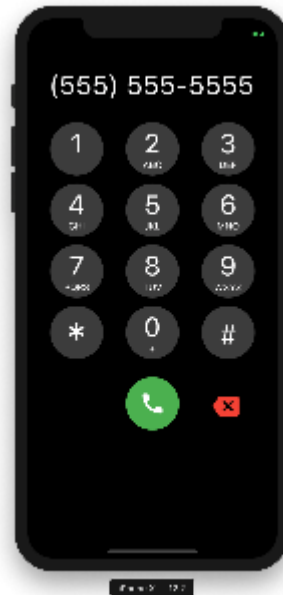
- *Cool Hand Luke*

Avoiding Conflict

- Coaching decisions can be unpleasant
 - Roster changes
 - Position changes
 - Assign to a more “developmental” team
 - Did not make the team
- Human nature to avoid unpleasant conversations
- Have the Conversation Anyway

Avoiding Conflict

- Have the conversation anyway
- Use This:



Avoiding Conflict

- Have the conversation anyway
- NOT This:



Avoiding Conflict

- Have the conversation anyway
- **DEFINITELY NOT** This:



Avoiding Conflict

- Have the conversation anyway
- Best is to use this:



Avoiding Conflict

- Your decisions may not put you at risk of liability ... but:
- Open, calm, respectful, reciprocal, communication will avoid hours, days, months, or years of headache, heartache, and conflict.

Avoiding Conflict

- Having a conversation may be hard and may be outside a coach's comfort zone
- We ask Athletes to be "Brave"
- Sometimes Coaches need to be brave too

Addressing Athlete Behaviors

- Don't get ahead of yourself ... and everyone else
- Unless imminent safety issue – don't need to address immediately.
- Don't make unilateral decisions, like “the athlete is off this team or is banned for life or suspended for a year”
- Get advice and direction from SONJ before you say or do anything.

Questions?



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