

RISK MANAGEMENT

RISK MANAGEMENT

OUR PURPOSE HERE IS TO THINK ABOUT

RISK MANAGEMENT,

INCLUSIVE **AND** BEYOND THE

KIDSAFE PROGRAM

WHAT IS RISK?

- POSSIBILITY OF SUFFERING LOSS
- ANYTHING THAT THREATENS THE ABILITY OF AN ASSOCIATION TO ACCOMPLISH ITS MISSION

WHAT IS RISK MANAGEMENT?

- THE PROCESS OF ANALYZING EXPOSURE TO **RISK** AND DETERMINING HOW TO BEST HANDLE THE EXPOSURE
- PROVIDING A FRAMEWORK AND STRATEGIES FOR RECOGNIZING AND CONFRONTING THREATS TO THE ASSOCIATIONS ABILITY TO ACHIEVE ITS PURPOSE
- REQUIRES THE ASSOCIATION TO BE PROACTIVE BY INSTILLING A DISCIPLINE DEALING WITH THE POSSIBILITY OF A FUTURE EVENT CAUSING HARM

WHY DO WE NEED A RISK MANAGEMENT PROGRAM?

AN IMPORTANT GOAL OF THE PROGRAM IS THE PROTECTION OF THE ASSOCIATION'S PEOPLE, PROPERTY, INCOME AND REPUTATION. THESE ARE CRITICAL ASSETS TO THE LONG TERM SUCCESS OF THE ASSOCIATION

- PEOPLE – PLAYERS, BOARD MEMBERS, COACHES, REFEREES, & PATRONS
- PROPERTY – FIELDS, BUILDINGS, ETC
- INCOME – REVENUE AND ASSETS OF THE ASSOCIATION
- REPUTATION – OVERALL QUALITY OR CHARACTER AS SEEN BY PEOPLE IN COMMUNITY

WHY DO WE NEED A RISK MANAGEMENT PROGRAM

TO DEVELOP A RM PROGRAM FOR THE VARIOUS ACTIVITIES BY ASKING THE FOLLOWING QUESTIONS

- WHAT COULD GO WRONG?
- WHAT CAN BE DONE TO PREVENT IT FROM HAPPENING?
- IF IT GOES WRONG, HOW DO YOU RESPOND?
- HOW DO WE ENSURE THE EFFECTIVENESS OF THE PROGRAM AND KEEP IT CURRENT

RM PROGRAM HAS TO BE DILIGENT TO CONSTANTLY EVADE THREATS OF HARM TO OUR MEMBERS

THE RM PROGRAM SHOULD DEFINE HOW TO ADDRESS THE RISKS AND MAKE GOOD CHOICES IN HANDLING THESE THREATS

TOPICS

- BACKGROUND CHECKS
- CONCUSSIONS
- GOALPOSTS
- TRANSPORTATION – VANS
- GOLFCARTS
- WEATHER
- DUI'S
- FINANCIAL
- TOURNAMENTS

ORGANIZATIONAL LIABILITY

- VICARIOUS LIABILITY
 - LIABILITY FOR ACTS OF OMISSION OF EMPLOYEES, AGENTS OR VOLUNTEERS
- DIRECT LIABILITY
 - LIABILITY FOR BREECHING A LEGAL DUTY OF THE ORGANIZATION

VICARIOUS LIABILITY

- COACH SENDS AN INJURED PLAYER BACK INTO THE GAME AND PLAYER SUFFERS FURTHER INJURY
 - IS MAKING SUSTITUTION DECISIONS IN COURSE AND SCOPE OF VOLUNTEER COACHING DUTIES
 - IF SO, ASSOCIATION IS VICARIOUSLY LIABLE FOR CONDUCT OF COACH

VICARIOUS LIABILITY

- DOES NOT EXTEND TO ACTIONS OUTSIDE THE COURSE AND SCOPE OF DUTIES
 - CRIMINAL MISCONDUCT – SEXUAL ASSAULT
 - CRIMINAL CONDUCT WILL ALMOST ALWAYS BE CONSIDERED OUTSIDE THE COURSE AND SCOPE OF OFFICIAL DUTIES

