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Implications of Toppling Goal Posts in College Football: Managing Institutional Risk

David LaVetter & Yun Seok Choi

KEYWORDS:

Goal posts, Liability, Risk, Injuries, Negligence, College Football, Intercollegiate Athletics, Sport Law, Stadium Security, Crowd Control, Event Management, Facility Management

ABSTRACT

This article discusses a summary of lawsuits stemming from fans being injured by toppled goal posts following American college football games. Several examples of goal post-related injuries occurred during post-game celebrations when crowds surged onto the fields at various stadiums. The purpose of this article is to explicate the legal implications of lawsuits filed by injured plaintiffs and discusses potential liability incurred by educational institutions. Very limited legal precedence exists to facilitate understanding of the full legal responsibilities of injured individuals, institutions, parties providing security, or goal post manufacturers; however, courts have ruled on three particular cases involving injuries sustained by toppled goal posts. Administrative insights are sorely needed to provide better understanding of associated risks and potential liabilities arising from goal post-related injuries occurring on American college campuses in the U.S., including modifications of current practices to minimize spectator injuries and institutional liabilities, specifically as related to increased security measures, proper warnings, collapsible goal post structures, imposed fines, and state legislation.

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Introduction

Enjoyed by millions of spectators annually, live American college football events play a significant role in American sport culture, displaying unique characteristics in its fan base, event atmosphere, and spectator behaviors. Additionally, college sports are one of fastest growing markets in the sport industry with regard to fan loyalty. For example, some National Collegiate Athletic Association (NCAA) Division I institutions regularly attract more than 95,000 spectators and generate approximately \$3 million for a single football game. Through the sport of college football, many of these spectators seek unique sporting event experiences that intricately incorporate sport culture and history, enthusiasm, and passion in an amateur sport environment (DeSchraver & Jensen, 2002).

Many college sports fans consider toppling goal posts after emotional victories to be a time-honored tradition. In such instances,

numerous fans rush the football field when the final horn has sounded and attempt to tear down the goal posts—arguably one of the sport's unique, distinctive symbols—as an act of celebration. Post-toppling activities are also interwoven in high school football, further illustrating the activity as a profound one with ritual-like overtones within the culture of American football below the professional level, and in some cases, post-toppling efforts may sometimes upstage the actual game, particularly when all or most of the posts are carried triumphantly from the stadium by fans and are subsequently found distributed in various places throughout the city surrounding the stadium, such as the incident at Georgia Tech following their win over fourth-ranked Virginia Tech. In October 2009, fans tore down the goal posts and carried them to the university president's house. The unusual twist in this case is the president, Dr. G. P. "Bud" Peterson, met the group carrying the post

on one of the street corners leading to his house, and said, "Follow me!" He later gave a speech congratulating the team on a big win. A Georgia Tech spokesperson stated it is rare that the goal posts are torn down after a Yellow Jackets victory; however, a school tradition is to carry them to the president's house as a gift. A few fans suffered injuries from the fallen posts, which sparked President Peterson to call for the implementation of safety procedures during football games (Swartz, 2009).

However, these heavy structures can also significantly expose those charging crowds to considerable risk during the tear-down process. Most posts are 40 feet high and usually weigh 450-500 pounds; steel models may weigh as much as 1,800 pounds (Rovell, 2002), which undoubtedly would cause severe injury if collapsing on game attendees. While oblivious fans enjoy their efforts to tear down these bulky posts, the risk of spectator, participant or staff injury looms, creating numerous event management issues: are colleges and universities liable for injuries sustained by fans from toppled goal posts? Do spectators assume the risk of injury when they choose to enter fields during post-game celebrations? Are spectators considered trespassers when they charge onto fields after games? Such concerns must be directly and effectively addressed as college sport event organizers plan effective, safe game management practices.

The purpose of this paper is to analyze the outcomes of some lawsuits filed by injured plaintiffs resulting from fallen goal posts during post-game celebrations at American college football games, as well as to analyze legal cases to identify areas of negligence on the part of the injured individuals, university, security, or goal post manufacturers.

