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SPECIAL FEATURE

PLANNING FOR EFFECTIVE RISK MANAGEMENT: A GUIDE FOR STADIUM AND ARENA MANAGEMENT

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I. INTRODUCTION

A stadium or an arena's legal liability for a personal injury claim is generally predicated upon the facility's failure to meet minimum standards of "safety, suitability, or sanitation."¹ Significant concerns regarding facility safety started to manifest themselves with the abolition or limitation of immunity, and the enactment of Tort Claim statutes. Consequently, management interest in risk management programs grew as the specter of legal liability loomed over public facilities.² Many facility risk management programs were implemented with the specific purpose of preventing or reducing personal injury risks.³

It is not uncommon for personal injury attorneys to trace the failure to provide minimum facility standards to the seemingly enduring incompetencies of the facility management. Often, management incompetency is the result of a lackadaisical management attitude toward risk management. In addition, sometimes it is caused by the inherent constraints of the facility's organizational structure. In other words:

1. Facility management incompetency is usually evident from management's misconduct regarding its own safety policies or procedures. That is, management has failed to communicate safety responsibility to its staff, has

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1. Francis Gregory & Arthur H. Goldsmith, *The Sports Spectator as Plaintiff*, 16 TRIAL 26, 28 (March, 1980). For purposes of this article, which is primarily addressed to the stadium and arena industry, the term "facility" may be substituted for "stadium or arena" for purposes of brevity.

2. BETTY VAN DER SMISSEN, LEGAL LIABILITY AND RISK MANAGEMENT FOR PUBLIC AND PRIVATE ENTITIES vol. 2, ch. 23, at 1-2.

3. *Id.* at 3.

disregarded or neglected proper safety procedures, or has imprudently delegated safety obligations; or,

2. Facility management has adopted the traditional organizational structure of American business which tends to be hierarchal in form and militaristic in style. Therefore, it works within an organizational structure which has been known to stunt the flow of information, doubt the virtue of employee motivation, and inhibit staff participation in the work place.⁴ In many cases, risk management incompetency is not the result of malicious intent. As noted, it may be the unfortunate consequence of managerial attitudes which are bred in a hierarchal organizational structure. That structure subscribes to vertical levels of communication, and the separation of tasks and duties.⁵

The thrust of this article is to encourage American stadium and arena managers to utilize non-traditional organizational structure and management methods when implementing their risk management programs. This article suggests that "effective" risk management is the result of a number of steps. First, effective risk management requires an awareness that risk identification is only one process of a comprehensive risk management program, not its entire purpose. Second, effective risk management means that legal concepts which focus on the risk management process should be simplified to three simple concepts: legal knowledge, instruction, and warning. Third, the management component of a facility risk management program requires open organizational communication focusing on participatory risk management. Finally, all steps need to be integrated in order to provide the most comprehensive program of facility safety and protection.

II. THE RISK IDENTIFICATION PROCESS

The identification of facility risks is often initiated by assessing facility functions.⁶ There are a number of methods by which stadium or arena

4. PETER F. DRUCKER, *MANAGEMENT: TASKS, RESPONSIBILITIES, AND PRACTICES* 137-147 (1974). Drucker alleges that the government, higher education, the armed services, and the health industry are growing faster than American business. He distinguishes American business as that industry which produces products. The goal of the service industry is to be efficient and control costs. By its nature, it is bureaucratic; and, it is not "effective" which is the distinctive aspect of American business. *Id.*

5. ROSABETH MOSS KANTER, *THE CHANGEMASTERS: INNOVATION AND ENTREPRENEURSHIP IN THE AMERICAN CORPORATION* 28-29 (1983). The author terms "segmentalization" as the foundation upon which hierarchal organizational structure is built. Its effects are the isolation of actions, events, and problems in the organization. Segmentalization "means that each [organizational] segment works independently, with minimum need for communication." *Id.*

6. See RICHARD B. FLYNN, *PLANNING FACILITIES FOR ATHLETICS, PHYSICAL EDUCATION, AND RECREATION* 131 (1985). Flynn's risk identification process begins with concepts rather

functions can be appraised. First, there are the risks created by the interaction of the spectator with the facility which include:

