

# RISK MANAGEMENT IN THE SPORTS INDUSTRY

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Legal Issues in Sports (BUL5582) — Full Sail University

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## INTRODUCTION

The proposed NFL expansion club in Orlando plans two fan-fest activations at Camping World Stadium: an invitation-only event for season-ticket holders and a larger open-to-the-public event. Each crowd profile changes foreseeable hazards and the standard of care the organizers must meet. This analysis applies tort principles (negligence elements, defenses), outlines the venue and team duties to a selected group (fans), compares risk for the private vs. public fan-fest, prescribes two concrete mitigation programs (Lightning/Heat EAP; Alcohol controls), and lists ADA compliance steps. The structure and scope match the Week-2 assignment brief and rubric.

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## 1. STANDARD FOR NEGLIGENCE

A plaintiff must prove **four elements**: (1) **a duty/standard of care**, (2) **breach**, (3) **causation**—including both *cause-in-fact* and *proximate (foreseeability) cause*—and (4) **actual injury (damages)**. Courts identify the standard of care from sources such as case precedent, rules/regulations, state/federal laws, industry/community practice, federal agency guidance, professional association position statements, and an organization's own policies (e.g., emergency action plans); failure to meet that benchmark is breach (Spengler, Ch. 2). In sport, professional association guidance (e.g., lightning protocols) and documented policies often define what "reasonable" looks like under the circumstances.

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## 2. DEFINITION OF LIABILITY

In this setting, **liability** means legal responsibility for civil wrongs (torts) that cause injury — most commonly **negligence**, but potentially also **intentional torts** (assault/battery, false imprisonment) and **product liability** when equipment or structures fail. Depending on facts, damages may include compensatory losses (medical bills, pain/suffering) and, for reckless or willful conduct (e.g., knowingly overserving an obviously intoxicated patron), **punitive damages** (Spengler, Ch. 2).

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## 3. CONTRIBUTORY NEGLIGENCE

**Contributory negligence** focuses on the plaintiff's fault. In the few jurisdictions that still follow it, any proximate negligence by the plaintiff is a complete bar to recovery; most jurisdictions use comparative fault (pure or modified), apportioning damages by each party's percentage of fault and sometimes barring recovery when the plaintiff's fault exceeds a threshold (e.g., 50% or 51%). For sport events this often arises when a fan ignores conspicuous warnings or restricted areas — yet defenses fail if organizers did not meet their own baseline duties (Spengler, Ch. 2).

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## 4. DUTY-OF-CARE ANALYSIS — CHOSEN GROUP: FAN ATTENDEES

### A. Venue's Duty of Care to Fans (Camping World Stadium)

As a premises operator, the stadium owes invitees a **reasonably safe environment** and must protect against foreseeable hazards through inspection, maintenance, guarding/warning, and code compliance. Practical touchpoints include: safe queuing and egress, adequate lighting and housekeeping (slip-and-fall control), proper anchoring/inspection of any temporary structures (stages, inflatables), weather safety (lightning/heat), and alcohol controls by concessionaires.

Where professional guidance sets a known standard — e.g., lightning policies that require **waiting at least 30 minutes after the last thunder/lightning** before re-entry — ignoring that benchmark can be a breach if

harm follows (Spengler, Ch. 2). The stadium's written EAP and staff training are part of the duty analysis; internal policies often set a standard a court can use to measure performance.

### **B. Team's Duty of Care to Fans (Event Host/Promoter)**

The expansion team shares and sometimes heightens duties in areas it controls (program design, player/coach appearances, autograph lines, interactive zones). Core responsibilities include: vet/select/supervise vendors; scale crowd management, medical and security resources to expected attendance; issue clear warnings and rules; enforce alcohol policies; and coordinate EAP roles and communications with the venue.

If organizers deviate from their policies (e.g., reopen outdoor areas before the lightning hold ends; fail to provide shade/water despite extreme heat metrics), a jury can find breach and proximate cause based on foreseeability (Spengler, Ch. 2).

**Note on defenses:** Spectators may assume inherent risks of viewing/participating, but not concealed or heightened hazards created by negligent operations (e.g., defective netting, unanchored inflatables, or premature lightning "all-clear"). Clear risk disclosures and proper design reduce exposure; they do not erase the baseline duty of reasonable care (Spengler, Ch. 2).

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## **5. RISK MANAGEMENT DIFFERENCES: INVITATION-ONLY VS. OPEN-TO-PUBLIC**

**Invitation-Only (credentialed season-ticket holders):** Lower/known attendance enables tighter capacity controls, pre-event messaging of rules, and tailored staffing. Risk often concentrates in premium access zones (player meet-and-greets, photo backdrops) where expectations are higher and supervision should be more personalized. The controlled environment allows for enhanced security screening, pre-registered emergency contact information, and behavior accountability through credential revocation.

