

Cheerleading and the Law

Cheerleading and the Law

Risk Management Strategies

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To

Cheerleaders and mascots everywhere who raise the spirits
of participants and spectators by their energy, enthusiasm
and dedication, worldwide.

And

To

Ann Terrill Appenzeller, JoAnn Mueller and Tony Falvino,
the three best cheerleaders an author could want for inspiration
and support in this important endeavor.

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Foreword

The message of *Cheerleading and the Law: Risk Management Strategies* is clear from the start—those of us in the spirit industry can no longer ignore our responsibility to manage risk and reduce injuries for cheerleaders. Without question, this book should be required reading for every athletic and school administrator, every cheer coach, every gym owner, every event producer, every parent of a cheerleader, and every company in the spirit industry.

I have great personal and professional respect for this trio of authors—Dr. Herb Appenzeller, Dr. Frederick Mueller, and Elizabeth Appenzeller—having worked with them during the National Safety Summit for Spirit Industry Leaders. I expected excellence and solid information going in. After all, Fred is the foremost authority in the world on catastrophic sports injuries and Herb is the leading authority on sports law application in the country. Elizabeth gives a face to the reality of cheerleading, having personally experienced the sport as a cheerleader from pre-kindergarten through college and now as a college cheer coach. The respect I have for each author grew by leaps and bounds after reviewing this exceptional book.

The brief history of cheerleading and the additional information on the emergence of team mascots provided early in the book afford us an informed look back and position us perfectly to see the increasing risks in safety today. Most compelling are the actual case studies and abstracts provided which illustrate the variety of risks cheerleaders encounter. You will be surprised at the decision of the courts many times and I could almost guarantee that every coach who reads this book will say “Oh, no—that so easily could have been me!”

Having served as expert witness in numerous lawsuits involving cheer coaches, I wish this book had been written years earlier so that these coaches could have been better educated about the coach's responsibility to manage risk. The practical suggestions provided in Chapter 8 will be invaluable to coaches wishing to protect their cheerleaders and themselves.

Cheerleading and the Law may well be one of the most important books written for the spirit industry. My abiding hope is that each of us will accept the collective challenge presented by the authors to successfully manage the risks of cheerleading starting right now.

Gwen Holtsclaw, President/CEO
Cheer Ltd. Inc.

Prologue

Fifty years ago, two students at a rural school in North Carolina died in separate accidents. One student stood next to a protective baseball screen instead of behind it. The middle school student was struck by a foul ball in the temple and died the following day. The other was on a field trip to a nearby lake. No lifeguard was present and the student drowned in the muddy lake. In those days, risk management was an unknown term, and if risk management strategies had been a part of the school program, both tragedies could have been avoided. Today, risk management in sports is a common term and “hot topic.” The emergence of sport risk management which includes the popular athletic activity of cheerleading is timely and important in reducing injuries and subsequent lawsuits. A risk management plan for cheerleading is needed to meet the unprecedented growth of the sport and reduce the number of injuries and subsequent lawsuits that often follow serious injuries.

Cheerleading and the Law: Risk Management Strategies is not a how-to-book for cheerleaders. It does not emphasize cheerleading motion techniques or stunting. There are cheerleading organizations on the national level who produce manuals, certification programs and information essential for safe and effective cheerleading programs. The purpose of this book is to provide important guidelines in developing risk management plans with risk management strategies to create a safe environment for cheerleaders on every level. The need for such a book is evident and the authors hope to fill a void that exists today in the ever-growing athletic activity of cheerleading.

In writing *Cheerleading and the Law: Risk Management Strategies*, the authors could use unfavorable judicial decisions and enormous damage awards to get the attention of the people who are responsible for administering the cheerleading program- coaches and even the cheerleaders themselves. We expect, however, that the effect would only be temporary. On the other hand, we could ease the minds of all involved in cheerleading by giving them countless reassurance of cases that are favorable to them by the court. But this might be a temporary solution also.

Instead we are directing *Cheerleading and the Law: Risk Management Strategies* to all associated with cheerleading. We have attempted to report the judgment of the court and its opinions to give the athletic activity valuable guidelines for operating a safe program. Hopefully, cheerleading will prosper as it utilizes a risk management plan with its risk management strategies to promote all aspects of safety in its cheerleading program.

The cheerleaders and their coaches are ready! By promoting safety we want cheerleading to continue to grow and experience continued success with increasing hope for the future.

The book is important for all those associated with cheerleading who want to promote safety in their programs.

The book is divided into five parts. Part I is a cheerleading retrospective with a brief history of cheerleading and a description of the various levels of cheerleading, a brief detailing of the various cheerleading organizations and the personal observations of an active cheerleader and coach.

Part II is a detailed listing of cheerleading injuries on both the high school and collegiate levels. It reveals all areas of injuries that give a complete listing of all facts of the injuries sustained by the cheerleaders on every level.

Part III discusses the diversity of the cases that go to court. The reader will gain valuable information on the claims that are brought to the court and the judgments and opinions of the court.

Part IV shows how experts in the field define risk management with a final chapter that is unique and lists the risk management strategies that are important to develop a plan that can create a safe environment for all cheerleaders.

Part V is the Appendices. In these appendices, the authors provide material that can help the administrator or coach prepare for the cheerleading program. The appendices contain valuable material for cheerleading and serve as guidelines for a safe program. The appendices contain valuable material. The book is important for all who are associated with cheerleading who want to promote safety in their programs.

Acknowledgments

We are grateful for the effort of many people associated with cheerleading that includes administrators, coaches, cheerleaders and mascots who keep *spirit* at sport events. We also appreciate the excellent work, certification programs, manuals and other information of national organizations such as American Association of Cheerleading, Coaches and Administrators (AACCA) and the National Council for Spirit Safety and Education (NCSSE). Credit is due the National Federation of State High School Associations (NF-SHSA) and the National Collegiate Athletic Association (NCAA) for their effort to improve safety in cheerleading.

Appreciation is due JoAnn Mueller for her excellent editing of the book and Ann Terrill Appenzeller for her help in preparing the manuscript and typing, editing and other necessary details. We thank Dr. Roy Yarbrough, Professor of Sport Management at California University at Pennsylvania for permission to quote his description of a mascot from his book *Mascots, The History of Senior and Junior College and University Mascots and Nicknames*. We appreciate David Harlowe, Director of the Sport Management Group for several documents on risk management. We also include Debbie Bracewell, Executive Director of the National Council for Spirit and Safety Education (NCSSE). Special appreciation is due Gwen Holtsclaw, President/CEO, Cheer Ltd., Inc. for her valuable suggestions and information regarding cheerleading. We are grateful for her effort on our behalf. We also want to thank Beth Hall who uses her expertise to make good books even better. All of the people listed have helped strengthen *Cheerleading and the Law: Risk Management Strategies*. We are grateful for their help.

As always we thank the publishers of Carolina Academic Press, Linda Lacy and Keith Sipe for encouraging us to write the book. Their interest in sport management and risk management is a result of their vision and support of the authors.

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Disclaimer

Cheerleading and the Law: Risk Management Strategies is published with the understanding that the authors are providing data and opinions on risk management strategies. The information is not legal advice or information on cheerleading techniques, gymnastic stunts and other information regarding rules and regulations. It is risk management strategies and if legal advice is required, we recommend contacting appropriate professionals.

Risk management is a relatively newcomer to the sports field and this book is an attempt to provide risk management strategies to help those responsible for the safety of cheerleaders to manage the risks involved in the ever-growing athletic activity. We are grateful for all who have willingly shared information and opinions for the benefit of those who participate in cheerleading activities.