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Risk Management in Youth Athletics

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RISK MANAGEMENT IN YOUTH ATHLETICS

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by

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[redacted]

Approved by

Preface

This research paper is submitted to fulfill the graduate project requirement for the Master of Professional Studies in Sports Administration.

This research paper is the culmination of the academic and personal experiences gained in the Master of Professional Studies Program at Lynn University. Both experiences were essential for this research paper.

I would like to thank Lynn University for providing me with the education and resources necessary for the successful completion of this graduate project.

An additional thanks goes to Dr. Richard Young, Director of Intercollegiate Athletics and Professor of Sports Administration, for advising me with this graduate project and guiding me through the submission and approval process at Lynn University for the graduate project.

I would like to dedicate this research paper to a great man and teacher, Professor, Dr. Charles Pezoldt. I learned a great deal from him about Sports Administration and about life in general. God Bless Him!

TABLE OF CONTENTS

CHAPTER I

Introduction

How Important is the Application of the Concepts of Risk Management in the Administration of Youth Athletics for Quasi-public Organizations?

This research paper examines the application of the concepts of risk management in the administration of youth athletic programs. The term "youth athletic programs," as the term is defined for the purposes of this research, does not refer to youth athletic activities conducted under the aegis of school boards or administrations public or private. Rather, for purposes of this research, the term "youth athletic programs" refers to programs administered by quasi-public organizations such as Little League Baseball, Pop Warner Football, and the YMCA (Young Men's Christian Association).

The findings of this research are presented in three major discussions. The first discussion provides an overview of the history of youth athletics in the United States. The legal liability of the organizations administering youth athletic programs is reviewed in the second discussion. The concepts of risk management, together with the application of these concepts by organizations administering youth athletic programs, is examined in the third discussion. Concerns for these areas of study were surveyed to assess immediate problem areas.

CHAPTER II

Literature Review

History of Youth Athletics in the United States

The history of youth athletics in the United States is considered in four contexts. First, the purpose underlying the development of formal youth athletic programs in this country is discussed, and then the development of the major programs of this type in the United States is reviewed. The benefits to society of the conduct of youth athletic programs are assessed, and then the structure and operation of organizations administering such programs are examined.

Purpose Underlying the Development of Youth Athletic Programs

The oldest of the youth athletic programs in the United States are associated with baseball (Gine, 1987, p. 4). The adults who formed the earliest of the youth athletic programs perceived baseball as being central to American culture (p. 3). Thus, these adults were motivated to develop youth baseball programs to imbue young persons in "crucial aspects of the American spirit and American values" (p. 3). "The picture of the father shoving a glove and a bat into the crib of his first son is an American cliché simply because it symbolizes something typical about American hopes and fears" (Coffin, 1971, p. 3). Drivel of a similar sort motivated latter day adults to form youth athletic programs emphasizing football and basketball.

Development of Youth Athletic Programs

The first formal youth athletic program established in the United States was the Public Schools Athletic League in New York City in 1903 (Martens, 1978, p. 6). By

1910, 110,000 boys were participating in this program. Athletics and recreation directors in public schools and governmental administrations, however, generally opposed preadolescent sports. This disapproval led to the development of privately organized youth athletic programs across the United States.

Little League in 1939 was the first of the private organizations formed to administer youth athletic programs (Meyer and Rowan, 1977, pp. 340-363). The organization of P. O. N. Y. League Baseball for adolescents, and Pop Warner Football for preadolescents followed in the 1940's.

Assessing the Benefits to Society of Youth Athletics Programs

Youth athletic programs have always been controversial (Fine, 1987, p. 4). Many professional recreation directors and educators believe that such programs are detrimental to the social development of preadolescents because of the competitive emphasis in such programs and the quasi-materialistic character of the organizations administering the programs (p. 195). Opposing such professional opinion, however, is the perception that the benefits associated with youth athletic programs are akin to gifts from God. Even major league baseball players disagree on the outcomes associated with preadolescent programs. The following are contradictory quotations from two Baseball Hall of Fame pitchers, Robin Roberts and Bob Feller.