1. *Areas of Heavy Use*, such as entrances and exits, concourses, portals, rest rooms, and concession areas, present safety problems simply because they are places where fans congregate. There is always a safety concern when large groups of people congregate or cluster around a heavy traffic area.⁷

2. *Areas of Specialized Use*, such as toilets, sinks, concession tables, and doors create risk management problems due to the unorthodox means in which they may be used. Many sports fans open doors by pushing on the glass rather than the handle, are heavy-handed with toilet attachments, or lean on rest room sinks and tables while waiting their turns.

3. *Areas of Expectation* means that fans expect that their seats are in proper working condition, that facility floors will be reasonably clean, and that concession products are safe and edible. These spectator expectations are justified since there is little that fans can do to protect themselves from the related risks.⁸

Another way of evaluating facility use is to examine known or anticipated defects in the facility itself which may include:

1. *Roofing Systems* are a major concern since they can stimulate or accelerate the deterioration of the facility.⁹ The effects of leakage always poses a facility risk.

2. *Steps*, though generally installed according to city, county, or state building code, are always affected by the type and location of lighting, va-

than specifics. For example, stadiums and arenas should "provide adequate storage space." Adequate storage has many meanings. From the legal perspective, what is adequate depends upon the circumstances. From a management viewpoint, adequacy is measured by one's experience and knowledge regarding needs. Therefore, to be safely understood and implemented, "providing adequate storage space" would require communication between facility management and staff.

7. *Ross v. City of Minneapolis*, 408 N.W.2d 910 (Minn. Ct. App. 1987) (A spectator is assaulted by unidentified persons while exiting a Minneapolis arena after a wrestling match); *Greenville Memorial Auditorium v. Martin*, 301 S.C. 242, 391 S.E.2d 546 (1990) (A glass bottle is thrown into a crowd at a rock concert); see also, Annotation, *Injury to Customer by Crowd*, 20 A.L.R.2d 12 (1951).

8. See *Lindgren v. Voge*, 260 Minn. 262, 109 N.W.2d 754 (1961) (a flooded rest room floor and a broken flushbox cause a spectator injury); see also *League of Minnesota Cities Ins. Trust v. City of Coon Rapids*, 446 N.W.2d 419 (Minn. Ct. App. 1989) (spectators at an ice arena are injured from pollutants discharged from the Zamboni); see also *Annen v. McNab*, 192 Ill. App.3d 711, 548 N.E.2d 1383 (1990) (child is injured when a rest room sink falls on her).

9. RICHARD B. FLYNN, *supra* note 6, at 114-119; See also *Monex, Inc. v. Anthony A. Nunes, Inc.*, 12 UCC Rep. Sen. 2d 74, 576 A.2d 1206 (R.I. 1990) (Products liability claim regarding a 2-ply built-up roofing system).

ried height and width of risers, length of handrails, and the type of step covering.¹⁰

3. *Floor surface* is a critical area because most stadiums and arenas host various types of events and convocations which require a variety of surfaces and coverings. These can present multiple risks and hazards for spectators and participants.¹¹

A third approach to facility use is to review the services provided by the facility, including:

1. *Trash or garbage created from concession and souvenir sales* is a primary area of concern to facility operators because it literally covers a large area of spectator use: parking lots, entrances and exits, concourses and hallways, toilets, portals, rows, and seats.¹²

2. *Alcohol* is always a facility problem. Obviously, if the stadium or arena serves alcohol, then strict liability may attach under applicable dram shop laws.¹³ In most instances, it is alcohol-induced conduct which is the major hazard to spectators and participants.¹⁴

3. *Security and Supervision* are always risk concerns for facilities because spectators generally believe that most personal injuries could have been prevented if the facility had taken greater care to provide adequate security or supervision.¹⁵

Nevertheless, the process of generating lists of facility risks is only one step or process of a risk management program. Unfortunately, it often is accepted as the entire plan. It is impractical, if not impossible, to list or categorize the potential hazards and risks that may be found in a stadium or arena. In order to list every potential facility risk, one would have to consider all the potential sources of injury from the design, construction, maintenance, operation, or administration of the facility itself. Add to that all

10. *Jacobs v. Commonwealth Highland Theatres, Inc.*, 738 P.2d 6 (Colo. Ct. App. 1986).