Legal Obligations and Defenses of Crowd Control at Sporting Events

Crowd control is a regular, ongoing concern for any event manager in sport. However, relating specifically to the risks of goal posts toppling onto college football game attendees, literature remains limited. Several legal questions should be considered as athletics administrators consider whether the practice of toppling goal posts should be permitted. Should fans be allowed to tear down the goal posts following the game? Do collegiate athletics administrators consistently prepare for fans to rush the field, possibly bringing down the goal posts? Despite continued efforts from fans attempting to tear down goal posts, most fans do not want to see the posts fall, according to a 2002 CNN survey, which revealed that 79 percent of sports fans stated that tearing down goal posts should be banned for safety reasons (Moore & Wieberg, 2002).

While proper security and crowd management remains an essential component of risk management plans for sporting events, the NCAA and various collegiate sport conferences have left the critical responsibility of security planning to individual institutions. Some conference commissioners have stated that preventing a large crowd from entering the field would be almost physically impossible at many football stadiums in the country (Moore & Wieberg, 2002). Attempting to contain tens of thousands of fans not only would be very costly due to increased security but also logistically challenging due to the many possible entrances to any stadium's field. Because of these factors, adequate goal post security following football games may prove inadequate, if not completely overlooked, within many collegiate athletic departments' risk management policies.

As service providers, sport facility managers or owners inherit legal duties of care to provide

safe environments to their invited guests on facility properties (Ammon & Unruh, 2007). Proper crowd management is one of several legal obligations facility managers owe to their patrons, who are considered invitees. An *invitee* is the legal terminology describing an individual who has been solicited or invited to a function and has paid for the use of the premises or services (Maloy, 2001). Fans attending college football games are invitees; therefore, they should expect and are legally entitled to reasonable amounts of care provided by facility owners/operators.

While facility managers are legally required to manage this inherent risk to a certain extent, certain legal responsibilities for attendee safety and care may also rest upon event attendees themselves, creating a gray area of legality surrounding the issue at hand. Primary assumption of risk is a potential legal defense against liability that relieves a defendant (e.g., a college institution) of a duty that might otherwise be owed to the plaintiff (e.g., an injured fan). This primary-assumption-of-risk defense specifies that, under certain circumstances, a defendant has no duty of care to protect a plaintiff from particular risks of harm that caused the injury, specifically when the plaintiff enters into the situation with a clear knowledge and/or warning of inherently or obviously dangerous circumstances. Under this legal doctrine, a plaintiff has accepted such a risk of harm and agrees to encounter the risks that are most common with the activity (Sharp, Moorman, & Claussen, 2007). An institution may further bolster its primary-assumption-of-risk defense by providing warnings (written and oral) to fans about certain risks involved before the game starts.

Primary assumption of risk within sports settings is presumed when fans have voluntarily attempted to participate in activities involving well-known risks (Cotten, 2007). In applying this legal premise to college football, most

fans who have attended or previously viewed college football games would possess reasonable understanding of when to expect goal posts toppling, particularly after emotional/improbable wins. Albeit frequently ignored, most college football fans possess an understanding of the nature of this activity, including knowledge of physical risks involved when these posts drop onto any person(s). According to Cotten (2007), courts have determined that “three essential elements must exist for a successful primary assumption of risk defense related to a sport environment: 1) risk must be inherent to the sport; 2) the participant voluntarily consent to be exposed to the risk; and 3) the participant must know, understand, and appreciate the inherent risks of the activity” (p. 62). Cotten (2007) added, “to know, understand and appreciate risks, one must 1) know the nature of activity; 2) understand the activity in terms of one’s own condition and skill; and 3) appreciate the type of injuries that may occur” (p. 62). Under this legal defense, a knowledgeable college football spectator’s decision to enter a field and actively attempt to tear down goal posts may cause him/her to direct upon himself/herself any liability resulting from potentially injurious falling posts, based upon his/her previous attendance or television viewing of a college football game(s).

Another possible defense, secondary assumption of risk, implies that fans failed to follow or heed warnings provided by the university officials to stay off the field or not to tear down the goal posts. Participant conduct would fall below the standard of expected behavior required for the university to best provide a standard of care for their patrons (Cotten, 2007).

Lastly, sovereign or governmental immunity might exculpate the university from potential liability if the judicial doctrine prevents one from filing suit against the university and

administrators without their consent. This law will vary by jurisdiction (state) (Cotten, 2007).