> There is a lot of pressure on these young people to do something that is unnatural for their age--so there will always be hollering and tremendous disappointment for most of the players. For acting their age, they are made to feel incompetent. This is the basic fault with Little League . . . What would seem like basic training ground for baseball often turns out to be a program of negative thoughts that only retards young players (Roberts, 1975, p. 11).

> Little Leagues not only foster friendships, develop coordination and good health habits in boys, but they break down social barriers to make a more closely

> knit community . . . No one pays attention to how much money the boy's father has, or his social standing . . . Where else is there a more practical training for democracy? (Feller, 1956, p. 78).

Five major societal benefits are attributed by adherents to the conduct of youth sports programs (Fine, 1987, p. 195). The first claim is that participation in youth athletic programs reduces the rate of juvenile delinquency. J. Edgar Hoover, on an occasion when he was not wearing a woman's dress, claimed that Little League was the greatest deterrent to crime in American history (Ralbovsky, 1973, p. III-1). Some data does suggest that athletes generally are less likely to be delinquents than non-athletes. Carefully designed studies have not been conducted, however, to determine whether this effect is the product of selection processes that determines who may participate in athletics. Nevertheless, supporters of youth athletic programs choose to think the former.

The second major claim of societal benefit made for youth athletic programs is that they increase tolerance (Fine, 1987, p. 197). William Cahill, while representing the State of New Jersey in the Untied States House of Representatives, once rhapsodized about this claimed societal benefit uttering the rhetorical question: "What better medium for improving race relations in the United States and developing better international relationships through the world, than this great sport of baseball played as it is under the ideal conditions prescribed by Little League baseball?" (Ralbovsky, 1974, pp. 54-55). The realities of the situation, however, are that residential segregation by racial and ethnic groups throughout the United States preclude large-scale interactions between young persons of different racial ethnic groups through participation in youth athletic programs.

The third societal benefit claimed for youth athletic programs is that such programs teach athletic skills and provide physical exercise (Fine, 1987, p. 198). Few people will argue that the provision of physical exercise is not a societal benefit; however, many would argue that little benefit to society accrues from the teaching of athletic skills. As children age, however, youth athletic programs tend to apply more demanding selection criteria for continued participation. Thus, even the undeniable benefits of physical exercise accrue to fewer and fewer children as the ranking of the teams increase.

The fourth claimed societal benefit of youth athletic programs is that they provide psychological benefits for the participants (Fine, 1987, p. 198). The problem with research on this issue is that the studies that find positive psychological benefits for those children who participate in youth athletic programs in relation to the experiences of young persons who do not participate in such programs is that the studies are not characterized by pretest-posttest designs. Thus, the possibility is strong that the children selected to participate in youth athletics programs are more secure than the average child prior to beginning participation in youth athletic programs. The application of a pretest-posttest design to such research, therefore, easily could find that participation in youth athletic programs inflicted psychological harm on some or all of the young persons involved.

The fifth societal benefit claimed for participation in youth athletic programs is the development in leadership skills (Fine, 1987, p. 201). While several studies have found that teachers rate the leadership skills of participants in youth athletic programs higher than those of nonparticipants, these studies also suffer from a failure to apply pretest - posttest research designs. Thus, again, the strong possibility exists that the apparent benefits attributed to participation in youth athletic programs are simply manifestations of the selection process applied by such organizations.

Structure and Operation of Youth Athletic Programs

Youth athletic programs are organizations created and operated exclusively by adults (Fine, 1987, p. 15). At the lower echelons of these organizations, the adults involved in the operations of the programs tend to be almost exclusively unpaid volunteers. As one progresses upward in the organizational structures of these programs; however, unpaid adult volunteers gradually give way to the paid employee and administrator.

The organizations that operate youth athletic programs tend to be tied, however loosely, to other institutions such as schools, churches, governmental jurisdictions, and business firms (Fine, 1987, p. 17). These other institutions provide the essential community support and funding for the organizations operating youth athletic programs.