11. RICHARD B. FLYNN, *supra* note 6 at 119, 130.

12. *Maryland Maintenance Service, Inc. v. Palmieri*, 559 So. 2d 74 (Fla. Dist. Ct. App. 1990) (Spectator slipped on a wet substance on the grandstand floor of a race track).

13. *Allen v. Rutgers, The State University of New Jersey*, 216 N.J. Super. 189, 523 A.2d 262, *cert. denied*, 527 A.2d 472 (1987) (Rutgers University is immune from the claim of a student who became intoxicated at a football game. Although university personnel at Rutgers Stadium failed to follow the procedures for administering to intoxicated fans, the university did not sell or provide the intoxicants. Therefore, strict liability under New Jersey's Dram Shop law did not apply).

14. *Bearman v. University of Notre Dame*, 453 N.E.2d 1196 (Ind. App. 1983) (A football fan exiting Notre Dame Stadium is injured by two intoxicated fans). *See also* Francis X. Dealy, *Win at Any Cost* 125-143 (1990).

15. *Vanchieri v. New Jersey Sports and Exposition Authority*, 104 N.J. 80, 514 A.2d 1323 (1986) (a fan exiting Giants Stadium at the Meadowlands is knocked down by some young men who are engaged in a game of roughhouse). *See also* Betty van der Smissen, *supra* note 2, 163 ("Lack of inadequate supervision is the most common allegation of negligence").

the potential risks which have not yet revealed themselves in the facility. There are other problems associated with risk identification. For example, the size of the facility, the ages and maturity of its users, and the types of events hosted in the facility. In short, there are so many variables involved that all the possible risks of injury in a facility cannot be adequately and prudently listed. For that very reason, any administrative or management belief that risk management can be reduced to a simple check list is naive.

Airline pilots and crews use checklists in order to assure that proper procedures are followed so that the aircraft safely takes off, flies, and lands. The safe operation of the aircraft, however, does not begin by putting an untrained pilot in the cockpit with a check list. Safe operation begins with a purpose, communication, and training. The same is true with the safe operation of a stadium or arena. A risk identification list merely facilitates the risk management program. It does not replace the mission, communication, or training required for a competent risk management plan.

Sooner or later, a risk list will have to be produced for the facility risk management program. However, the list should result from research in the construction, maintenance, and use of the facility as well as analysis of the facility management program. The results of facility risk management appraisals usually focus on the legal obligations or duties of the stadium or arena. Ultimately, those liability concerns should be reduced to three simple legal obligations: legal knowledge, instruction, and warning. This process of consolidating a facility's legal duties to the three legal obligations will clarify the procedure for risk identification.

III. COMMUNICATING LEGAL CONCEPTS

Stadiums and arenas have to sell themselves to survive in business. They cannot merely be concerned with the operation, maintenance, and administration of the facility but, equally, they are dependent on their marketing, promotion, and public relations. For that reason, the law distinguishes them from facilities which are merely open to business visitors or customers, such as office buildings or stores. Stadiums and arenas are legally termed places of amusement. That distinction is made for facilities which invite the public to use their premises *and* charge a fee for entry.¹⁶ The legal obligations owed by places of amusement are more strictly applied than those of a facility which merely invites public use. It is not uncommon, therefore, for facility risk management manuals to preface their risk

16. *Lindgren v. Voge*, 260 Minn. 262, 272, 109 N.W.2d 754, 761 (1961); *see also*, Annotation, *Liability of Owner or Operator of Theater or Other Amusement to Patron Assaulted by Another Patron*, 75 A.L.R.3d 441 (1977).

identification process with a brief explanation of tort liability, especially the law of negligence.¹⁷

