

## **RISK MANAGEMENT**

Adapted from National 4-H Shooting Sports

### **4-H Shooting Sports....a**

#### **RISKY BUSINESS!**

That should have gotten your attention. And it should have raised several questions in your thoughts. . . For example: Is this guy nuts?, or . . . Is this guy right? Is a 4-H Shooting Sports program really a **RISK**?

To prepare ourselves adequately to lead a successful, enjoyable, and safe shooting sports program we need to truthfully answer those questions. And for starters we need to know:

#### **What is a Risk?**

Simply put risk is the **CHANCE OF LOSS**. That implies that just about everything we do in life is a risk, from getting out of bed in the morning to drinking a cup of coffee to driving to work (or home again) or running a program involving youngsters who are in need of adequate and basic safety and handling training, and firearms, mechanical devices which have no thought processes nor concern for safety.

So, now that we know that running a shooting sports program that constitutes a risk, we should proceed by learning how to manage risk. Managing a risk can be done in four ways:

- Assume - Well, that's what you have done by deciding to have a 4-H shooting sports program.
- Reduce - You reduce the risk by recognizing the hazards of the program and working toward eliminating them, another name is 'safety engineering'.
- Avoidance - As the next step, you work to avoid hazards you can not reduce, such as unsafe backstops. It could also mean you re-consider your assumption of the risk, by canceling the program.
- Transfer - The final step is to transfer the responsibility for the results of these assumed risks, perhaps through an insurance policy.

#### **Reducing Risk**

In order to reduce the risk you are assuming in running a 4-H shooting sports program you must first recognize the specific duties that you have as the 'instructor', the 'professional', the 'expert', the person responsible, duties imposed by the concept of liability:

**Liability:** A legal obligation or duty.

There are two types of liability:

Criminal: duties due to community  
Civil : duties due to individuals

Under Civil Liability there are two types:

- **Contractual**
- **Tort**

'**Tort**' is what should be of interest in a 4-H Shooting Sports program because it is defined as: 'a legal wrong doing committed upon a person who suffers damages as a direct result'. While there are many types of 'Tort' liability, including 'intentional wrong', our concern should be '**unintentional wrong**': an act or the failure to act in a responsible manner which results in injury to another. This is **NEGLIGENCE**.

**Negligence** is defined as the failure to perform a legally owed duty as would a reasonable and prudent person, with that failure resulting in actual damage that is a consequence of the breach of duty and should have been foreseen.

There are four elements of negligence that must be present before negligence can be proved:

- Duty Owed - Was there a legal duty owed the injured party?
- Duty Breached - Was there a failure to fulfill this duty?
- Actual Damages - Was there an injury to the party owed the duty?
- Proximate Cause - Was the failure to fulfill the duty the direct cause of the injury?

What does this mean for the 4-H instructor?

**First**, you have a 'duty', read that responsibility, to provide a safe environment in which to conduct your program. This means simply that you should know what a safe environment is, be able to recognize hazards, act to remove those hazards in a prudent manner, or control them through an established procedure and ensure that you do not, intentionally or unintentionally, create additional hazards.

**Second**, you have a duty to conduct the activities of your program in a reasonable and prudent manner in accordance with a recognized protocol or procedure.

While these may seem to be insurmountable obstacles, really they are quite simply addressed. **BY FOLLOWING THE ESTABLISHED 4-H SHOOTING SPORTS MANUAL OF INSTRUCTION AND LESSON PLAN** and the safety procedures provided in the manual, you will have gone a long way toward satisfying your responsibility to conduct the program in a proper and safe manner. Certainly there will be times that you might vary from the letter of the manual, but never from the law it establishes. An example of this might be:

Lesson One of the Manual provides a safe and established procedure for familiarizing students with a Daisy Model 853 air rifle. But, what if you don't have that particular model of air rifle and instead have the use of Remington 513T .22 Caliber rifles and a safe, proper range to fire them on. Then your first lesson would be to utilize the provided format of familiarization but substitute proper instruction for the Remington rifle, or what ever model of rifle you are going to use, in place of the Daily 853.

But, there are other specific duties that are required of you, specific legal duties, as recognized by the courts, that you should be aware of and fulfill.

