

What is a Risk?

Risk is the **CHANCE OF LOSS**. That implies that just about everything we do in life involves some risk.

Anyone running a shooting sports program assumes risk. It is our intent to educate our instructors 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 cannot 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.

Understanding Liability and Risk

In order to reduce the risk assumed by an instructor 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?

Reducing Risk - What does this mean for the 4-H instructor?

First, an instructor has a 'duty', read that responsibility, to provide a safe environment in which to conduct your program. This means 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, an instructor has a duty to conduct the activities of your program in a reasonable and prudent manner in accordance with a recognized protocol or procedure.

The procedures established in the North Dakota 4-H SHOOTING SPORTS MANUAL OF INSTRUCTION will enable you to satisfy your responsibility to conduct the program in a proper and safe manner. There will be times that you might vary from the letter of the manual, but never from the law it establishes.

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.

An instructor has a duty to:

1. **PROPERLY PLAN THE ACTIVITY.** Every aspect of the training should be planned prior to instruction and the instruction should be designed 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. Insurance should be verified through the county office or club president well before the event. Policies are available for as little as \$1 per participant. A certified 4-H shooting sports instructor onsite is mandatory. All participant forms must be completed before the event. The extension office should be given all forms and kept in permanent files. Copies of medical emergency contacts and health information should be onsite for use in an emergency.

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 designed 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 made aware of, reminded, and trained to avoid the dangers involved in the program.

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, lacking maturity, 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 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. All equipment should be inspected before each use.

(Maintain an equipment log with written documentation of these inspections and Certifications especially if in use by more than one instructor/club.)

6. **PROVIDE PROPER EMERGENCY RESPONSE.** You must have a written emergency action plan with emergency numbers indicated. The plan should indicate the responsibilities of supervisory personnel, who to call, who calls, transportation, and who is the provider of emergency care.

An instructor must have an adequate first aid kit on site. The required youth and adult health forms must be available and notify local emergency personnel of your activities and locations before you start your program.

7. MAINTAIN ADEQUATE RECORDS. The Activities Log (example included) is an example of what to include and how to maintain these important records. We track instructor contact hours and the number of participants.

8. PROVIDE CLOSE SUPERVISION. Activities should occur under your direct supervision. You and your associate trainers are always in place and in control. The instructor should always consider possible problems before they happen.

9. INSPECT. The instructor should always ensure a safe environment by regularly and completely inspecting all aspects of the physical environment. You should consider traffic pattern, windows, back drops, location of bathrooms, and floor.

RISK MANAGEMENT PLAN

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

RATIONALE and GOALS – Rationale is why you are doing the program. Goals are what you want to accomplish during the program.

PERSONNEL POLICIES - *How you select individuals to assist the program should be spelled out.*

- Use a NDSU volunteer application, include that in your plan.
- Establish and document required training for your personnel.
- Establish and document procedures of conduct for your personnel.

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 - A written job description for each of your instructors, signed copy of NDSU volunteer behavior expectations, and background check.

RECORDS - Keep accurate, thorough, up-to-date records of your training activities. (See the activities log.) You must have a current signed consent form for the shooting sports program that your youth are participating in.

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 in the lesson plan. Specific duties and actions to be taken should be identified in the event of an emergency or injury. This would include the required youth and adult health forms.

FIRST AID - First aid kits 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 North Dakota 4-H program.

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. Club Insurance
- E. Event Insurance
- F. Facility Insurance
- G. Leases

III. Emergencies Procedures

- A. Transportation/Emergency Vehicle
- B. Communication/P.R.
- C. First Aid
- D. Parental Notification
- E. Separate Plan for each Situation
- F. Range accident
- G. Lost Child
- H. Misfire
- I. Rabid Animal

- J. Flood/Fire/Tornado
- K. Vehicle Accident
- L. 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. *(See printable form on this website under About SSP)*

- 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 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.
- 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.

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. Review with delegates and parents the behavior expectations.
- Volunteers involved have received a job description, or reviewed their roles and responsibilities.
- Families involved have 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.

Worm Assessment

A solid plan answers yes to all the following statements.

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