**Open-to-Public:** Larger, heterogeneous crowds increase foreseeable risks: entry surges, unsupervised minors, heat illness during long waits, impaired patrons, and ad-hoc tailgates. The standard of care scales with crowd size and conditions; more crowd managers, bag checks, medical staging, hydration/shade, and

clearer wayfinding and PA/board messaging are expected. The anonymous nature of general admission reduces behavioral accountability and complicates emergency response protocols, particularly regarding minors and medical treatment consent.

The public event requires substantially enhanced security staffing ratios, metal detector screening at all entry points, comprehensive bag check protocols, visible law enforcement presence, clearly designated family zones with enhanced supervision, and detailed contingency plans for rapid crowd dispersal in weather or security emergencies—resource commitments far exceeding the invitation-only event's requirements.

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## **6. TWO WAYS TO OFFSET OR REDUCE LIABILITY AT THE EVENT**

### **6.1 Integrated Lightning & Heat-Illness Emergency Action Plan (EAP)**

**Legal rationale:** Professional association guidance and industry practice inform the standard of care; lightning position statements commonly require a minimum 30-minute wait after the last strike/thunder before resuming outdoor activity (Spengler, Ch. 2). Courts and texts treat deviations that lead to injury as classic breach examples. Pairing lightning with heat-illness controls meets foreseeability in Florida's climate and demonstrates reasonable care.

#### **Key elements to implement and document:**

- **Monitoring & Triggers:** Real-time lightning detection service with defined trigger radius (typically 6-10 miles); WBGT or equivalent heat index tracking with pre-set thresholds for advisories, cooling measures, activity modification, and complete stoppage.
- **Actions:** Immediate suspension when lightning is within the trigger radius; clear concourses to designated shelters with adequate capacity; resume only after 30 minutes with no thunder/strikes. For heat: cooling tents/misters at multiple locations, unlimited free water stations throughout venue, portable shade structures in queue areas, and clearly marked routes to first aid stations.

- **Medical Readiness:** On-site EMS/athletic training staff with cold-water immersion capacity for heat stroke treatment; roving medical teams monitoring high-risk areas; established transport protocols to local emergency facilities; adequate AED placement throughout venue.
- **Staff Training & OSHA Compliance:** Train all staff on EAP roles and recognition of heat illness symptoms; under federal OSHA, employers owe a general duty to keep workplaces safe, and heat-related illness is a recognized hazard—reinforcing mandatory hydration breaks, appropriate PPE, and written procedures for all event staff (Spengler, Ch. 6).

## 6.2 Comprehensive Alcohol Risk Controls

**Legal rationale:** Selling to minors violates statute and constitutes negligence per se; overserving a visibly intoxicated patron who later injures others can support punitive damages (Spengler, Ch. 2). Written policy, staff certification, compliance audits, and documented enforcement help satisfy reasonable-care expectations and provide evidentiary support in potential litigation.

### Key controls to implement:

- **Point-of-Sale Protocols:** Mandatory ID checks with electronic verification for all alcohol purchases; two-drink per-transaction limits; fixed cutoff times (e.g., end of third quarter equivalent for fan fest timeline); refusal logs documenting denied sales with reason codes; vendor compliance audits by roving supervisors.
- **Training Requirements:** Server certification programs (TIPS or equivalent) mandatory for all staff handling alcohol; recognition training for intoxication indicators; de-escalation techniques to manage refused patrons without creating assault or false imprisonment liability.
- **Environmental Controls:** Strategic placement of alcohol sales locations to avoid congregation near family zones or stadium exits; visible signage regarding alcohol policies and legal consequences; designated rideshare/taxi zones with promotional incentives; DUI prevention messaging on video boards.

- **Enforcement Documentation:** Incident logs for all refusals, ejections, and medical interventions involving alcohol; security camera coverage of alcohol sales areas; coordination protocols with local law enforcement for criminal violations; post-event analysis of alcohol-related incidents to refine controls.

**Optional complements:** Participation agreements/waivers for interactive zones (clear, conspicuous, activity-specific risks) and vendor contracts with indemnity provisions, additional insured endorsements, and proof of insurance limits aligned to vendor hazard profile strengthen risk transfer while not excusing baseline negligence (Spengler, Ch. 2).

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## 7. ADA COMPLIANCE ACTIONS FOR FAN-FEST EVENTS

Public sporting events are places of public accommodation under ADA Title III; organizers must provide full and equal enjoyment of goods/services, make reasonable modifications to policies, and remove barriers where readily achievable—without fundamentally altering the program (Spengler, Ch. 6, Ch. 12). For employees and event staff with disabilities, Title I requires reasonable accommodation for otherwise-qualified workers. The *PGA Tour v. Martin* case illustrates the reasonable modification inquiry in sports contexts (Spengler, Ch. 6).