DIRECT LIABILITY

- LACK OF VICARIOUS LIABILITY DOES NOT MEAN THERE IS NO DIRECT LIABILITY
 - DIRECT LIABILITY LOOKS AT THE BREACH OF DUTIES OWED BY THE ASSOCIATION ITSELF

DIRECT LIABILITY

- REQUIRES EXISTENCE OF A LEGAL DUTY BETWEEN ASSOCIATION AND INJURED PARTY
 - NEGLIGENCE – DUTY TO USE REASONABLE CARE
 - FAILURE TO PROVIDE SAFE PREMISES (BUILDINGS, FIELDS)
 - FAILURE TO WARN OF DANGEROUS CONDITIONS (GOALS)
 - FAILURE TO SCREEN VOLUNTEERS (ABUSE/ ASSAULT)
 - FAILURE TO TRAIN OR SUPERVISE VOLUNTEERS (INJURIES/ MOLESTATION)

DIRECT LIABILITY

DUTY TO WARN THEORIES BEING APPLIED TO MOLESTATION CASES!

- BOYS SCOUTS

- NOTED MISSIONS OF SCOUTS AND RELIANCE OF PARENTS ON SCOUTING PROGRAMS
- COURTS ALLOWED LAWSUIT TO CONTINUE ON THEORY SCOUTS FAILED TO COMMUNICATE TO PARENTS AND SCOUTS METHODS AND MEANS OF AVOIDING SEXUAL ABUSE

HOW DO WE COMMUNICATE TO PARENTS AND PLAYERS?

RISK MANAGEMENT

“THE IDENTIFICATION, ANALYSIS, ASSESSMENT, CONTROL, AND AVOIDANCE, MINIMIZATION, OR ELIMINATION OF UNACCEPTABLE RISKS”

Risk IS “A PROBABILITY OR THREAT OF DAMAGE, INJURY, LIABILITY, LOSS, OR ANY OTHER NEGATIVE OCCURRENCE CAUSED BY EXTERNAL OR INTERNAL VULNERABILITY, THAT MAY BE AVOIDED THROUGH PREEMPTIVE ACTION”

RISK MANAGEMENT IS PROACTIVE! NOT REACTIVE!

RISK MANAGEMENT FURTHERS OUR MISSION

- CHILD PROTECTION
- FINANCIAL INTEGRITY
- FIELDS/EQUIPMENT
- VOLUNTEER SELECTION
- VOLUNTEER TRAINING
- WEATHER

RISK MANAGEMENT FURTHERS OUR MISSION

VOLUNTEER/ YOUTH SERVICE PROVIDERS ARE INCREASINGLY SEEN AS
LITIGATION TARGETS

GOAL:

ELIMINATE AS MUCH RISK AS POSSIBLE;
MINIMIZE THE DAMAGE FROM REMAINING RISK

RISK MANAGEMENT FOR VICARIOUS LIABILITY

- THE ACTS OF A VOLUNTEER ARE ACTS OF THE ASSOCIATION
 - NO AMOUNT OF TRAINING OR SUPERVISION EXCUSES THE ACT
- RISK MANAGEMENT FOCUSES ON PREVENTING THE OCCURENCE
 - EXAMPLE: CONCUSSION MANAGEMENT GUIDELINES; HEAD INJURY TRAINING

HAVING A POLICY IS BETTER THAN NOT HAVING ONE

RISK MANAGEMENT FOR DIRECT LIABILITY

- MUCH MORE DIFFICULT AND EXPANSIVE
- SOME RISKS FOCUS ON PREVENTION (FIELDS, GOALS, BUILDINGS)
- OTHER RISKS FOCUS ON POLICIES AND PROCEDURES (ABUSE/MOLESTATION)
 - RECOGNIZING CRIMINALS ATTEMPT TO EVADE LAWS/POLICIES, EQUALLY SHOWS REASONABLE EFFORTS TO DETECT AND PREVENT HARM