Parents of the participants provide most of the unpaid volunteer workers for youth athletic programs, as well as comprising most of the spectators at the athletic contests (Fine, 1987, pp. 32-33). Simply stated without parents, there likely would be no youth athletic programs in the contemporary period in the United States. Volunteering parents are aware of this situation, and many, perhaps most, are not reluctant to apply the threat of discontinued participants in attempts to secure more playing time for their own children.

Legal Liability of Organizations Administering
Youth Athletic Programs in the United States

Organizations administering youth athletic programs can incur liability in multiple contexts. Liability, for purposes of this research, is defined as the incurring of a monetary obligation. For purposes of this research, liability is considered in two contexts.

First, liability related to physical injuries suffered by the young persons participating in the programs is discussed, and then all other areas wherein organizations may incur liability. Within each of these classifications of liability, relevant organizational policies, and law--both statute and case--are addressed as appropriate.

Liability Associated With Physical Injury to Participating Youth

Little League, unlike other organizations providing youth athletic programs, operates under a federal charter issued in 1964 (Fine, 1987, p. 5). This charter makes Little League a quasi-federal organization, whose revenues are exempt from taxation, requires the organization to shape its mission to the needs of the United States government, and provides the organization some protection against liability law suits. Other organizations administering youth athletic programs receive no such benefits.

All organizations are shielded to some extent from liability claims associated with the provision of medical aid to injured players (Benda, 1991, pp. 132-136). The so-called "Good Samaritan" laws prohibit liability claims against any person who renders aid at the scene of an accident. Reforms in tort law, such as that being sought through the Republican party's "Contract With America," to require losing plaintiffs to pay the court costs of the winners are viewed as providing positive benefits for organizations administering youth athletic programs (McCormick, 1992, pp. 10-11).

The increasing numbers of children participating in formal youth athletic programs, together with changes in youth sport, means that more and more children are being exposed to high intensity training at earlier ages (Gerrard, 1993, pp. 14-18). This situation increases the risk of physical injury to participants in youth athletic programs.

Mechanical innovations also increased risk of physical injury for participants in youth athletic programs (Martin, 1994, p. B3). A 12-year old boy in Brooklyn, New York was killed at a Little League facility by a baseball thrown by an automatic pitching machine during a practice session. While the incident was said to be highly unusual, similar incidents had occurred in the past. A legal innovation called the "mature minor doctrine" will help organizations administering youth athletic programs to defend themselves against liability claims involving the treatment of program participants experiencing physical injury (Martin, 1994, pp. 200-202). The doctrine enables mentally able minors to give consent for themselves if the proposed treatment can provide desired results in emergency situations.

Law dealing with the concept of charitable immunity has been developed primarily through case law (Baley and Matthews, 1989, p. 39). Charitable immunity implies that a charitable organization cannot be held liable for either its own negligence or the negligent acts of others acting in the behalf of the organization. In the contemporary period, the concept of charitable immunity is in a state of confusion, as some courts throw out the concept while other courts continue to embrace it.

The concept of contributory negligence is another that poses problems for the organization administering youth athletic programs (Baley and Matthews, 1989, p. 39). This concept in most states in the United States is applied to children between the ages of seven and 18 years old differently from the way the concept is applied to adults. Generally, children between the ages of seven and 18 years old may be held contributory liable only to the extent that they fail to exercise "that degree of care ordinarily exercised by a child of similar age under the same or similar circumstances" (Baley and Matthews, 1989, p. 47). A statement by a youth athletic program administration that an injured player acted in a reckless manner, thus, may not be defense against a liability claim by the player or her or his family.

Other Sources of Liability

Recently, an adult volunteer coach brought suit against Little League Baseball for violating his rights under the Americans With Disabilities Act (Koslowski, 1994, pp. 18-21). Little League Baseball contended that the presence of the wheelchair at a baseline coaching position created a risk of physical injury to the participants in the game. The federal courts found, however, that the complaining volunteer coach took precedence over the safety of the children participating in the game. What will be interesting is the outcome of a suit against Little League Baseball in the name of a player injured by running into a wheelchair at a baseline coaching box. Organizations administering youth athletic programs may find that the Americans With Disabilities Act has created a Catch 22 situation for them.

