1a. In order to successfully sue SU-ME under the theory of negligence, the Smith family needs to be able to prove four key elements: standard of care, breach of duty, causation, and injury.

First, the Smith family must prove that SU-ME "[failed] to meet [their] duty of responsibility for the protection of others an, as a result, [caused] another to be injured or harmed" (p. 15). The responsibility lies with SU-ME to provide a reasonably safe sport environment. The Smith family could argue that the netting behind the backstop (where their seats were located) looked ragged and possibly unsafe. The Smith's would have to prove that the lack of maintenance on the netting breached the standard of care that SU-ME owed to all spectators in their stadium. But, in order to do this, the Smith family would have to show that SU-ME's "conduct, viewed at the time it occurred, imposed an unreasonable risk of harm" (p.19). They purchased tickets that sat them behind the backstop, which should have proper, well-maintained netting to protect spectators.

The Smith family would also have to prove causation, meaning that "the acts or inaction of the defendant brought about the injury to the plaintiff" (p.20). The Smith family would have to prove that Jr.'s broken arm was a direct result of the ragged netting behind the backstop. They can obviously prove that "some actual harm or injury" (p. 22) exists, but they need to prove that the injury would not have happened if the netting was fixed.

In my opinion, the Smith family would be unable to prove all four elements of negligence. Yes, the net was ragged and provided an opportunity for the ball to get through, but Jr. was not in his ticketed seat. Rather, he was running up and down the stairs and became more and more restless as the games continue. If Jr. had been in his seat rather than running around, he might have been paying attention to the game and been out of the way of the foul ball.

One could say that the usher who failed to act when other spectators complained about Jr.'s antics is to blame for Jr.'s injuries, and could be a reason why SU-ME is guilty of negligence. The Smiths could argue that the usher breached his standard of care, thus breaching SU-ME's standard of care by allowing Jr.'s antics to continue. He had a responsibility to all spectators to provide a reasonably safe sport environment, and a child running up and down the stairs does not seem to fit this description.

The family would need to show that the usher's conduct imposed an unreasonable risk of harm. This means by allowing Jr.'s antics to continue, the usher knowingly placed an excessive amount of risk on the Smith family and other spectators. The family would also have to show that the usher's inaction directly contributed to the injury; meaning that they would have to prove that if the usher had said something to Jr. or the family, the injury would not have occurred.

When factoring in the usher's actions (or inactions), the Smith family may be able to prove all four elements of negligence. In my opinion, though, they might still be unsuccessful. the question directly states that the family keeps their tickets that include policies, procedures, and liability waivers on the back, and I can only logically assume that the Smith family breached some of those policies and procedures themselves. Jr. should not have been allowed to run around like crazy and while the usher should have said something, Jr. is ultimately his parents'

responsibility. Without actually seeing the policies, procedures, and waivers, I can only assume that they include something about the risk of being hit by a ball or bat, behavior expectations for spectators, and general expectations for the stadium. I believe the Smith family violated some of those policies by their own choice, which would make their lawsuit difficult to prove.

1b. SU-ME could assert the assumption of risk defense. This defense means that the Smith family "voluntarily exposed themselves to known and appreciated dangers" (p.25). SU-ME would need to establish 3 elements: "The risk must be inherent to the sport; the participant […] voluntarily [consented] to be exposed to the risk; and the participant [knows, understands, and appreciates] the inherent risks of the activity" (p.25). Being hit by a baseball is an inherent risk of watching a game of baseball. It happens and the Smith family chose and paid (full price) for seats behind the backstop. Although this area is usually protected, it is reasonable to assume that there is still at least some risk of a ball entering this area of spectator seating. Nothing is perfect, and the nettings could fail under any number of circumstances. "The courts have found that spectators assume the risk of injuries that might be caused by implements flying into the spectator's seats" (p.27), and although this does directly refer to seats that are unprotected, it is also reasonable to assume that the netting is not a fool proof safeguard. A ball could enter that area, and it is reasonable to assert that a person attending a baseball game is assuming the risk of an injury.