Many lawyers have difficulty explaining legal concepts in anything other than the language of the law. It is important that risk management manuals avoid explaining legal concepts in "legalese" or applying examples exclusively in legal settings. In a risk management program, the language of safety has to be expressed in terms understood by the facility management and staff. Spectators and participants of all ages have to be directed, instructed, and guided in safe facility use by common language. Therefore, a more simplified method of risk identification, utilizing legal concepts, could concentrate its attention to the legal obligations of knowledge, instruction, and warning. These are not the only legal obligations with which a facility needs to concern itself.¹⁸ However, a review of the many areas of risk identification discussed in the previous section should reveal that the reasonable application of legal knowledge, instruction, or warning will alleviate a majority of the risks identified.

Legal knowledge is not a term distinguishable from the word "knowledge." Legal knowledge refers to the decision to apply knowledge. The word knowledge is defined as "[a]cquaintance with facts, truths, or principles, as from study or investigation."¹⁹ In more relevant risk management parlance, knowledge might be defined as experience and expertise in facility risk appraisal. Legal knowledge is its judicial expectation. It is the expectation that a stadium or arena manager will use his or her knowledge to maintain a reasonably safe facility. The facility whose manager has failed to use his or her knowledge to keep the facility safe will be liable for personal injuries. Legal knowledge is also the expectation that a facility manager will expand his or her knowledge of risks through continuing education, industry journals, and trade publications. Additionally, legal knowledge is the expectation that the facility manager will regularly inspect the facility in order to be prepared for any unexpected or undiscovered problems that may threaten the facility's patrons. Finally, legal knowledge is the expecta-

17. See IAN MCGREGOR & JOSEPH MACDONALD, *RISK MANAGEMENT MANUAL FOR SPORT AND RECREATION ORGANIZATIONS* 2-21 (1990).

18. There is a legal obligation to supervise facilities. That obligation may be implicit, however, in the legal duties to instruct and warn. See BETTY VAN DER SMISSEN, *supra* note 2, at 221-233.

19. THE LIVING WEBSTER ENCYCLOPEDIA OF THE ENGLISH LANGUAGE 531 (1974).

tion that a facility manager will prudently react to spectator risks once they are discovered.²⁰

Facility managers can react to their knowledge of facility risks by instructing or warning spectators about the safe use of the stadium or arena. Safe facility use depends upon instruction. From the time a spectator arrives at the facility, he or she relies on instructions regarding traffic flow, where to park, which entrance to use, where to sit, where the concession and rest rooms are located, and where to smoke. Obviously, instructions play a major part of effective facility risk management. The risks associated with instruction are generally created from the manner in which the instructions are communicated, not their content. Facility communication has to be sensitive to senior citizens who may have hearing difficulties, to children whose attention may be directed elsewhere, and to fans whose interests are directed to the field of play, not to their own personal protection.²¹

The legal obligation to warn of risks is related to the instruction concept. In regard to facility risks, the functions of warnings are to instruct, to inform, and to warn.²² To be effective, the warning message must be reasonably conveyed. For example, a "do not run" sign merely posted over a portal may not be reasonable warning for an 11-year-old spectator anxious to get to his or her seat. Warnings should always be posted for any facility conditions or problems which cannot be immediately remedied. For example, if the source of flooding of a rest room floor cannot be located or stopped, a warning of the danger together with an alternative plan for rest room relief should be communicated to spectators needing those services.

The importance of legal knowledge, instruction, and warning cannot be overemphasized. For example, the law recognizes that spectators assume some risks of injury or may contribute to their own injury by their inattention. Further, the law is clear that spectators assume most of the risks inherent to the type of event they are attending.²³ Nevertheless, before the court weighs the contributory actions of an injured spectator, it will gener-

20. *Maryland Maintenance Service, Inc. v. Palmieri*, 559 So. 2d 74, 76 (Fla. Dist. Ct. App. 1990).

21. *BETTY VAN DER SMISSEN*, *supra* note 2, at vol. 2, ch. 24 at 22-26 (conducting activities or managing services is based on giving instructions).

22. *Id.* at 37-44.

