The Dark Side of Sports

Working Out During Class

Coaches and PE instructors must focus on doing their job when they are on the job

QUESTION: **In the weightroom I am a coach who practices what he preaches. I don't believe in prescribing anything to my athletes that I can't do myself, so during class time I often work out with my athletes. I think this is something all coaches should do, as it really motivates my students, especially when they try to beat the old man. However, one of my fellow teachers says that from a liability standpoint this "may not be wise." Is there really a problem here?**

ANSWER: **Is what you're doing wise? No.**

As soon as you do your own workout, supervision goes down the drain. You cannot supervise your class while concentrating on your own workout – it's like being in two places at the same time. It can't be done.

Regarding the issue of modeling technique for your students, that would be fine if you're demonstrating while your students or athletes have stopped working out to watch you and therefore are not training. In fact, it often has a powerful impact when a PE instructor or coach can perform exercises or sport skills with perfect technique. You're a role model. But once you start doing your own workout in a gym, then you have a supervision issue that is nondefensible in a court of law. Why? Because you are working out and not supervising.

BFS Clinician Rick Bojak (far left) supervising proper lifting and spotting technique at a BFS clinic.

You might argue that you did your own workout between the sets of your students that you were supervising, but it doesn't matter – it's irrelevant. You are not being paid as a professional physical educator or coach or trainer – whatever term you want to use – to work out. You're being paid to supervise, train and instruct students or athletes. And if you think that whatever happens in class is an accident for which you have no responsibility, you'd better think again.

It's called the "stand-alone defense." If you are working out during a class that you were supposed to be teaching, then you are not doing your job – consequently, you are in violation of your contract with the school. In effect the school administration is saying, "We're going to defend ourselves on what we do, but we're not defending you." Let me give you an example.

Let's say a student sues both the school and you for negligence because he or she was hurt during a class and you were working out at the time. The school can say that you were in violation of your contract and therefore are not covered by their school insurance policy – you will therefore have to pay your own legal fees and settle all court decisions out of your own pocket.

Now what happens if a kid is spotting you and you get hurt? Well, if it's in the act of you demonstrating an exercise to the class and no one was working out, then it's simply an accident. Let's say that you were demonstrating a bench press in your high school freshman weight training class and you missed the lift and injured a rotator cuff muscle because your spotter wasn't paying attention. Could you sue the school or the 15-year-old who was spotting you? Sure – you can pretty much sue anybody for just about anything at any time. Will any attorney take your case? I doubt it.

Beyond the Gym

It's important to understand that the legal problems of working out while you are teaching or supervising extend beyond the weightroom. The liability issues apply to all sports. I learned that a long, long time ago when I was student teaching swimming back in 1969 at the age of 21.

One of the first things my supervising teacher told me back then was "No matter what you do, Marc, do not go into the water during class." When I asked him why, he said, "As soon as you dive into the water, you've lost control of your class. And if one kid turns around and punches out another one while you're underwater, we're done." He told me that in 1969; and since then, no matter what classes I've ever taught, I make certain to never lose contact with my class.

Going beyond theory, I'm currently consulting on a case in which a PE instructor was teaching a conditioning class, and part of the class time was spent running around an indoor track. The teacher decided to run with the class in the back of the group, running slowly because he was trying to rehab a recent injury. During the class, in the front of the group, a heavyset kid picked up a smaller kid, smashed him to the ground, breaking the smaller kid's elbows, wrists and jaw. The teacher didn't have any idea what was going on since he was so far in back. He didn't watch it, he wasn't right there, and he didn't see it. And that's how the instructor testified in his deposition. When asked where he was when this incident occurred, he said he was in the back of the pack working out!

There is a time to coach and a time to train. Here is Dr. Marc Rabinoff (far right) with fellow weight training instructor Glenn Morris (far left) supervising assisted pull-ups in a weight training class at Metro State College in Denver, Colorado.

Finally, you need to realize that whatever rules apply to you as a PE instructor or coach, they also apply to your student teachers, interns and older athletes who are helping you teach the class. During a class in which they are supposed to be coaching or supervising is not the time for them to be working out. They need to do their job, as do you. Period. **BFS**

(The "Dark Side of Sports" is a question-and-answer feature by Dr. Marc Rabinoff that answers questions about safety and liability based upon actual litigations. The questions are based on questions BFS clinicians have heard through their seminars, e-mails and phone conversations with coaches and parents.)