Examples of Goal Post-Related Incidences in College Athletics

Numerous goal post-related injuries have occurred at many football competitions. As discussed previously, these injuries may spring from one or both of two major causes. First, the lack of prudent risk and crowd management designed to protect and control diverse spectators at a sporting event might allow spectators to rush onto a field to tear down the posts. Second, many spectators at a given event might consider this activity as traditional and acceptable following college football games. Regardless of the cause(s), a considerable number of spectators engaged in tearing down goal posts have been seriously injured; as a result, many college athletic departments faced lawsuits following these incidences, some of which will be subsequently discussed.

Improper crowd management or lack of policy that prohibits fans from entering a field has resulted in several goal post-related incidences each year on university campuses where individuals, usually spectators, have been seriously injured or died. Three known such occurrences resulted in court cases during the last 10 years: 1) *Cimino v. Yale University* (1986); 2) *University of Texas-El Paso v. Moreno* (2005); and 3) *Bourne v. Gilman* (2006). During the appeal in *Bourne v. Gilman* (2006), an expert witness stated that 16 sets of goal posts were torn down by fans attending university football games in 2000, 10 in 2001, 17 in 2002, and 12 in 2003.

Examples of injured fans include the following.

In 1989, several fans suffered injuries following a 1989 game between Washington State University and the University of

Washington. After fans rushed the field, they toppled the goal posts despite the efforts of 60 police officers and 200 ushers (Pennington, 2002).

During a 1993 game between the University of Michigan and the University of Wisconsin, six people were critically injured and 73 seriously injured following a crowd rush onto the field. Although most injuries resulted in persons being crushed at a gate designed to prevent fans from easily entering the field, the incidents occurred because fans were attempting to run to the goal posts and topple them. The University of Wisconsin blamed overcrowding in the student section as a factor contributing to the rush ("Overcrowding," 1993).

Following Oregon State University's win against in-state rival University of Oregon in 1998, an Oregon State student was struck in the head by a 700 lb. goal post that fell 40 feet. She suffered a fractured skull and had bleeding in the brain. The 18-year-old mentioned that she rushed the field with other fans and was near the 10-yard line when the goal post toppled and hit her head after pushing her friend aside (Rovell, 2002).

After a 2002 Clemson University win over archrival University of South Carolina, a large portion of the Clemson student section suddenly rushed the field and toppled a goal post, resulting in the trampling of a 67-year-old Anderson County deputy officer, who suffered numerous broken bones. In that same incident, a female was also severely injured (Southeastern Conference, 2003).

North Carolina State University's win over Florida State University in 2002 resulted in several injuries when goal posts were ripped down during a post-game celebration (Moore & Wieburg, 2002).

In 2005, a University of Minnesota-Morris (UMM) student died from head trauma at a hospital after a goal post fell on him when

fans tore it down following a homecoming win that was also the final UMM game at Cougar Field. UMM Chancellor Sam Schuman said it appeared that “a small group of overly enthusiastic students acted without thinking carefully” (Skidmore, 2005, p.1).

These examples illustrate the growing need to address crowd control issues within intercollegiate athletics. Despite the popular spectacle of enthusiastic crowds topple goal posts following emotional football victories, college athletic administrators should seriously regard the threat of injury or death that may result from this type of fan behavior and actively plan preventative policies and measures to avoid tort (damage) instances. Though tort law varies by state, analyses of the following cases will assist administrators in determining when institutional liability is most likely retained during damage-incurring instances.

Legal Cases

Case 1: *Cimino v. Yale University* (1986)

On November 19, 1983, Ms. Cimino, plaintiff, was injured at the conclusion of a football game at Yale University when a goal post struck her while being torn down following a Yale win against Harvard University. Cimino's skull was fractured, which damaged her brain stem and cerebellum permanently. She heavily bled from her ears, nose, and mouth, after which her heart stopped. Paramedics were able to revive her and quickly transported her to a nearby hospital where she was hospitalized for several weeks. She filed a \$50 million lawsuit against Yale University and the City of New Haven (CT) for failing to provide adequate crowd control and security following the football game (“A pact,” 1986). Also, the plaintiff claimed the conditions of the event resulted in a public nuisance. Sixty New Haven police officers reportedly worked the game. The plaintiff's family sued for their lost employment time and medical costs. All

plaintiffs also made claims against the City of West Haven and Ogden Security in the lawsuit.

