

How Well Are Your Classes Supervised?

A female student participating in a motorcycle training program at a local college is injured in 2001 during a training exercise. She becomes startled when her bike takes off faster than she anticipates. The motorcycle jumps the curb and she falls off, injuring her ankle.

A year earlier, a male student in a woodworking class cuts off half of two fingers while using a jointer – a tool with very sharp blades used for smoothing the edges of boards. His fingers are hanging over the edge of the board when they are amputated.

Though both students signed waivers before participation, both sue for negligence. The male student receives \$70,000 in compensation; the female student's claim is rejected. Why? The answer is: supervision.

The Frank Cowan Company investigated both of these claims. In the motorcycle case, we were able to document the client's procedures and the fact that supervision and training was adequate, and that no liability should have rested with the client. One of the objectives of our claims department is to deny liability when none should rest with the client.

In the second case, our investigation revealed a liability exposure to the client in terms of the level of supervision provided. In these types of liability cases, we aim to settle the claim as soon and as fairly as possible.

How to Ensure Proper Supervision

These examples are not to say that accidents will never happen if courses are properly supervised. They are also not meant to reduce the importance of waivers, which are an essential tool of risk management – particularly for teacher-led training. What they do illustrate, however, is how the level of supervision and the teacher's expertise can impact the outcome of a claim.

Here are a few recommendations about ensuring proper supervision:

- 1) Ensure your employees are properly trained – Before hiring a teacher or trainer, thoroughly review their background and expertise in their chosen field. Do they have the proper educational qualifications and/or experience?
- 2) Employ a process for ongoing training – It's important to continually educate teachers. This involves ongoing educational classes related to their specialty, as well as the health and safety aspects of the job. For example, are employees trained on how to use the newly-installed defibrillator?
- 3) Understanding the risks – Sometimes it can be hard to determine the risks of a course, particularly if it is new. We recommend calling Cowan so we can conduct a risk management assessment to better understand how to best protect your institution against claims.

An important note about waivers: As we mentioned above, waivers can go a long way in helping to protect against claims. They could apply not only in a woodworking course where the danger seems obvious, but also in Phys Ed, chemistry classes or on a field trip.

Proper supervision, paired with waivers and risk management, can go a long way to protecting against a claim