RISK MANAGEMENT FOR DIRECT LIABILITY

- ABUSE/ MOLESTATION CASES ARE DEFENSIBLE
 - NO VICARIOUS LIABILITY FOR CRIMINAL CONDUCT*
 - FAILURE TO WARN/ FAILURE TO SCREEN ACCOMPANY EVERY ABUSE/SEXUAL CASE
 - ALL MEMBERS UP THE CHAIN ARE DEFENDANTS
 - CAN WE SHOW AT EVERY STEP WE HAD PROCEDURES TO SCREEN?
 - CAN WE SHOW AT EVERY STEP WE HAD PROCEDURES TO SUPERVISE?
 - CAN WE SHOW THE CRIMINAL EVADED THOSE PROCEDURES?

SCOPE OF RISK MANAGEMENT

AREAS OF RISK

- CHILD PROTECTION
- FINANCIAL INTEGRITY
- VOLUNTEER SELECTION
- VOLUNTEER MANAGEMENT
- VOLUNTEER TRAINING
- WEATHER

SOME OVERLAPS EXIST IN AREAS

PLANNING CHALLENGES

- WHAT ARE THE STANDARDS OF CARE
- HOW HAVE THEY BEEN ADDRESSED
- WHAT ARE THE RESOURCES OF THE ASSOCIATION
- HOW DO WE IMPLEMENT THE PLAN?

VOLUNTEER SCREENING

- VOLUNTEER SCREENING IS THE FIRST LINE OF DEFENSE
- APPLIES EQUALLY TO PAID STAFF
- ALL VOLUNTEERS IN A CONTACT POSITION WITH YOUTH SHOULD BE SCREENED PRIOR TO CONTACT

VOLUNTEER SCREENING

- VOLUNTEERING IS A PRIVILEGE TO BE PERMITTED TO INTERACT WITH AND IMPACT THE LIVES OF YOUTH PLAYERS
 - PARENTS ENTRUST THE BOARD WITH SELECTING QUALIFIED VOLUNTEERS
 - NO VOLUNTEER HAS A RIGHT TO WORK WITH ANY ORGANIZATION. STAFFING DECISIONS BELONG TO THE ORGANIZATION

VOLUNTEER SCREENING

- KIDSAFE/BACKGROUND CHECKS
 - NATIONAL DATABASE
 - DEFINED BY SEVERITY AND RECENCY OF OFFENSE
 - RISK OF OVER RELIANCE
- ASSOCIATION LEVEL SCREENING
 - CANNOT RELY SOLELY ON SCREENING
 - RECOMMENDED PROCESS
 - APPLICATION
 - INTERVIEW
 - REFERENCES
 - ASSOCIATION MUST TRAIN PEOPLE WHO CONDUCT SCREENINGS
 - EVALUATION AND APPROVAL PROCESS
 - LIMITATION – INFORMATION SHARING

VOLUNTEER MANAGEMENT

- SHOULD HAVE A COHERENT AND COHESIVE SET OF CHILD PROTECTION POLICIES
- POLICIES SHOULD BE COMMUNICATED TO ALL VOLUNTEERS AND ENFORCED
- DOCUMENT RECEIPT OF POLICIES
- TRAIN BEFORE CONTACT

VOLUNTEER MANAGEMENT

- ISSUES TO ADDRESS

- TRAINING AND EDUCATION OF COACHES
- PLAYER SUPERVISION/ INTERACTION – 2 ADULT POLICY
- ROLE OF VOLUNTEER IN TRANSPORTATION AND TRAVEL
- VOLUNTEER/ PLAYER CONTACT OUTSIDE OF ORGANIZATION
- SOCIAL MEDIA/ ELECTRONIC COMMUNICATIONS

VARIETY OF PARENT COACHES TO CHILDLESS VOLUNTEERS MAKES A SINGLE POLICY DIFFICULT

VOLUNTEER MANAGEMENT

- COMMON SCENARIOS

- PARENT DOES NOT PICK UP CHILD AFTER PRACTICE
- CHILD NEEDS RIDE TO OUT OF TOWN GAME/ TOURNAMENT
- COACH GET FACEBOOK FRIEND REQUEST FROM PLAYER
- COACH OFFERS PRIVATE TRAINING OUTSIDE PRACTICE