23. *Friedman v. Houston Sports Association*, 731 S.W.2d 572 (Tex. Ct. App. 1987) (An 11-year-old child assumed the risk of injury from a foul ball at a baseball game); *Accold Chareas v. Township High School District No. 214*, 195 Ill. App.3d 540, 553 N.E.2d 23 (1990) (A youngster assumes the risk of injury when he stands inside the fence at a tennis match instead of sitting in the bleachers provided).

ally look to see if the facility knew of the risk and failed to instruct the spectator or did not effectively warn the spectator.²⁴

Legal knowledge, instruction, and warning can serve as a sufficient basis for a facility risk management program. If the management and staff embrace and apply the three concepts, then the facility will have a foundation for its risk identification process. However, the three legal concepts share a common trait which first has to be competently managed before the legal concepts can be utilized effectively. That element is communication. "The effectiveness of any risk management program is in direct proportion to the effectiveness of communications, for when communication is non-existent, incomplete, or inadequate in any way, the program becomes inoperable and the risks, then, are not reduced as they might be."²⁵ Communication is the common element of legal knowledge, instruction, and warning. The communication between management and staff, as well as communication between staff and facility patrons is vitally important to a facility's competent performance of the three legal tasks. It should be apparent that the "risk" component of facility risk management is rooted in the legal concepts which direct the process of risk identification. It should be equally evident that the "management" part of facility risk management relies on effective communication. Communication is not a legal concept. It is a social concept and a business concept. As a business concept, the effectiveness of communication can be thwarted by managerial attitudes, or limited by the confines of organizational structure.²⁶

IV. MANAGING COMMUNICATION

Recently, American business has been the target of some critics for its multi-tiered organizational structure.²⁷ Other criticism places the blame for the apparent deterioration of American business on the incompetence, even fraudulent intent, of management.²⁸ Certainly the savings and loan crisis,

24. BETTY VAN DER SMISSEN, *supra* note 2, vol. 2, ch. 15 at 11 ("In regard to assumption of risk, concern is with knowingly encountering danger, which is to be contrasted with negligently encountering risk").

25. *Id.* at vol. 2, ch. 24 at 20.

26. THOMAS J. PETERS & ROBERT H. WATERMAN, *IN SEARCH OF EXCELLENCE* 121-125 (1982). (Corporate projects often become mired in corporate bureaucracy. The authors suggest that getting things done in an organization requires informal, open communication between management and staff; and, positive reinforcement from management to staff).

27. MARK H. MCCORMACK, *WHAT THEY DON'T TEACH YOU AT HARVARD BUSINESS SCHOOL* 175 (1984). (McCormack cites a former Ford executive who termed that company's organizational structure as a "wall of molasses - nothing gets in, nothing gets out, nothing goes up, or goes sideways, and is too slow to go down.")

28. See ROBERT LEVERING, *A GREAT PLACE TO WORK* 239-253 (1988).

American auto manufacturing woes, or the impending insurance crisis serve as strong testaments for those opinions. It is unclear, however, whether organizational structure and management incompetence are separable, or whether they are interrelated. It is exasperating to discover whether organizational structure or inferior management is the cause of poor management. The argument begins to take on shades of the chicken or the egg dispute. Nevertheless, managerial attitude and organizational structure are vital elements which greatly affect the communication within any organization. Since communication has been identified as the key element of a facility risk management plan, it is essential to discover how it is best adapted to the organizational work place.

It has been posed that today's predominant office structure is really nothing more than the organized assembly line adopted for the early 20th Century mass production.²⁹ Many modern business persons accept that business organization should be a tiered structure. Its levels and processes are comparable and similar to the military organizational structure.³⁰ A feature of the hierarchal structure is command from the top down. An important criticism of that command structure is the reservation of information by the higher management levels of the organization. Peters and Waterman asserted that a dominant feature of their "excellent" companies was the loose flow of shared information. "Another of the more striking characteristics of the excellent companies is the *apparent absence of a rigidly followed chain of command*. Of course, the chain of command does exist for big decisions, but it is not used much for day-to-day communication."³¹ It is maintained that management's reluctance to share information stunts employee participation in the organizational mission or process, and permits little employee autonomy over the job process. This is usually reflected by management's desire that employee duties and responsibilities be standardized into simple, repetitive tasks. Unfortunately, those corollaries seem to result in minimal employee performance.³²

It could be assumed that the hierarchal organizational structure inhibits communication from the top to the bottom simply because of the difficulty

29. *Id.* at 48-49 and 79-89.