You have a duty to:

1. **PROPERLY PLAN THE ACTIVITY.** Every aspect of the training should be planned prior to instruction and the instruction should be geared to the existing skill level of the student. The evaluation of the skill level should be continuous with each student and specific training included in your written lesson plan.
2. **PROVIDE PROPER INSTRUCTION.** The instruction you give must be consistent with the established protocol of your program (i.e.: follow the lesson plan in the manual) and, again, geared to the skill level of the individual student.
3. **EXPLAIN THE INHERENT RISKS.** Students must know and understand the inherent risk associated with the activity. They must be clearly warned of the dangers involved with not following your instruction. Once is not enough. Repeatedly advise them . . . "you must wear your safety glasses at all times in the range because a pellet could put out your eye and blind you."
4. **MONITOR FOR INJURY OR INCAPACITY.** It is your responsibility to evaluate students for injuries or other conditions which would inhibit their ability to be safe and follow instruction. Never force a youngster to participate against their will. And be prepared to remove a student you observe to be inattentive or distracted (unable to safely participate). The required youth health form could be a basis for your decision.
5. **PROVIDE ADEQUATE, SAFE EQUIPMENT.** You must insure that the equipment you provide is proper for the program, i.e.: fits the shooter and the course of fire, and is mechanically safe, having been inspected and certified by a qualified individual. (Maintain an equipment log with written documentation of these inspections and certifications).
6. **PROVIDE PROPER EMERGENCY RESPONSE.** You must have a written emergency action plan, one that covers responsibilities of supervisory personnel, who to call, who calls, transportation, and who is the provider of emergency care.
  - Have an adequate first aid kit on site and have a trained first responder present.
  - Have the required youth and adult health forms available.

- Notify local emergency personnel of your activities and locations before you start your program.

7. **MAINTAIN ADEQUATE RECORDS.** While there are many formats this can take, the Activities Log (example included) is an example of what to include and how to maintain these important records.

8. **PROVIDE CLOSE SUPERVISION.** Activities should occur under your direct supervision. You and your associate trainers are always in place and in control.

9. **INSPECT, INSPECT, INSPECT.** Always ensure a safe environment by regularly and completely inspecting all aspects of the physical environment you are holding your program in.

Well, lots to remember and do! Certainly, but all these items can become manageable by spending the time to write them down in one format and establishing a procedure to follow in every activity. This written format is called a “**Risk Management Plan.**”

### **RISK MANAGEMENT PLAN**

A good Risk Management Plan will address specific situations that might be encountered during the program. These include:

- **RATIONALE and GOALS** - Simply, what you want to do, why you want to do it, and where you intend to go with the program, write it down.
- **PERSONNEL POLICIES** - How you select individuals to assist the program should be spelled out.
  - \* If your state has a volunteer application and selection program, include that in your plan.
  - \* Establish and document required training for your personnel.
  - \* Establish and document procedures of conduct for your personnel. i.e.: There are never to be less than two instructors present at all times youth are present. Ex.: **At no time will an instructor be alone with a student.** i.e.: No instructor is allowed to provide transportation for a youth unless on a planned and authorized travel event.
- **JOB DESCRIPTION** - Include a written job description for each of your trainers.
- **RECORDS** - Keep accurate, thorough, up-to-date records of your training activities. (See the activities log.)
- **SUPERVISION** - Establish in your written plan what levels of supervision are required, who’s responsibility it is, and the extent of authority assigned to each supervising trainer.
- **INSPECTIONS** - All equipment and sites should be inspected according to a

written procedure (a check list) on an established schedule.

- **LESSON PLAN** - A written emergency plan should be included, outlining specific duties and actions to be taken in the event of an emergency or injury. This would include the required youth and adult health forms.
- **FIRST AID** - First aid kits and trained personnel should be on site at every activity.
- **EQUAL OPPORTUNITY** - A written policy statement should be drafted and included in your plan indicating your adherence to the established equal opportunity policy of your State's 4-H program.

Well, a beginning! You can have a safe learning environment that minimizes the risk both to the student (youth) and adult trainers involved, it just takes a plan.