A 17 year old fan attending a Little League Baseball game in California was killed in a physical dispute that was initiated by racial taunts (Archiron, 1993, pp. 83-84). That particular case was settled in the criminal court system; however, fan injury is a source of potential liability for organizations administering youth athletic programs. Similar incidents have occurred in various parts of the country; some of equal severity in terms of outcome, most of less outcome severity.

Organizations administering youth athletic programs have also been sued over such issues as playing time, playing position, and participation policies. Suits related to playing time and playing position have no history of success. Increasingly, however, organizations with rules prohibiting the mixing of boys and girls on the same team or in the same league are being found liable for discriminatory actions.

Risk Management: Concepts and Application

The concepts of risk management, and the application of those concepts by organizations administering youth athletic programs are examined. In each of the areas of interest, the role of insurance in risk management is considered as appropriate.

Concepts of Risk Management

In one sense, risk is considered to be a measure of uncertainty (Harris, 1994, p. 8). In this broad text, everything that is done by and within an organization--private sector or public sector-- involves risk. This concept is valid, and certainly risk in whatever operation may be conducted must be minimized by organizational management or administration. There are procedures that may be followed by organizational management or administration to minimize risk.

Risk in the broad context stated above, however, is not the type of risk to which risk management procedures per se are applied (Pearce, 1994, pp. 41-48). The concept of risk narrowed somewhat by the definition holding that risk is the "possibility of an adverse outcome of an event" (Robinson and Wrightsman, 1994, p. 457). In the context of organizational events, however, this definition of risk remains quite broad. Risk of this type might be associated with investments in common stock or bonds, or it may refer to the risk involved in one capital investment project as opposed to an alternative project. While these types of risks are quite real and must be addressed by organizational management and administrations, they remain outside of the responsibility area for risk management officers in most private sector and public sector organizations (Schut, 1994,

p. 161).

The concept of risk, as risk is perceived within the context of this research, is a risk involving (1) the possibility of an adverse outcome to an event, (2) the possibility of a real and recognizable loss, as opposed to a failure to maximize opportunities, and (3) the possibility of a real and recognizable loss wherein some portion of the risk of such loss may be able to be shifted to another party (Swanke, 1987, pp. 32-34). When some portion of the risk is shifted to another party, the shifting party insures against the possibility of loss. Insuring against the possibility of loss is not a cost-free exercise. Thus, there is a cost associated with risk both if the organization incurring the risk makes any attempt to minimize the risk, or if the organization actually suffers a loss with respect to the risk.

Risk may be grouped according to type. Within the context of most private sector and public sector organizations incurring liability, the types of risk encompassed within the definition of risk used in this current research (definition stated above) are as follows:

1. General liability risks. Such risks may occur if a third party is injured, becomes ill, suffers pain or discomfort, or suffers a loss as a consequence of some action under the control of the organization (Zolkos, 1994, p. 82).

2. Product liability risk. Such risks may occur if someone is injured, becomes ill, suffers pain or discomfort, or suffers a loss as a consequence of contact or use of a product (good or service including an athletic contest which places organizations administering youth athletic programs at risk for such liability) produced or sold by the organization (Marley, 1994, pp. 3-5).

3. Workers' compensation risks. Such risks may occur if an employee of the organization is injured, becomes ill, suffers pain or discomfort, or suffers, while engaging in activities associated with his or her employment with the organization (Zolkos, 1994, p. 48).

4. Employee and dependents health care risks. Such risks may occur in conjunction with liability assumed by the organization for the cost of health care (Coyne and Simon, 1994, pp. 48-55).

All private and public sector organizations must address the above forms of risk. There are, however, a variety of management approaches that may be employed in addressing each type of risk to which an organization may be exposed.

Application of Risk Management in
Organizations Administering
Youth Athletic Programs

There are three principal factors at work in the measurement of risk (Goldberg and Kraus, 1994, pp. 201-223). These factors are an identification of the areas in which losses may occur, a quantification of the maximum extent of any possible loss, and the assigning of probabilities to the occurrence of maximum losses in the risk areas (Fishburn, 1984, pp. 396-406).