The city alleged that the university was primarily at fault for not providing adequate security at the game. At issue, did Yale University have a duty to care for the plaintiff during a post-game celebration on the field? Was the university liable for the injuries caused by fans dropping goal post(s) following the game? Did the facility owner owe the invitee a certain duty of care when he/she enters the field?

In this case, the district court concluded the university had a duty to protect its patrons during post-game celebrations on the football field. Additionally, the City of West Haven and Ogden Security, Inc., reached an out-of-court settlement with the plaintiff. Relating to the plaintiff's public nuisance claim, the district court ruled it was unsubstantiated because the Yale football stadium was not public property.

The rationale of the district court for awarding summary judgment to the plaintiff is focused on the issue of *foreseeability*, a vital question when determining negligence. Law enforcement officials testified that normally 9-10 police officers are assigned to attend each end zone of the field for proper crowd control. However, video footage showed only one officer who was within 10 yards of each goal post immediately following the game. Additionally, only three officers instead of the standard 10 were found in each end zone (none near the goal posts) at the conclusion of the game. Yale's culpability also was found when the officers did not make any attempt to stop or control the crowd before they amassed at the goal post, nor did the officers did make efforts to stop the crowd as it attempted to topple the posts.

Accordingly, the Cimino case ruling illustrated the court's opinion that an institution owed its invitees/patrons the duty of care to provide reasonable protection to them during and after

football games. Even if fans choose to rush the field and attempt to tear down the goal posts, the court opined that facility managers and security must make reasonable efforts to discourage the crowd from entering the field and, at very least, prevent them from toppling the posts. The plaintiff received a settlement of \$925,000 from Yale University (“A Pact,” 1986).

Case 2: University of Texas-El Paso (UTEP) and the University of Texas System v. Moreno (2005)

In November 2000, the plaintiff suffered extensive injury when a goal post fell on him after a college football game at University of Texas-El Paso (UTEP). The claimant was hanging on the goal post when other persons began shaking the post and consequently tore it down. Moreno filed a petition under the Texas Tort Claims Act, 1985, 69th Leg., ch. 959, Sec. 1 (a set of statutes that determine when a governmental entity may be liable for tortious conduct under state law). Moreno alleged that the goal post constituted a premises defect liability based upon the university’s failure to provide barriers designed to prevent the crowd from attempting to tear down the goal posts. The plaintiff argued that university personnel had a duty to control the crowd through the use of barriers, gates, link chains, and security devices.

In defense, UTEP and the University of Texas System (UTS) stated Moreno’s injuries were the result of criminal acts of third parties that acted deliberately and destructively. UTEP also ascertained that the state is immune from liability for intentional torts committed by third parties. According to Texas state law (TEX. CIV. PRAC. & REM. CODE ANN. § 101.057), a governmental entity is exempt from liability for intentional torts “arising out of assault, battery, false imprisonment, or any other intentional tort...” (*UTEP/UTS v. Moreno*, 2005, p. 5).

One issue raised by the case was the question of whether goal post injuries could be considered criminal acts of third parties, and whether the plaintiff should have reasonably known that goal posts could be toppled and therefore result in injury if one falls on him. Another legal issue stemming from the case is whether the Texas Tort Claims Act waives governmental immunity for the injuries sustained to the plaintiff during the goal post incident. As a governmental institution, UTEP and UTS are immune from liability unless the Tort Claims Act has waived that immunity. The Tort Claims Act (1985) waives sovereign immunity in three areas: use of publicly owned automobiles; premises defects... and injuries arising out of use of property (*UTEP and UTS v. Moreno*, 2005).

The appellate court reversed the trial court’s ruling stating the injuries suffered by Moreno were the result of criminal acts of third parties, not by the property itself (i.e., the goal posts). Therefore, governmental immunity is not waived and the university and UT System were not negligent in the plaintiff’s injuries sustained during the goal post incident (*UTEP and UTS v. Moreno*, 2005).

UTEP/UTS contended that appellant’s claims fell outside the waivers of liability established by the Texas Tort Claims Act due to the following reasons: 1) allegations are “non-use” or “failure to act” claims; 2) did not involve the use or misuse of tangible personal property; 3) did not allege a premises defect; 4) defendants were protected as a governmental entity; and 5) the injuries were related to acts or omissions arising out of civil disobedience, riot, insurrection, or rebellion for which immunity is preserved. Governmental immunity, in this case, was upheld, and the university was exculpated from liability (*UTEP/UTS v. Moreno*, 2005).