The question explicitly states that the Smith family keeps their ticket stubs which have the policies, procedures, and waiver of liability on the back that could be used to show that the Smith family knew, understood, and appreciated the inherent risks of watching a game of baseball. Without seeing the ticket and the language of the policies, procedures, and waivers myself, it's hard to say exactly what the Smith family was agreeing to, and it is impossible to know if the Smiths would claim they did not read the back of their tickets. But, even if they tried to use this claim, according to the Costa v. Boston Red Sox Baseball case of 2004, they might not be successful. The courts decided that "Even someone of limited personal experience with the sport of baseball reasonably may be assumed to know that a central feature of the game is that batters will forcefully hit balls that may go astray from their intended direction" (p.28). Essentially, the Smith family has assumed the risk of injury by attending the baseball game, and it would be extremely difficult for them to win their case.

SU-ME could also attempt to use contributory negligence as their defense. This defense says that "plaintiffs may not recover if they are negligent and their negligence contributes proximately to their injuries" (p.29). SU-ME would need to show that the Smiths failed to exercise reasonable care in such a way that was more damaging than the usher's actions. They should have stopped their son from running up and down the stairs and if they had they might have been able to avoid Jr.'s injury all together. This would shift the blame from SU-ME to the Smiths, and would probably not be used, but it could be an option.

An even better defense would be the comparative negligence defense. This defense means that some of the fault and subsequent damages are shifted away from the defendant, in this case that would be SU-ME. I believe that SU-ME would be successful in their defense, no

matter which route they chose. Depending on the situation, their best options would be assumption of risk or comparative negligence.

2. To Coach Wins-a-Lot:

After your game on Saturday, the opposing teams' coach contacted our conference to report a possible "hazing" incident. The conference has since reached out to me for comment, so I have investigated the situation to see if hazing occurred, and how to proceed.

Thus far, I have spoken with your team captain, the three freshmen in question, several other members of the team, and several parents who were in attendance that evening.

Your captain was not only apologetic that her behavior came across as hazing, she was also forthcoming about the truth of the situation (which was corroborated by the freshmen and other members of the team). She spoke candidly about the traditions that the tennis team passes on year after year, and she also explained that the team is well aware of the anti-hazing policy.

In order to keep their traditions alive yet still comply, activities such as the freshmen singing the fight song are completely voluntary, and are presented as such. It is against the team's code of conduct to pressure or make fun of the players who refuse, or to hassle them afterwards for not participating.

Upon further investigation, I found that there were several senior members of the team who had refused to sing at the final home game of their freshman year. These older members of the team stated that there were no negative repercussions, and to compensate for a lack of singing freshmen, other members of the team sang the fight song that year instead.

When I discussed this with the three freshmen in question, each individually informed me that they were not forced into singing. While they were slightly embarrassed, they equated the embarrassment that one feels while singing karaoke. Each informed me that they were willing and eager participants, and that they did not feel pressure from the other team members. The other team members did reinforce how much fun it would be, but the aforementioned team members shared with the freshmen that they did not participate their freshmen year. Those players also informed the freshmen that they did not feel ostracized in anyway, and still felt like they were completely apart of the team. Ultimately, each freshman was adamant that while it was presented as a tradition, they were sure that they could have said no and that they would not have been treated differently because of their decision.

I also spoke with a few parents who were in attendance. I spoke to parents of our athletes, so while their input may seem biased, they were the only once with whom I had access and contact. Two sets of the parents were parents of two of the freshmen. They informed that they previously knew about the tradition, and had no problem with it. Their children did not express concern to them, so neither set of parents were concerned about the activity, nor did they see anything wrong with it.

My conclusion is that this was not a hazing incident, so punishment and consequences are not necessary. However, moving forward I would like to make sure that our actions as coaches,

athletic directors, trainers, and athletes represent SU-ME in the best way possible at all times. With that being said, there will be a hazing seminar at the end of this month.

This hazing seminar will be held in two sessions: first, for coaches, trainers, and any other officials involved with sports at SU-ME, and second, for the players themselves. Coaches and trainers are encouraged to attend the player session, though it is not required. The seminar will not only cover the anti-hazing message that our conference follows, but it will also focus on healthy, productive team building activities.