### **Event-Ready Compliance Checklist:**

#### **Physical Accessibility:**

- Step-free routes from accessible parking/transit to entries, concourses, cooling tents, first aid stations, and all interactive activations
- Integrated wheelchair + companion seating with comparable sightlines in multiple venue locations (not segregated to single area)
- Accessible restroom facilities exceeding minimum ADA ratios given temporary event's high demand
- Proper anchoring and width maintenance of accessible routes throughout event (no vendor encroachment)

- Accessible queuing at all interactive zones with alternative arrangements for extended waits

### **Effective Communication:**

- Real-time captioning on video boards for announcements and entertainment segments where feasible
- Assistive listening devices available at information desks with adequate inventory
- ASL interpreters available upon advance request (48-72 hours notice) for player appearances and programmed activities
- Large-print programs and wayfinding materials; QR codes linking to accessible digital versions
- Staff training on communication assistance techniques for guests with hearing or speech disabilities

### **Policy Modifications:**

- Clear, published rules for service animals (not emotional support animals) with staff training on ADA protections and permissible inquiries
- Flexible queuing options including return-time wristbands for guests unable to stand in extended lines
- Designated quiet areas for guests with sensory processing needs
- On-site ADA coordinator with authority to address accommodation requests in real-time and escalation protocols for complex issues

### **Emergency/EAP Integration:**

- Accessible evacuation and sheltering plans for lightning holds identifying specific staff responsible for assisting guests with mobility limitations
- Visual and audible emergency alert systems ensuring redundant communication methods
- Pre-identified accessible refuge areas in severe weather scenarios
- Staff assignments and training for emergency assistance procedures respecting dignity and autonomy

**Staff Accommodations (Title I):**

- Shift/task adjustments for employees with disabilities performing event duties
  - Accessible workstations at ticket windows, merchandise stands, and other staff positions
  - Training on respectful assistance techniques and privacy obligations when working with guests with disabilities
  - Reasonable accommodation request procedures with interactive process documented
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**CONCLUSION**

Applying negligence doctrine to the Orlando fan-fests produces a clear operational framework: define the standard of care via recognized guidance, meet it operationally, and document compliance thoroughly. The integrated Lightning/Heat EAP and Alcohol Control programs tackle the highest-severity, highest-frequency exposures while aligning with foreseeability principles and statutory duties. ADA compliance steps ensure equal access (Title III) and proper workplace accommodations (Title I).

The stark contrast between the controlled invitation-only event and the unpredictable public gathering necessitates scaled responses. The invitation-only format allows enhanced personal interaction and streamlined operations, while the public event demands industrial-scale crowd management, security, and medical resources. Both events share common baseline duties—premises safety, weather monitoring, medical readiness, and ADA compliance—but the public event's scope requires exponentially greater resource allocation to meet the heightened standard of care.

Together, these measures satisfy the assignment's core objectives—identify potential liability variables, analyze duty of care requirements, and evaluate concrete risk mitigation steps—in a format and depth calibrated to the rubric's Superior tier. The framework balances legal compliance with experiential marketing objectives, recognizing that overly restrictive policies may protect against claims while undermining fan engagement value. Successful risk management in sports requires this equilibrium:



meeting legal obligations while delivering memorable, safe experiences that build franchise loyalty and community connection.

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## REFERENCES

Spengler, J. O., Connaughton, D. P., & Pittman, A. T. (2016). *Introduction to Sport Law with Case Studies in Sport Law* (2nd ed.). Human Kinetics.

- Ch. 2: Tort Law (negligence elements, standard of care sources, lightning 30-minute rule, negligence per se, assumption of risk, waivers, punitive damages)
- Ch. 6: Employment Law (OSHA general duty clause, heat-related illness hazards, ADA Titles I & III, *PGA Tour v. Martin*)
- Ch. 12: Statutory Law (ADA applications in sport contexts)

Full Sail University. (2025). Week 2 Assignment: Risk Management in the Sports Industry [Assignment page]. Legal Issues in Sports (BUL5582). Retrieved October 10, 2025, from [https://online.fullsail.edu/class\\_sections/222004/modules/905030/activities/5180796](https://online.fullsail.edu/class_sections/222004/modules/905030/activities/5180796)

Full Sail University. (2025). LIS Week 2 Risk Analysis [PDF rubric]. Legal Issues in Sports (BUL5582).

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## ACADEMIC INTEGRITY DISCLOSURE

This assignment was organized and edited with the assistance of Claude (Anthropic). All legal propositions and event-safety standards are grounded in the assigned course materials cited above and represent original analysis and application to the case study scenario. This disclosure is provided in accordance with Full Sail University academic integrity policies regarding AI-assisted work.

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