Case 3: *Bourne v. Gilman* (2006)

Gilman, a goal post manufacturer, was sued by Bourne following a settlement with Ball State University. Gilman (2006) contains the details of the incident. Following an October 2001 football game at Ball State University, fans rushed the field to celebrate an emotional win. One of those fans, Andrew Bourne, easily stepped over a 3-foot retaining wall that was given little security supervision, and he entered the field where a large crowd had already gathered near a goal post in one of the end zones. After failing to jump and hang on the goal post crossbar, Bourne began to walk to the other end of the field when he heard a snap and felt an enormous impact hit his back. He suffered a broken leg and a fractured spine which left him permanently paralyzed below the waist.

The plaintiff claimed the goal posts were defective and dangerous. However, in defense, Gilman rebutted that the company did not manufacture the goal posts to be pulled down in the fashion encountered in Bourne's case. Therefore, the courts found no liability with the manufacturer related to the injuries sustained by plaintiff (*Bourne v. Gilman, Inc.*, 2006).

This case raises legal discussions surrounding the liability of the university. The primary legal question raised by this case: did the university foresee the goal posts being torn down, and if so, did administrators take every safety precaution possible to protect their game invitees? Once more, the issue of foreseeable risks to spectators became paramount in the court's ruling after investigators found that Ball State's athletic administration discussed the toppling of goal posts prior to the game. Administrators allowed the BSU scoreboard operator to insert a pre-programmed message that appeared on the scoreboard following the game that read "the goal posts look lonely" (*Bourne v. Gilman*, 2006, p. 2). Therefore, in the opinion of the court, university athletics

employees invited fans via the use of the electronic scoreboard to tear down the goal posts. Consequently, after receiving such encouragement, fans rushed the field when the final horn sounded. The courts noted security personnel did not prevent or discourage fans from rushing the field after the game.

Bourne and his family chose to settle with Ball State. The Indiana Tort Claims Act Ind. Code § 34-13-3-3(3), which imposed a \$300,000 cap on damages, controlled the settlement, which seems minimal in light of the lengthy medical and lifestyle changes that will incur throughout plaintiff's lifetime. The Indiana Legislature has not raised the amount since 1974, (*Bourne v. Gilman*, 2006).

Discussion

Administrators within intercollegiate athletics may avoid such short-term and long-term disasters caused on their campuses like the ones described in the aforementioned cases through carefully designed, developed, and implemented measures to warn fans about the dangers of tearing down goal posts. Football games that draw large/emotional crowds can typically be foreseen far enough in advance to enable administrators to ensure proper event/facility management operations are in place, including securing the goal posts following the game by whatever means necessary.

The three legal cases helped shed light when considering policy or practice revision for athletics administrators, generating the following four recommendations to consider when examining post-game event/facility management practices in intercollegiate athletics, specifically related to attempted goal post toppling:

Type of Goal Post

Given budget constraints, many intercollegiate athletic administrators might initially select a sturdy-yet-inexpensive goal

post touted by manufacturers to withstand years of wear and tear from the elements, but even the sturdiest posts weigh thousands of pounds and can easily be brought down by fans. From a previously mentioned case, Ball State University had installed “indestructible” and “fan resistant” steel goal posts (Peterson, 2008, p. 10), yet those goal posts were torn down and caused injury. Accordingly, a goal post that both fits reasonably within a budget and boasts safety features is highly desirable; fortunately, many such options are available on the market with both safety and price as high considerations. Collapsible/retractable goal posts have become a common feature at many NCAA Division I football stadiums. Within seconds of the end of the game, event/facility personnel can immediately lower these posts to the ground, thereby vastly eliminating injury potential (Woodling, 2003). These posts virtually eliminate the threat of injury to fans from goal posts, since they would normally be lying on the ground in a matter of seconds following a football game.

