

Maintaining Control—A Professional Standard of Care

We see many claims that involve a teacher or coach misjudging their strike or using aggressive hands-on coaching techniques. Whether you are a Sifu, Sensei, Sabom or Coach, you have a very high degree of professional responsibility to ensure the safety of your students. This is especially true when your students are young children. Because children's bones, muscles, and tendons are not fully developed, they can be injured more easily and more seriously than adults.

Here's one example. An instructor and a student were engaged in a non-contact sparring event. The student threw a punch with a closed fist and the instructor ducked to avoid being struck. The instructor then punched back and landed a blow with a closed fist to the student's rib cage. The student incurred over \$50,000 in medical expenses and the claim ultimately cost more than \$100,000 to resolve.

Maintaining control and exercising a professional standard of care would have prevented this claim from happening. *Legal Concepts in Sports: A Primer*, by Linda Jean Carpenter, provides a simple definition of a standard of care—the duty owed is to protect the student or athlete from the foreseeable risk of unreasonable harm. In the claim above, the teacher failed to maintain a proper standard of care when he punched the student. Thus, a costly error occurred.

How a standard of care is applied in a situation can vary. Much depends on the hazardous nature of the activity. Also, how a standard of care is interpreted may be influenced by participants' age or maturity, skill level, health and conditioning; age, skill, and size of the competitors/participants; amount of supervision; and class size.

A standard of care can also be determined by your state's legal environment. As a professional, you are held to a higher standard of accountability when providing a standard of care owed your students. If you don't, you too may commit a costly error that can result in loss of students and possibly increased insurance cost. Just imagine the personal cost of the above claim if there were no insurance coverage to help pay the loss.

If you have a safety or risk management question or a suggestion for a topic, please contact Markel's Risk Management Department at safety1st@markelcorp.com.