



School Risk Management Alert: Protecting onlookers from “foreseeable dangers” at school sporting events and other spectator activities

How adequate are your schools’ measures to protect spectators from the “foreseeable dangers” of being struck by foul balls, other equipment, colliding players and officials during athletic events or other spectator activities hosted at your school?

A recent court ruling in New York State is a reminder for schools countrywide to assess the adequacy of their efforts to protect spectators from what, in one particular case, the state’s court deemed as the “foreseeable dangers” of being struck by a foul ball at a baseball game at a field operated by the school district.

While each state’s legal climate may vary from time to time regarding school liability and immunity issues, this case reminds all schools of safety precautions that should be considered or in place when it comes to protecting spectators. Even though the case noted above deals with the dangers from being struck by foul balls during baseball games held on school fields, it is also a reminder of the duty of care that should be exercised whenever spectators attend events at your schools.

In the above case, a spectator was seated on the bleachers located in an area behind the first base line that did not have protective screening in front of the seating area. The spectator suffered an injury when struck in the head by a foul ball during the game. It’s important to note there was a grassy area behind the backstop at home plate where spectators could stand; however, this area did not have bleachers/seating available.

The school argued that the area behind home plate, where spectators could stand, had protective screening because that area posed the greatest risk for spectators to be struck by an errant ball. The school’s argument was not upheld and the court ultimately decided that the school did not “satisfy its duty of care,” noting specifically that “there was no seating where there was screening and no screening where there was seating...”

The court went on to assert that the school had a duty to install “such screening of sufficient extent to provide adequate protection for as many spectators as may reasonably be expected to desire such seating in the course of an ordinary game.”

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Beyond the baseball field, what more can schools take away from this recent ruling?

In your proactive risk management efforts remember to critically assess all areas where spectators can reasonably be expected to stand or sit within your athletic fields and facilities, not just on the baseball field.

Keep an eye toward “foreseeable dangers” that might be associated with a particular sport/activity that the spectators are there to observe. Where have foul balls, loose equipment, falling or colliding players and officials historically landed?

Are there areas where spectators are in more danger than others of being struck by balls, players, equipment, officials, etc.? Are those areas currently protected?

What measures can you reasonably take to protect spectators from injury?

Recommendations include:

- Installing signage to warn of the danger of errant balls, equipment and collision potential within the pathway of play;
- Restricting access to areas that are at higher risk for spectators to be struck during the course of play if not protected in some manner;
- Directing spectators to specified protected seating;
- Installing protective screening/barriers and/or padding to protect spectators;
- Diligently monitoring spectator seating and standing areas to ensure compliance with the schools safety procedures and rules;
- Never increasing the hazard posed to spectators, players and officials.

For further assistance with your school’s risk management and safety initiatives, contact your local Utica National Risk Management Representatives. A listing of regional Risk Management Managers can be found on Utica National’s public Web site, www.uticanational.com.

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