Security planning

In any crowd management situation, anticipating activity and contingency preparation becomes extremely difficult for event and facility managers (Appenzeller, 1998). Nevertheless, administrators should develop a thorough emergency action/response plan to effectively control situations of overcrowding or unruly fans at their sport facilities and events. In properly constructed emergency action plans, all detailed duties and procedures should be addressed with professional, efficient methodologies, and event/facility managers should educate, train, and monitor all hired employees (full-time, part-time, and volunteer) for all athletics events. Providing adequate security measures certainly entails adequate financial and human resources analyses before proper risk management strategies can be constructed, and the proper

number of security will certainly differ based on various contingency factors that will vary widely from one locale to another. For example, event/facility managers can conduct a risk analysis based on history and number of game attendees to determine the number of security personnel needed for each event.

Specifically, increasing the sheer number of security personnel around the field following these games can greatly decrease the chances and/or amount of post-game on-field fan spillover. As previously noted, although this essential measure will increase game operations costs, university financial liability may be radically decreased through the prevention of foreseeable injuries sustained from falling goal posts by positioning proper, adequate security near the posts following games. Other indirect measures to discourage fans from field-charging should also include signage, scoreboard messages, and public address announcements informing fans to not enter the field at any time, and clearly state that those spectators entering the field may be physically removed, charged with trespassing, and/or forfeit future spectator rights. Frequent announcements and strict enforcements of any existing mandated state legislation that prohibits spectators from entering competitive areas may greatly reduce the risk of fan injury, as well as decrease institutional liability.

Proper installation and inspections

Due to the weight and size of goal posts, administrators should allow the personnel of the posts' manufacturers to properly install them. In case of future injury, documentation should be kept showing proper procedure for installation. Subsequently, athletics administrators should conduct risk situational analyses of the posts to identify any possible developing risks that may cause injuries to patrons or employees of the university due to installation and/or wear-and-tear malfunctions, likely involving post manufacturer personnel.

Such inspections should always be carefully and thoroughly documented Peterson (2008).

Facility design

One fortunate byproduct that may be gleaned from the ever-growing yet widely decried facility building, expansion, and retrofitting of the NCAA Division I facilities arms race (Budig, 2007) could be the advantage of (re-)designing facilities to be experience friendly yet safer by creating venue features that discourage field-charging in what almost seems to be a naturally occurring way. Since goal post-toppling may be more likely to occur at the higher levels of Division I college football, forward-thinking event/facility managers should be given considerable amounts of input on architectural design phases so that the crowd management measures are effectively yet unobtrusively installed, thereby greatly reducing identified risk threats without menacing appearances. In so doing, college athletic departments can generate a positive image of services and events to best retain current spectators as well as attract future fans.

Specific Examples of Best Practices Involving Goal Post Protection

Collapsible Goal Posts

Many universities have successfully installed collapsible or retractable goal posts on their football fields. The University of Arizona, Boston College, Northwestern University, the University of Notre Dame, and the University of Wisconsin are examples of institutions that have invested \$30,000 or more for these collapsible goal posts (Rovell, 2002). Following the aforementioned Clemson University/University of South Carolina football game in 2002, Clemson immediately installed collapsible goal posts (Southeastern Conference, 2003). Additionally, the University of Iowa has used collapsible posts for 10 years and, since installed, they have never been torn down

(Gruca, 2005).

Security overstaffing around goal posts is another response to this issue by event/facility managers. The University of New Mexico has increased its security staff to work home football games to include more than 40 police officers who, when combined with the facility's security personnel, amount to more than 80 security staff members on duty (O'Hara, 2003).

Another widely occurring yet non-threatening security measure involves the use of public address and video communications. At the University of Kansas, video messages are displayed prior to and during football games that warn fans of the dangers of toppled goal posts, as well specifically warning them not to rush the field at any time.

Several collegiate athletic conferences have begun to address security measures at a higher level by imposing sanctions for security violations at members' home athletic venues. In 2006, the Southeastern Conference (SEC) initiated a policy that prohibits spectators from entering a competition area before, during, or after a game. Following a University of Kentucky football win over the University of Georgia, Kentucky fans rushed the field and removed a goal post; the University of Kentucky was fined \$5,000 for its failure to control crowds. Subsequent violations of the SEC's crowd control policy may result in fines of \$25,000-50,000 (ESPN.com, 2006).

The Sun Belt Conference is currently considering imposing fines for lack of crowd control, especially conduct that leads to the toppling of goal posts, during home football games (R. Knowles, personal communication, 2009).

State legislation or institutional policy may currently be the best immediate solution to controlling fans entering the field following games if it can be consistently enforced. For example, Texas Tech University enacted a policy in 2002 calling for the arrest of any fan who

enters the field ("Fans undeterred," 2002).

