

WEST YORK ATHLETIC DEPARTMENT IMPLEMENTATION OF ASSUMPTION OF RISK POLICY

Acknowledge of Warning by Student-Athlete/Acknowledgment of Warning by Parents

Liability for failure to warn is one of the most prevalent allegations in sports injury litigation. Schools, athletic administrators, coaches, physical education instructors, intramural sport program supervisors, cheerleading sponsors, and other athletic personnel have repeatedly been found negligent for failing to warn athletic participants of both the general nature of the risks involved in an athletic activity and the specific risks involved in using improper or dangerous techniques while participating in the activity.

Assumption of risk is a common defense used in sports injury lawsuits and it is closely related to the duty to provide warnings. The assumption of risk defense is typically asserted by a coach who argues that the player was voluntarily participating in a risky activity where injury was a real possibility. However, courts have consistently held that the only risks which a student-athlete may assume are those risks which are **fully comprehended** by the player and which are **inherent** in the particular sport.

By the very nature of athletic activity, participants are at risk of physical injury. No matter how careful the athlete and the coach are, no matter how many precautions are taken, the risk cannot be eliminated. It can be reduced but never eliminated. The risk of injury includes minor injuries such as broken bones, dislocations and muscle strains. The risk also includes catastrophic injuries such as permanent paralysis or even death. It is important everyone understands these risks, and that athletes follow all safety directions from their coach because they are established to reduce the risk of injury.

All coaches are required to make sure that each of their student-athletes and their parent/guardian read and sign the "Acknowledgment of Warning by Student-Athlete and Parents" form. Copies can be obtained from the Athletic Director. When each form is signed, return the signed forms to the Athletic Director who will keep them on file. Each coach is responsible for making sure the forms are signed and returned by each student-athlete. If a student-athlete and their parent refuse to sign the acknowledgment, note accordingly on the form and file the form with the Trainer.

The "Acknowledge of Warning" forms can be handed out and signed at the pre-season parent meetings. If you have any questions or concerns regarding this procedure, please contact the athletic administration.