Estimates of the cost of risk will determine for most risk managers the extent to which they will attempt to shift an organization's risk to another party (Blinn and Brown, 1984, pp. 46-52). The cost of risk is defined as the sum of net insurance premiums, risk control and loss prevention expenses, administrative costs associated with risk management, and unreimbursed loss costs.

There are five principal components to the process of risk management (Kloman, 1994, pp. 373-386). These elements are exposure identification (discussed at an earlier point in this research), risk evaluation (discussed at an earlier point in this research, risk control, risk finance, and risk management administration.

Risk control refers to activities intended to accomplish the "reduction or elimination of risk or loss, within proper economic restraints, through careful procedures and practices" (Kloman, 1994, p. 374). These activities are similar across all organizations, however, some variance does exist in relation to organizational type. Risk finance refers to the "provision of sufficient funds to meet loss situations, if they occur, by use of both internal and external financial resources . . ." (p. 374). The most commonly used external financial resource in this context is insurance (Dzingleski, 1987, pp. 8-11). Risk management administration involves the development of administrative techniques to carry out the risk management process most effectively, using skills available inside and outside" of the organization (Kloam, 1994, p. 374).

Once risk exposure, and the measurement (evaluation) of risk has been performed, the most important element of risk management must be performed--risk control (Goldberg and Kraus, pp. 201-223). The objective of the risk control function is "the elimination . . . or reduction of not only loss but risk itself" (Kloman, 1994, p. 379). The major elements of an effective risk control program are protection and security policies and measures, property conservation policies and measures, and emergency planning. In most instances, it is an unrealistic expectation to attempt to eliminate risk completely. Risk control policies and measures, therefore, should be designed to minimize risk. A more feasible goal is to attempt to reduce loss than it is to eliminate risk completely, although in practice some degree of loss will inevitably be experienced by most organizations, including those organizations operating youth athletic programs.

Risk financing involves providing the funds required to cover potential losses (Bendell, 1987, pp. 36-37). Most organizations rely on insurance for high proportion of their potential losses. The practice of self insurance, however, is growing steadily. The concept of self-insurance has grown more slowly in the public sector than in the private sector. With the significant rise in insurance costs, however, an increasing number of public sector organizations are opting for self insurance. Regardless of the type of risk involved, self -insurance is more likely to be used as a form of risk funding by large organizations than it is by smaller organizations (Geisel, 1998, pp. 3, 10-11). Self-insurance may be applied to the totality of a risk to which an organization is exposed, or, alternatively to some proportion of that risk. One of the most common means of retaining only a portion of the risk is to purchase insurance with deductible clauses. In considering whether all, a portion, or none of a particular risk should be retained, an organization must determine the extent to which the risk can be financed from internal sources, the extent to which effective risk control measures can be implemented, and the cost advantages or disadvantages between conventional insurance and self-insurance.

"The administration of a risk management program requires continuous direction, generally by an organizational officer specifically assigned this task" (Kloman, 1994, p. 384). The principal elements of an effective risk management administration are as follows:

1. The first element is the existence of a written risk management policy.

2. The second element is the existence of a formal risk management unit within

the organizational structure.

3. The third element is a clear delineation of risk management responsibilities within the organization.

4. The fourth element is the existence of open communications between the risk management unit and all other units within the organizational structure.

5. The fifth element is the availability of outside assistance and counsel for the risk management unit.

Moral hazard is an economic concept that holds entities that should assume the greater proportion of any risk associated with their activities. The assumption underlying this argument is that entities will not exercise the necessary or desirable levels of prudence if they know that they are not bearing a significant risk.

Other economists argue that, in an economy characterized by moral hazard and multiple commodities, competitive equilibrium is not constrained-efficient (Arnott and Stiglitz, 1986, pp. 1-24). These economists argue that such inefficiencies may be adequately corrected through (1) the taxation of harmful factors and/or behaviors, and (2) the subsidization of beneficial factors and or behaviors. Where other economists use moral hazards as an argument for the assumption of greater risk levels by entities, opponents use moral hazard as an argument for greater governmental intervention in an economy.