Admittedly, proactive measures of all sorts may not be enough to completely stop a post-game field charge by exuberant fans. After a 2007 University of South Florida football game at Raymond James Stadium in Tampa, FL, hundreds of fans rushed the field despite signs posted in the stands warning against this action. Some of the fans who attempted to enter the field were arrested on charges of trespassing and disorderly conduct. After the 2007 incident, the Raymond James Stadium goal posts were replaced in 2006 by collapsible ones (collapsible in 15 seconds), yet hundreds of fans still attempted to rush the field after emotional wins. Despite having many security and law enforcement officers present after the game, event managers were unable to control everyone who rushed the field. According to a Florida statute, a trespasser is anyone who enters the playing field unauthorized, and therefore could be charged with trespassing (Morelli, 2007).

Managerial Implications

The practice of attempting to topple goal posts may remain a focal point for college football fans, at least for the foreseeable immediate future. Intercollegiate athletic administrators also know how difficult fan containment can be, particularly in certain quantities and/or circumstances, and many may fear repercussions from misguided or mishandled attempts to restrain fans from entering the field. Some administrators have stated their goal is to deter improper activity as much as possible, but to avoid the use force to curtail such activity ("Fans undeterred," 2002). Since rushing the field has become a cultural tradition in college football, totally preventing fans from entering the field following games will take time, effort, and education. Intercollegiate athletic administrators must

realize such an undertaking of establishing a culture of safety for all persons involved in sporting events is a long-term process that requires a consistent level of management effort, yet they must also understand the immediately pressing nature of this issue.

One of the most effective approaches to manage crowd at a sporting event is to initiate and maintain a highly proactive approach (Sawyer, 2002). Event, facility, and marketing managers should conjunctively create advertising messages (before, during, and after the event) that would allow spectators to be aware of and properly warned of specific behaviors (e.g. rushing the field following the game) that are prohibited and dangerous. Safety messages should be kindly but firmly and clearly communicated to all internal and external constituencies prior to the game in order to establish a safe environment for all and minimize potential organizational liability. Scoreboards, banners, printed tickets, and game-day programs are viable, simple options for event/facility managers to convey safety or warning messages.

Additionally, in the larger picture, facility managers must effectively prepare to communicate to university administration clear justifications for costs associated with maintaining a safe sport spectator environment to university administration, along with the cost of liabilities associated with neglected duties of care. Additionally, involvement of *all* members of the athletic department in the design, development, and implementation of safety practices should be mandatory and governed by specific policies, rules, and procedures that allow an athletic department to effectively make a transition from old, dangerous traditions to new, safe football field environments.

Safe game-day administrative strategies and practices will help create long-term relationships with intercollegiate sports fans, and from a public relation perspective, evident

safety measures can clearly demonstrate the level of risk management effort to provide a safe and comfortable atmosphere for game attendees, increasing the likelihood of many to value their experiences and trust and respect the collegiate institution even more in its efforts to create a new sporting culture that provides safe sport spectator environments.

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RESEARCH THAT MATTERS!

IMPLICATIONS OF TOPPLING GOAL POSTS IN COLLEGE FOOTBALL: MANAGING INSTITUTIONAL RISK

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Research Problem

The purpose of this paper is to analyze legal cases related to injured fans that brought legal action against colleges and universities resulting from toppled goal posts during athletic events.

This paper presents pertinent varying results from legal cases that may illustrate that colleges and universities are inviting increased risk by allowing fans to topple goal posts. The *Cimino v. Yale University* case ruling (1986) illustrated a university's duty to provide reasonable protection to its invitees/patrons during and after football games. Even if fans rush the field and attempt to tear down the goal posts, event/facility managers at college football events must make reasonable efforts to prevent them from any potential known risks, including toppling the goal posts. Recommendations to minimize liability are provided.

This paper attempts to provide managerial implications to intercollegiate athletics personnel and institutional administrators to minimize institutional risk during college football events.

Issues

Incidents of fans rushing the field and toppling goal posts after college football games have resulted in numerous injuries. This article focuses on legal cases concerning injuries or death caused by toppled goal posts. The literature in facility risk management clearly illustrates the need for sport managers to effectively control crowds. However, a dearth of studies exist regarding liability cases involving post-game celebrations in which fans have torn down goal posts. Risks created by felled posts frequently go unrecognized by athletics administrators or fans, despite the obvious fact that these heavy structures, often weighing hundreds of pounds, would undoubtedly cause severe injury if falling on any game attendee.