CAN/ SHOULD POLICIES ADDRESS DIFFERENCES BETWEEN PAID STAFF AND PARENT COACHES

EFFECTIVE CHILD PROTECTION

- A SOUND RISK MANAGEMENT PLAN PROVIDES A CLEAR PLAN FOR VIOLATIONS OF CHILD PROTECTION POLICIES
 - REPORTING
 - INVESTIGATING
 - ENFORCEMENT

PROCESS OF REPORTING MUST BE CLEAR AND ACCESSIBLE TO MEMBERS

WHY EMPHASIS ON VOLUNTEER SCREENING AND MANAGEMENT

- TWO MOST COMMON CLAIMS IN ABUSE
 - FAILURE TO SCREEN VOLUNTEERS
 - FAILURE TO TRAIN OR SUPERVISE VOLUNTEERS

MAD MOM v ASSOCIATION

YOU ARE A BOARD MEMBER OF AN ASSOCIATION WITH A U16 TEAM

- COACH GETS CALL FROM SINGLE MOM – HER CHILD NEEDS A RIDE FOR PRACTICE
- COACH GIVES RIDES TO AND FROM PRACTICE ONE NIGHT A WEEK
- COACH/PLAYER START SENDING TEXT BACK AND FORTH
- COACH DROPS PLAYER OFF – STAYS TO HELP WITH HOMEWORK
- COACH/ PLAYER STARTS HANGING OUT OUTSIDE PRACTICE/ GAMES
- EVENTUALLY A RELATIONSHIP STARTS
- POLICE CALLED – COACH ARRESTED – NEWSPAPER CALLS YOU. ASKS WHAT YOU DID TO PROTECT THE PLAYER

WHAT'S YOUR ANSWER?

CHILD PROTECTION = VOLUNTEER PROTECTION

- CHILD PROTECTION POLICIES AIM TO ASSURE YOUTH PARTICIPANTS INTERACT WITH VOLUNTEERS IN OPEN AND VERIFIABLE MEANS
- BY CREATING A TRANSPARENT ENVIRONMENT, STAFF AND VOLUNTEERS ARE PROTECTED FROM FALSE ALLEGATIONS
 - IMPORTANT FOR VOLUNTEER BY-IN

FINANCIAL RISK

- COULD RESULT FROM LEGAL RISK
- NATURAL DIASTERS
- ACCIDENTS
- CRIMINAL CONDUCT
- CREDIT RISK

PREMISES RISK

- BUILDINGS
 - STRUCTURALLY SOUND
 - ADA/ LEGAL
 - CHILD PROTECTION
- GROUNDS
 - PLAYING SURFACES
 - PARKING/ SPECTATOR AREAS

PREMISES RISK

- EQUIPMENT
 - SOCCER GOALS
 - 38 DEATHS. 56 INJURIES SINCE 1979
 - OCCURS NOT ONLY DURING GAMES, BUT DURING NON SANCTION USE
 - DEATH CASES EXCEED \$1,000,000 LIABILITY LIMITS
 - FIELD MAINTENANCE EQUIPMENT
 - GOLF CARTS
 - CONCESSIONS

WEATHER RISK

- LIGHTNING
- TOO HOT
- TOO COLD
- RAIN/ HAIL

WHAT ARE THE GUIDELINES?

INJURY RISK

- CONCUSSIONS
- BROKEN ARMS
- ASSESSEMENT

ARE WE TRAINED WHAT TO LOOK FOR TO MAKE JUDGEMENT CALLS?

WHY RISK MANAGEMENT PLANNING?

- TO AVOID HARM IN THE FIRST INSTANCE
- TO ASSURE THE SURVIVAL OF THE ASSOCIATION WHEN HARM OCCURS
- TO PROVIDE CONSISTENT/ EFFECTIVE APPROACH TO ADDRESSING RISK

BECAUSE IT'S THE RIGHT THING TO DO FOR OUR PLAYERS