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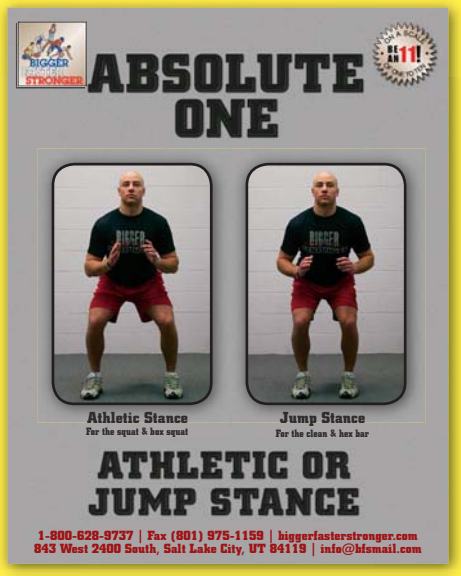

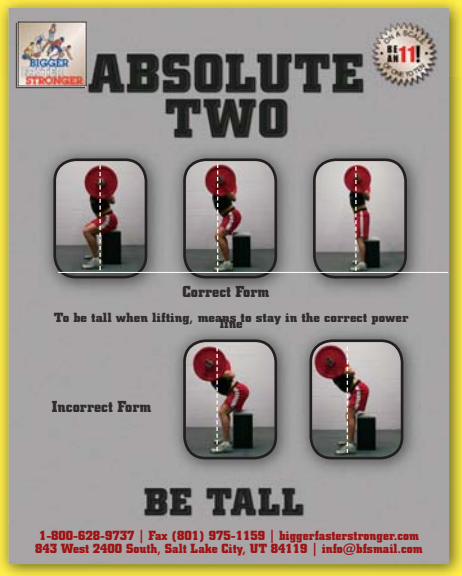

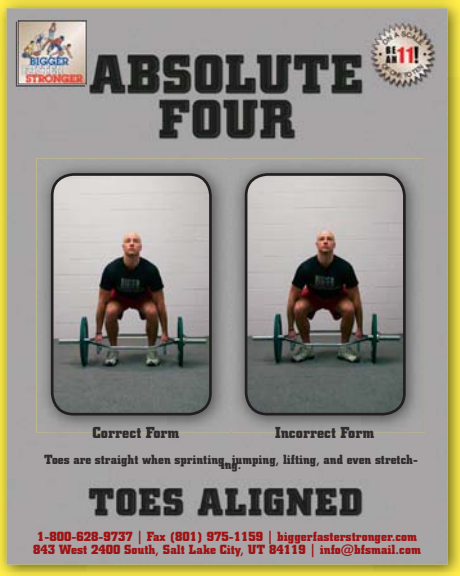

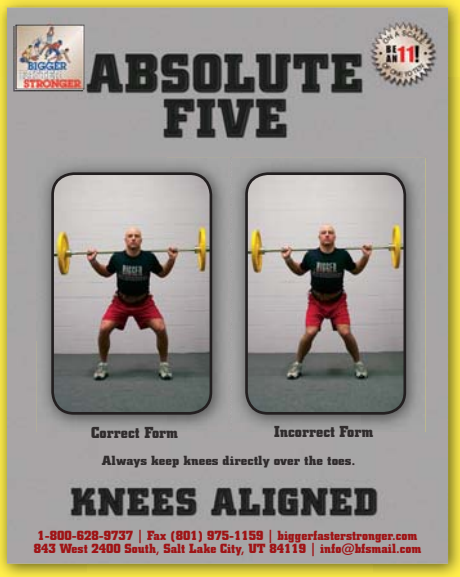

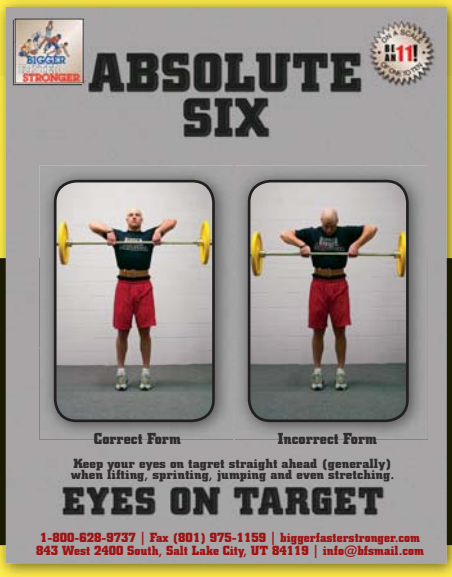

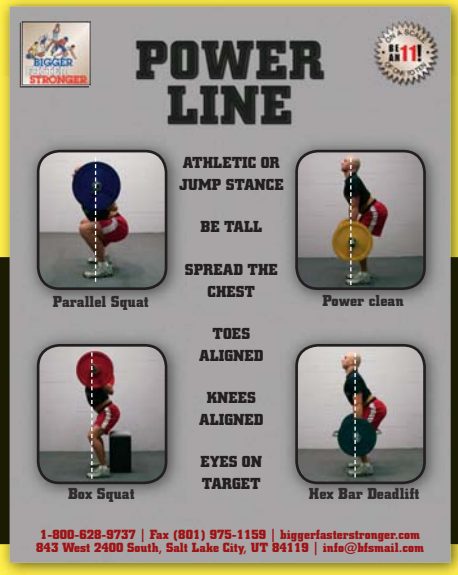

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