



Insurance & Liability

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NOTE:

1. Insurance and liability are issues Referees need to take the responsibility to understand.

2. The following information attempts to explain the major issues and the coverage that's available to the USRowing Referee Corp.

3. Insurance and liability are continually evolving issues that require monitoring.

4. In addition to the coverage offered by USRowing, Referees should review their personal insurance policies for extended coverage.

5. Additional coverage is available through NASO

Overview

- What is the issue?
- How does coverage by USRowing work?
- Registered Regatta Coverage
 - USRowing Registered v. Non-USRowing
- The Reasonable Referee

What is the issue?

- Liability and risk are a fact of life.

What protection do we have, by whom, under what conditions, and when?

- As Referees at **USRowing Registered** Regattas
- As Referees at **Non-USRowing Registered** Regattas

USRowing Registered Regattas

- Referees have Liability coverage while they are performing their duties as officials at USRowing registered events.
- Referees have Accident coverage while they are performing their duties as officials at USRowing registered events.

REFEREES AND USROWING INSURANCE COVERAGE

Referees, who are USRowing members, are covered for General Liability and Excess Medical coverage.

If a referee is named in a lawsuit brought by a participant in a registered regatta, the referee is provided coverage under the General Liability policy. This coverage would protect the referee for any allegations of bad judgment calls.

There is also Excess Medical coverage for referees. If a ref becomes injured during a registered event, his/her medical expenses would be covered up to \$25,000 with a \$250 deductible. This coverage is excess over any primary insurance.

These coverages are afforded for all referees who are working at USRowing events.

Liability Coverage

Limit of Liability per occurrence	\$2,000,000
Policy Aggregate per location	\$6,000,000
Products/Completed Operations Aggregate	\$2,000,000
Personal and Advertising Injury	\$2,000,000
Sexual Abuse & Molestation /occurrence	\$2,000,000
Sexual Abuse & Molestation Aggregate	\$3,000,000
Participant Legal Liability	\$2,000,000
Hired/Non-Owned Auto Liability	\$1,000,000
Fire Legal Liability	\$ 300,000
Medical Payments (non-participants)	\$ 5,000
Deductible	\$ 0

Accident Coverage

Excess Accident Medical/Dental Expense	\$25,000
Accidental Death Benefit	\$10,000
Accidental Dismemberment Benefit	\$10,000
Physical Therapy/Chiropractic Limit	\$ 2,000
Deductible Per Claim	\$ 250
Policy Benefit Period	52 weeks

Basics about USRowing Regatta Insurance Coverage

- There are 3 types of USRowing Registered Regattas
 - Dual & Tri Meets (Typically Collegiate)
 - Fully Registered Regattas
 - Limited Registered Regattas (\$100 fee)

Dual & Tri- Meets

- 2 or 3 Member Organizations
- A conservative interpretation is that it is 2 or 3 clubs/schools/programs/crews/teams competing at a regatta, not in any individual race.
- They must all be Organizational Members of USRowing – that's how they get “connected” to the liability coverage.

Fully Registered Regattas

- Referees are provided coverage under the USRowing Insurance for fully Registered Regattas
- Candidates who have signed a waiver are also covered.

What's covered by USRowing Insurance?

- Example:
 - A claim arising from an injury to an athlete.
 - A claim arising from damage to a shell.
 - A claim arising from damage to a fishing boat.
- There is no exclusion of participant-to-participant claims.
- There is coverage for errors and omissions.
- There is also medical coverage if you get hurt at a regatta.

Limited \$100 Regattas

- The \$100 level allows regattas to register who may use third party insurance and do not wish to engage USRowing's full liability policy. Through registration, the primary benefit is USRowing officials and USRowing. Coverage is not extended to the entire event.
- Rule 5-203(a) sets the requirement that a registered regatta require organizational membership. See also: http://www.usrowing.org/Libraries/Waivers_and_Forms/2013_Registered_Regatta_Application.sflb.ashx
- Staff often works with the organizations to meet this membership requirement and USRowing runs the compliance end of this. The regatta LOC does not.

USRowing liability coverage does not apply to non-USRowing events.