## KEY ELEMENTS OF A RISK MANAGEMENT PLAN

### I. Staffing/Supervision

- A. Training
- B. Certification
- C. Age requirements/Experience
- D. Adult/youth ratio
- E. Specific requirements (i.e.: VIP process)

### II. Insurance Issues

- A. Waivers
- B. Health History/Parental Permission
- C. Liability/Vehicle Insurance
- D. Health Insurance
- E. Equipment Insurance
- F. Facility Insurance
- G. Leases

### III. Emergencies Procedures

- A. Transportation/Emergency Vehicle
- B. Communication/P.R.
- C. First Aid
- D. Parental Notification

#### Separate Plan for each Situation

- Range accident
- Lost Child
- Misfire
- Rabid Animal
- Flood/Fire/Tornado

- Vehicle Accident
- Other areas as specific to your activity

#### IV. Equipment

- A. Safety Check Procedures/Maintenance
- B. Handling
- C. Proper Storage
- D. Transportation
- E. Parental Permission to Use

#### V. Facility

- A. Safety Inspection
- B. Safety Procedures (signage, berms, safety zones, lines, etc.)
- C. Insurance
- D. Leases

### **Basis for Allegations of Negligence in Youth Programming**

**Hiring or Recruiting** (staff or volunteers) - Carelessness in hiring or recruiting practices including failure to screen, select, train, and/or supervise staff and volunteers in a manner consistent with the standards of the field.

**Emergency Training** - Failure to provide training in emergency procedures and on procedures for any incident that was foreseeable.

**Supervision Ratios** - Failure to provide appropriate supervision ratios and expectations for supervision in activities and at all other times children are in the care of the program provider.

**Safe Transportation** - Failure to provide safe transportation by qualified drivers, operating a safe vehicle and following procedures for internal control and supervision while transporting and during loading and unloading.

**Equipment or Animals** - Entrustment of equipment or animals to a person who is too young or for other reasons not equipped or trained to handle the condition.

**Safety Procedures** - Failure to have safety procedures or failure to teach, instruct or practice procedures.

**Inadequate Warnings** - Inadequate warning of hazards or warnings not appropriate for the age or physical or mental capabilities of the participant.

**Maintenance** - Failure to take immediate action on hazardous conditions or failure to perform routine maintenance such as testing water, alarms, and extinguishers or repairing, especially after notice, steps, rails, lights, equipment, etc.

**Equipment** - Failure to provide proper or adequate equipment in good condition and appropriate for intended use.

**Secondary Injury** - Failure to prevent secondary injury through the actions or non-actions or treatment of the injured. If the program provider assumes the duty to render aid, the law imposes a duty of competent and appropriate action.

#### **4-H ACTIVITIES LOG**

The following information should be included as an **Activities Log** that is used to record the occurrences during a live-fire event or training within a 4-H shootings sports program.

- The date of the activity
- The names of the instructors present and their individual duties and responsibilities
- A roll of the names of all 4-Her's present
- A listing of any 4-Her's who gave an excuse for their absence
- A roll of the names of parents present and a listing of their duties, if any.
- A roll of all adult volunteers present and a listing of their duties, if any.
- A range safety check list, showing that all items have been reviewed
- A narrative describing what the activities for the event were, who did them, and a copy of the instruction lesson plan for the event should be attached.
- A narrative describing any unusual occurrence at the event.
- If any injuries occurred, a completed injury report form should be attached.
- Any comments, suggestions, narratives regarding the event and its conduct.
- A signature line of the person(s) filling out the log.

An excellent format would be a three ring binder, with the sheets pre-punched. The injury reports and lesson plans, and all other inserts could be done in the same format. The binder would then be kept at the range under the exclusive control of the chief instructor and would be turned in to the project leader or Extension Office at the end of the program year.

## NEBRASKA 4-H SHOOTING SPORTS ACTIVITY LOG

Activity: \_\_\_\_\_ Date: \_\_\_\_\_

Instructors: \_\_\_\_\_

Responsibilities: \_\_\_\_\_

Name	Home Phone	Present (sign-in if present)	Excused	Absent

Parents Present:

Parents' Name	Duties Performed

Activities Completed:

Name	Activity

Safety Check (attached) Yes\_\_ No\_\_ Emergency Response (attached) Yes\_\_ No\_\_  
 Health Forms (attached) Yes\_\_ No\_\_ First Aid Kit Available Yes\_\_ No\_\_

Unusual Occurrence: \_\_\_\_\_

Injury: \_\_\_\_\_

Other Comments: \_\_\_\_\_

Instructors Signature: \_\_\_\_\_

## WORM ASSESSMENT

PLEASE RESPOND “YES” or “NO” TO THE FOLLOWING QUESTIONS:

1. I have a risk management program documented for my 4-H program.
2. A first aid kit is available at all 4-H functions.
3. A list of medically trained volunteers is on file for use at 4-H activities.
4. Current medical release forms are accessible for all 4-H members.
5. Accident/incident forms are completed and filed within 24 hours of mishap.
6. Our program has an emergency action plan for major activities.
7. Volunteers are trained in risk management and are aware of the emergency action plan.
8. Volunteers are trained in risk management and are aware of the emergency action plan.
9. Activity rules are posted and reviewed with participants.
10. Our program is fully covered by accident and liability insurance.