Within the context of the moral hazard concept, as an example, a manufacturing corporation may well decide that most financially prudent strategy is to assure that a high level of safety is built into their products, as opposed to relying on high-cost product liability insurance. Similarly, an individual may determine that the preferred course of action is to live a healthy and low-risk life style and to save a greater proportion of current income, as opposed to purchasing high-cost life insurance. An organization administering a youth athletic program may find that the development and implementation of policies designed to reduce the probability of liability claim is preferable to high insurance costs, self-insurance, or futile attempts to gain a legal shield against such claims (Maloy, 1988, pp. 49-84).

CHAPTER III

Methodology

The methodology used to gather all of my data was through a questionnaire. My questionnaire contained seven basic questions, which focused on the following major discussion of my graduate project: How Important is the Application of the Concepts of Risk Management in the Administration of Youth Athletics? I circulated my questionnaire throughout the following quasi-public organizations in my immediate area: Little League Baseball, Pop Warner Football, and the YMCA. The following questionnaire was the procedure I developed as sample test instrument, in order to establish the validity and reliability of my data. Here is my letter and questionnaire:

Scot P. Hartwell
[redacted]

November 13, 1997

Mr. John Greenauer
Vice President of Operations
Central Florida YMCA
433 North Mills Ave
Orlando, FL 32803

Dear Mr. Greenauer:

We spoke briefly on the telephone the other day and you said that you could provide me with some YMCA Risk Management information.

I am currently working on my graduate school project, in order to receive my Master of Professional Studies in Sports Administration, from Lynn University, in Boca Raton, Florida. The title of my graduate project is: How Important is the Application of Risk Management in the Administration of Youth Athletics for Quasi-public Organizations?

If possible, I would like you to answer the following seven questions with short answers.

1. Do you have liability concerns?

2. If you have any concerns about legal liability in the organization of administering your program, do you carry liability insurance?

3. Are you self or commercially insured?

4. Have you had any charges of negligence or liability?

5. Was there litigation?

6. Did you prevail?

7. Are your coaches trained?

The results of my questionnaire will be addressed in Chapter IV.

CHAPTER IV

Results

The following results encompass an organized and systematic presentation of my findings. The short answers were given by the three different quasi-public organizations in my immediate area.

Mr. John Greenauer
Vice President of Operations
Central Florida YMCA's

Answers:
1. Yes, because there are sixteen YMCA's operating a number of various programs 12-16 hours everyday.
2. Yes.
3. Yes, we are commercially insured.
4. No.
5. No.
6. N/A
7. Yes.

Mr. Mike Lagere
President
Kissimmee Little League

Answers:
1. Yes, always.
2. Yes
3. Yes, through Little League Baseball's national office. It covers injury, property, crime, and coaches.
4. Yes, the case was dismissed.
5. No.
6. N/A
7. Yes, in CPR, First-Aid, and a program called ASAP (A Safety Awareness Program) through Little League Baseball.

Mr. Terry Chancey
President
Mid-Florida Pop Warner

Answers:
1. Yes.
2. Yes.
3. Yes, with an independent company through the national office.
4. No, none.
5. No.
6. N/A
7. Yes, through a course given by CAP (Coalition of Americans to Protect Sports).

Also, contributing risk management information was Mr. Kirby, the Director of Risk Management for Little League Baseball.

CHAPTER V

Discussion and Conclusion

This research examined the application of the concepts of risk management in the administration of youth athletic programs. The term "youth athletic programs," as the term was defined for purposes of this research, did not refer to youth athletic activities conducted under the aegis of school boards or administrations--public or private. Rather, for the purposes of this research, the term "youth athletic programs" referred to programs administered by quasi-public organizations such as Little League Baseball, Pop Warner Football, and the YMCA.

The organizations that operate youth athletic programs tends to be tied, however loosely, to the institutions such as schools, churches, governmental jurisdictions, and business firms. These other institutions provide the essential community support and funding for the organizations operating youth athletic programs.

The cost of insurance forces many entities to assume greater proportions of risks associated with their activities simply because they cannot afford to do otherwise. An organization administering a youth athletic program may find that the development and implementation of policies designed to reduce the probability of liability claim is preferable to high insurance costs, self-insurance, or futile attempt to gain a legal shield against such claims.

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