

Case Study 3: Midwest University and Bill Beam

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In any workplace, violent behaviors cannot be tolerated. Workplaces that allow this type of behavior will face a variety of consequences. In the case of Bill Beam, the athletic director should have spoken up to protect the students that play for the men's basketball team. Midwest University's college administration team should have been notified about the behavior so they could prevent further issues from arising. Because the abuse was tolerated by or unknown to certain departments, actions could be taken against the coach, the athletic director, and the university.

Actions Against the Coach

The coach is held to a standard of behavior during the course of his employment with the university. By breaching the university's policies on violence and abuse, the university would be justified in firing the coach. Beyond termination, the coach could face personal suits brought against him by the injured player and/or his family. As a member of society, there are laws in place to protect people from violence and abuse regardless of the professional capacity they are acting within. While the university and athletic director can and would likely be held liable for the coach's actions, this does not mean the coach cannot be pursued legally. Based on general tort liability, compensation in a lawsuit may be allowed if the injured party can prove the attacker was being negligent (Roberts, 2014). Since the coach was clearly acting negligently and not taking proper care in his interactions with the players, the injured player would be justified in a lawsuit and likely entitled to legal compensation for the injuries and trauma sustained after the abuse.

Actions Against the Athletic Director

The athletic director likely handles and finalizes most of the hiring decisions for the university's sports teams. By hiring a violent and aggressive coach like Bill Beam, the athletic director could be charged with negligent hiring. Proper background checks and reference checks should have been done to determine if there was any history of abusive behavior in past positions. This step may have been done properly and the aggressive behavior simply developed or came out for the first time during the course of Bill Beam's employment. Although negligent hiring may be questionable, negligent retention is absolutely applicable in this scenario. The athletic director saw the abuse that was taking place and maintained Bill Beam in his position as coach anyway. The athletic director could be sued on the basis of negligent retention because he did "nothing to discipline or discharge that employee" (Sharp, et al., 2021). Additionally, since the athletic director was being negligent in his role and allowing abuse to occur, he could be terminated once the university was made aware of the situation. The university would likely fire the athletic director or take disciplinary action against him if he was retained in his position.

Actions Against the University

The university is responsible for ensuring all staff are acting in accordance with rules, regulations, and guidelines established internally by the university and externally by governmental agencies. They take on vicarious liability, also known as respondeat superior, with each and every employee "because the law has deemed it appropriate for the employer to be held accountable for the actions of its employees" (Sharp, et al., 2021). Vicarious liability applies only to acts done in the course of employment and on behalf of the employer. Typically, intentional acts of violence do not fall under vicarious liability because the employee is acting in

their own self-interest, not the interest of the employer. However, in certain circumstances, exceptions can be made. If the employee commits “actions in excess of zeal in competition and fighting arising out of work for one’s employer,” then the violence could fall under scope of employment and therefore vicarious liability (Sharp, et al., 2021).

When examining the situation with Bill Beam, the action was in self-interest but occurred because of a loss in a competitive basketball game. Since the violence arose out of competition on behalf of work for the employer, there would likely be an exception that resulted in Midwest University being held liable. Although the university was unaware of and likely not encouraging the violent behavior, the fact that it was the result of a loss implies that the coach is feeling a pressure in his job that prompted the violence. This indicates that the violent act may have been a reaction to the expectations of the job, whether perceived or actual. It is likely that in a suit against Midwest University by the abused athlete and/or his family that the case would stand and the university would be held responsible.

Conclusion

There are many justifiable reasons to take action against the coach, the athletic director, and the university, as well as torts to support these suits. In the end, the university is ultimately responsible for the actions of its employees when it is within the scope of employment. The athletic director is expected to prevent and discipline any unwanted or unethical behaviors within the department. The coach is held to a standard of nonconfrontational and supportive behaviors in his role. Since all three of these entities breached the expectations set for them, they could all be held liable in some capacity for the abuse against the basketball player.

References:

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