Scoring: To find out your level of worm infestation, count the number of “YES” answers. Check the chart below for your level of worminess.

- 10 “YES” Congrats! You are worm-free!
- 8-9 “YES” There’s a worm in that apple!
- 6-7 “YES” Call in the birds!
- 4-5 “YES” Better Spray!
- 2-3 “YES” Infested.
- 0-1 “YES” Worm-eaten!

### Risk Checklist for Events and Activities

Many events and activities provide the opportunity for delegates to participate in out-of-county experiences. To make sure you've covered the basis for a good experience, check this list:

- Confirmed that volunteers providing transportation have the necessary insurance coverage, and have been cleared by their respective insurance agents.
- Communicated plans to all involved with the activity.

- Oriented delegates and parents. Developed emergency procedure plans and communicated them to all involved. Reviewed with delegates and parents the Code of Conduct and consequences of breaking the code.
- Purchased accident insurance. Have a supply of claim forms on the trip.
- Volunteers involved have received a job description, or reviewed their roles and responsibilities.
- Gave families involved a list of telephone numbers of where to reach chaperon or delegates in case of emergency.
- Chaperons have a copy of participants' telephone numbers in case they need to reach families.
- Families have a copy of the schedule of events, so they will know departure and return times for participants.
- Completed the "We Protect Staff, Volunteers, and Youth Course."

## Insurance Coverage

### A. Accident Insurance

Most liability claims begin from people trying to recover medical expenses. Accident/medical insurance policies are available from American Income Life Insurance Company. This insurance is a very good investment and is mandatory for all clubs. Two types of coverage is available:

1. **Annual Accident Insurance.** \$1.00 per person per year. This policy covers each registered member (leaders optional) while participating in or attending regularly approved and supervised group activity. All members must be insured.
2. **Special Activities Insurance.** \$.15-.23 per person per day. This policy covers youth, volunteer leaders and adults participating in adult supervised activities sponsored by University of Nebraska-Lincoln Extension at camps, conferences, fairs, tours and other events. Includes travel to and from the sponsored event.

An American Income Life Insurance policy should be purchased and processed through your local UNL Extension office.

For more information and benefits provided by American Income Life Insurance see Appendix B - Forms.

## **B. University of Nebraska Liability Insurance for Volunteer Leaders**

The University of Nebraska liability insurance extends to 4-H volunteer leaders. This policy is in effect at any event, club or group setting in which 4-H members are supervised by 4-H certified volunteer leaders.

This policy is in effect only at a 4-H sponsored event. For example, state championships, 4-H shooting sports trailer use at county fairs and club sponsored competitive events are covered because 4-H members are being supervised by certified 4-H shooting sports leaders.

This liability policy does NOT cover a 4-H leader who chooses to attend an event which is not 4-H sponsored, i.e. the State Trapshooting Championships at Doniphan.

This policy does NOT extend to 4-H members or other participants at an event, club or group setting.

This policy does cover all trained and certified 4-H shooting sports leaders, however, it requires that leaders must do everything possible to ensure a safe atmosphere and range.

It is recommended leaders maintain a small notebook listing dates, safety checks or policies which have been implemented. Anything you do to keep records further helps protect you and other leaders.

### **Amateur Status in Shooting Sports**

Recent correspondence from the NCAA Olympic Sports Liaison Committee (November 29, 1994) would make an individual or team who received an award (e.g. cash, gift certificate, coupon, etc.) based on place-finish in a specific competition, ineligible for future intercollegiate competition in that sport.

The Nebraska State 4-H Shooting Sports Advisory Committee would strongly discourage the practice of awarding cash, fair premiums, etc. to 4-H'ers based on how they rank or finish in a specific competition in order to maintain their amateur status.

We would suggest the following paragraph be included in your county fair premium book:

"In order to maintain NCAA intercollegiate eligibility of youth enrolled in 4-H Shooting Sports, no cash prizes, fair premiums, etc. will be awarded based on how a 4-H'er or team ranks or finishes in a specific competition.