Some of the questions that are addressed in this article include:

Under what circumstances did courts determine institutional liability when an invited spectator is injured from a toppled goal post?

Do fans fully assume the physical risks when they charge the field and topple goal posts?

If encouraged or allowed by administrators to topple the posts, do institutions increase their liabilities?

What practices can mitigate institutional liability of fallen posts?

Additionally, the issue of criminal acts of third parties (or other fans attempting to tear down posts) exists. The defense in one case claimed the university is immune from the criminal acts of third parties. Under some states laws,

courts have ruled that governmental immunity may apply per discussion of the *University of Texas-El Paso v. Moreno* case (2005). Therefore, governmental immunity may be waived for injuries sustained to plaintiffs resulting from the acts of third parties.

Summary

State law varies pertaining to the legal responsibility that rests with institutions to provide reasonable safety and care to invitees. This paper does not pre-suppose universal legal parameters that would preclude institutional liability. Instead, the summaries of legal cases provide an overview of goal-post related negligence claims that can be applied to current practices of game management in intercollegiate athletics. According to the findings from the *Cimino* case (1986), the courts found institutional liability due to the foreseeability factor. The courts determined that athletics personnel could have foreseen that an injury could occur if posts fell on somebody. Evidence showed insufficient security officers surrounding the goal posts, yet the university had a responsibility to provide adequate security to best prevent people from toppling the posts. Simply, the crowd surge overpowered the number of officers in each zone; therefore, Yale University failed to provide reasonable care to its event invitees, the court found. The plaintiff received a settlement from Yale University of \$925,000.

In *Moreno* (2005), the injured plaintiff argued that university personnel had a duty to control the crowd through the use of barriers, gates, link chains, and security devices. Moreno was hanging on one of the posts when it snapped and consequently, was seriously injured following a University of Texas at El Paso (UTEP) football game. In defense, UTEP and the University of Texas System (UTS) stated Moreno's injuries were the result of criminal acts of third parties that acted deliberately and destructively. UTEP also ascertained that the state is immune from liability for intentional torts committed by third parties. The appellate court reversed the trial court's ruling stating the injuries suffered by Moreno were the result of criminal acts of third parties, not by the property itself (i.e. goal posts). Therefore, governmental immunity is not waived, and the university and UTS were not found negligent in the plaintiff's injuries.

Finally, the issue of foreseeable risk during college football events is central in *Borne v. Ball State University* (2005). Investigators found that university athletics administration discussed the toppling of goal posts prior to the game. The scoreboard operator (a Ball State employee) inserted a pre-programmed message that appeared on the scoreboard following the game that read, "The goal posts look lonely." The plaintiff was injured when a post fell on his back as he started to walk to the other side of the football field looking for friends. The courts found that security personnel did not discourage or attempt to prevent fans from rushing the field following the football game. Bourne chose to settle with Ball State, which, according to state law, imposed a \$300,000 cap on damages. Nevertheless, the university was found to be negligent in providing appropriate care for its event patrons.

Discussions/Implications

Intercollegiate athletic administrators should consider the following practices related to minimizing risk from toppled goal posts. In response to crowd rushes, increased liability, and the overall safety of game attendees, many athletic departments have installed collapsible goal posts on their football fields. Within seconds, these heavy structures can be securely lowered to the ground, thus eliminating the threat of potential goal post toppling. Another practice is to place warnings to fans against entering the field at any time. Warnings of trespassing on the field are placed on electronic scoreboards, announced over the public address, and placed on visible signage throughout the stadium. Increased security presence is another means of protecting fans, as well as minimizing institutional liability. More uniformed police officers entering the field prior to the end of the game can clearly signal administrators' intentions to prevent fans from entering the field. Despite the costliness of increased security, the liability of institutions can be reduced with the added security personnel. Finally, state legislation that prohibits fans from entering competitive areas may be the best answer. However, strict enforcement of mandated legislation on the part of college administrators remains critical. These practices may reduce the risks of fan injury, as well as help decrease institutional liability for goal post-related injuries to game attendees.