Non-USRowing Regatta Coverage

- Regattas that elect not to register with USRowing frequently secure liability coverage from other sources. It is impossible to provide any general guidance in these situations.
- If you elect to participate in an unregistered regatta it is prudent to try and find out what type of coverage they have purchased. Generally it is unrealistic to expect to get a copy of the policy to review ahead of time.
- Basics to learn:
 - Who is insured?
 - What are the limits?
 - Are “REFEREES” covered?
 - If there’s a participant to participant exclusion are Officials defined as participants?
 - Don’t assume that watercraft are not excluded.
- Homeowner’s insurance
 - It is possible you have some level of coverage from your homeowner’s policy or you may be able to purchase additional coverage. Discuss with your agent and be very clear about what you will be doing. Sometimes athletic events are excluded.
 - YOUR STATUS AS A “VOLUNTEER” MAY BE CHALLENGED

National Association of Sports Officials Insurance

- General Liability Coverage
“All sports – All levels”
- Membership Fee - \$103 /year
- Coverage: \$3,000,000

The Reasonable Referee

Material provided by Jay Jacobus, Esq.

Given all this wonderful
information and discussion...

What's the standard Referees should
think about and more importantly how
is it viewed in the law?

The concept of the “reasonable person” in the law.

- What a reasonable person, in the same or similar circumstances, would or would not have done given his or her life experiences and/or specific training in a certain field
- This is a subjective determination by a judge or jury after considering the facts of a case and is largely determined by common sense.

The Application of the Reasonable Person to Refereeing in General

- This is taking (or not taking) a physical action and/or applying the Rules of Rowing in a common sense manner so as to insure safety and fairness, remembering that the Rules, common sense and the target of safety and fairness will protect the referee if a question arises as to a referee's decision. A way of measuring this might be as follows:
 - Did the referee take (or not take) a certain action and/or know the correct rule of rowing to apply or was there a better or different action or rule that would have been more applicable than his or her peers would have been more likely to use under the same or similar circumstances?
 - If the referee took (or did not take) the correct action and/or applied the correct rule, was the action taken or the rule that was applied done in an appropriate manner, or was there a more appropriate way of taking the action or applying the rule that his or her peers would have been more likely to take or apply under the same or similar circumstances?
 - Did the outcome further the objectives of safety and fairness or would his or her peers have been more likely to have taken a different action and/or applied a different rule to achieve these goals?

The Chief Referee

- This is directing the referees and working with other race officials and/or applying the Rules of Rowing in a common sense manner so as to insure safety and fairness, remembering that the Rules, common sense and the target of safety and fairness will protect the chief referee if a question arises as to her or his decisions on rowing and regatta matters. This is in addition to all of the matter set forth on the previous page. A way of measuring this might be as follows:
 - Did the chief referee adequately plan for all physical contingencies or was there a better or different plan that his or her peers would have been more likely (or less likely) to use under the same or similar circumstances?
 - Did chief referee adequately take into account the abilities and personalities of the referees under his control or was there a better or different staffing plan that his or her peers would have been more likely (or less likely) to use under the same or similar circumstances ?
 - Did the chief referee control issues and/or controversies with respect to both rowing and regatta management in a proper manner or could she or he have handled matters in a manner that his or her peers would have been more likely (or less likely) to use under the same or similar circumstances ?
 - Did the outcome of the chief referee' s regatta management further the objectives of safety and fairness or would his or her peers have been more likely (or less likely) to have taken different actions to achieve these goals?
 - Did the chief referee handle emergencies in an expedient way or were there other ways to handle emergencies that that his or her peers would have been more likely to use under the same or similar circumstances ?

How to Act Reasonably as a Referee

- *Continue to learn the Rules of Rowing.* While this may seem obvious, a referee should constantly and consistently review the Rules of Rowing throughout his or her career. Almost every time a referee reviews the rules, he or she will either remember a forgotten rule or discover a new one. This may sound glib to an experienced referee, but it is surprising how often this is true.
- *Continue to observe.* No matter how long a person is a referee, each event will teach some new experience, if only to learn the personalities of other referees and how they work and handle different situations. And the rowing experience itself always teaches new do's and don'ts.
- *Use common sense.* We all have common sense, to a greater or lesser extent. When in doubt, follow your instincts. And always err on the side of caution.
- *Focus on safety and fairness.* While safety and fairness are always the goals, it is extremely important to constantly *focus* on these goals, and not simply repeat them as a mantra. Remember that *focusing* on these goals, combined with common sense, will usually guide and protect the referee and will result in reasonable thought processes and actions.