This is an interactive seminar that will provide opportunities for the students to have input as well as practice the activities. The seminar will conclude with the creation of a team building schedule and promise for the following season. Starting with the next school year, all teams are required to have at least three formal team building sessions a season, to be supervised by the coach. There will be more information located on the SU-ME Athletics Department website that will detail the objectives and goals of our anti-hazing education.

I appreciate all you do for SU-ME and our athletes. I hope to keep high levels of school spirit and camaraderie that your program very clearly exhibits. I look forward to our continued efforts to support team building and team spirit.

Sincerely,

Dr. Ina Cent

Athletic Director

3. As athletic director for SU-ME, I am surprised to find out that Coach Bumpsetspike and student trainer Vollerie Digger are partaking in a romantic relationship. According to the policy in place, a relationship of this nature should be disclosed to the relevant administrator (which would be me in this situation), and this is the first time I have heard about the relationship. Furthermore, my general policy for matters that involve employee conduct states that coaches should set up a formal meeting so everything that can be properly documented and professionally handled. Needless to say, this does not fit the usual routine.

My first course of action would be to schedule this meeting to make record of the relationship and evaluate how to proceed. In addition to meeting with Coach Bumpsetspike and Digger, I would also to be sure to schedule a meeting with the most senior volleyball trainer—the one in charge of hiring and evaluating student trainers—as well.

It seems that while the coach and student trainer do collaborate sometimes and are present at practices during some overlapping timeframes, there is no direct supervision or evolutions done by the coach to Digger. According to SU-ME's policy, they are well within bounds to have a relationship. Digger would not be allowed to assume any position that would place under the direct authority of Bumpsetspike, like assistant coaching positions.

There would not be any repercussions for their late and somewhat unorthodox notification. They have both claimed that their relationship is new; they have only been on a few dates, but have decided to make things more official. Digger is a new hire; she has only been

working with the volleyball coaching/training staff since the beginning of the current season. She is not, however, a new student to SU-ME. She is a junior and has been involved with the volleyball team previously. I would be sure to investigate a few things to make sure that SU-ME is not at risk for any potential lawsuits.

It is common knowledge that Coach Bumpsetspike has the right to be a part of the hiring committee for her staff, although she rarely exercises that right for trainers. She trusts her most senior trainer to choose the student trainers, and Bumpsetspike is much more active in the hiring process for her assistant coaches. Because Digger was hired recently, her resume and the resumes of the rejected applicants are still on file. I would retrieve those for further review. It is important to make sure that Digger was hired because she was the best candidate in order to abide by discrimination laws, among other things.

While I am on this course, I would first make sure that SU-ME's athletic department staff "mirrors the percentage of those in the local labor market" (p.144) in regards to minorities. Of course, Title VII of the Civil Rights is something that is on my mind often as my role of athletic director. I would not want a lawsuit, nor do I want the EEOC investigating SU-ME.

After this preliminary check, I would begin looking through other resumes and applications. If Digger is the most qualified candidate, it should be apparent. There would be no reason to assume she was hired for any other reason than her experience and skills. This would make it very difficult for rejected applicants to sue SU-ME for discrimination and is the best case scenario. If there was a clearly more qualified candidate among the applicants, I may have to pursue more discourse with Coach Bumpsetspike and the hiring committees. This may leave SU-ME open to a lawsuit.

During my meeting with Digger, I would also have a conversation with her regarding sexual harassment. I want documentation that says that this relationship is not a quid pro quo relationship, nor is it (or will it) create a hostile work environment. I want to make sure that this relationship is absolutely consensual and does not involve Bumpsetspike offering advances in career in exchange for advances in the bedroom. Of course, I would find the best way to go about this conversation, and it would be documented. I may even have the same conversation with Bumpsetspike to cover all my bases.

These conversations would all be private, and only the required personnel would be in attendance, according to SU-ME's employment policy. This is to protect the personal privacy of SU-ME's employees: Bumpsetspike and Digger. They deserve complete confidentiality in these matters, and only employees essential to the process would be involved.