30. THOMAS J. PETERS & ROBERT H. WATERMAN, *supra* note 26, at 7.

31. *Id.* at 262; (Peters and Waterman also cite a Fortune magazine article which notes that sharing information at the "shop floor" level is the single most important act in bridging the gap between management and staff).

32. See ROBERT LEVERING, *supra* note 28, at 72-76; see also THOMAS J. PETERS & ROBERT H. WATERMAN, *supra* note 26, at 39 (Authors present Japanese organizational beliefs which recognize job performance as an organizational natural resource and, which, view organization and employees as synonymous).

in transmitting information through the levels of management. In other words, not all communication problems may be the result of close-mouthed or patronizing managers. The problems may result merely from the inherent problems of organizational structure. If the organization designs communication to flow from top to bottom, the hierarchal structure becomes an impediment. In addition, if information is supposed to flow from the bottom to the top as well, its dissemination faces similar hierarchal obstacles.

A stadium or arena whose administration is organized along traditional organization lines with multi-layered, hierarchal management should be aware of these communication impediments. This is not to suggest that the free flow of information cannot exist in a hierarchal organization. Nor does it mean that a stadium or arena management process is guilty by association merely because it has adopted a layered structure. It does mean, however, that facility management framed in the multi-tiered organization must be managed by uniquely open people. The hierarchal organization places greater emphasis on the quality of the management personnel to facilitate a good communication process. The evidence suggests that hierarchal organizations usually do not breed such managers.

Management incompetence is not easily defined. Actually, it probably belongs in the eyes of the beholder. Management which fails to maximize profits and dividends may be viewed as incompetent by the shareholders.³³ Further, management which fails to effectively plan, organize, staff, control, and lead employees in the performance of their tasks may be measured as incompetent by experts and consultants.³⁴ Management which has little respect for the individual is probably considered incompetent by employees.³⁵ In any event, management has many antagonists when it attempts to define its purpose and goals. In regard to service industry management, however, Peter Drucker defends the quality of management, and blames perceived incompetencies on the structure of the organization:

If service institutions cannot be run and managed by men of normal and fairly low endowment; if, in other words, we cannot organize the task so that it will be done adequately by men who only try hard, it cannot be done at all . . . there is no reason to believe that business managers, put in control of service institutions, would do better than

33. ROBERT LEVERING, *supra* note 28, at 239.

34. See HAROLD KOONTZ & HIENZ WEHRICH, *ESSENTIALS OF MANAGEMENT*, 22-24 (5th ed. 1990); see also MURRY SPERBER, *COLLEGE SPORTS, INC.* 20-21 (1990) (Sperber questions the management expertise of many college athletic directors whose main qualification appears to be their participation as a player or coach in football).

35. ROBERT LEVERING, *supra* note 28, at 225-226 (Author poses that bad workplaces have management which lives by arbitrary rules, permits abusive supervision, and generally has little regard for employee well-being).

the 'bureaucrats.' Indeed, we know that they immediately become bureaucrats themselves.³⁶

The bottom line, unfortunately, is that many facility risk management programs implemented in a layered organizational structure, with its inherent bureaucratic management, will be ineffective. Stadium and arena risk management cannot succeed because communication, so important to the risk management concept, is curtailed.

It is equally apparent, however, that change in the organizational structure, or in the method of management, starts with management. It is not a task for which employees or staff are held accountable. If communication is going to be the main ingredient in organizational structure, or management philosophy, then it is a charge which management alone has to bear.

In performing these essential functions [leadership, direction, objectives, and organization], management everywhere faces the same problems. It has to organize work for productivity, it has to lead the worker toward productivity *and* achievement. It is responsible for the social impact of its enterprise. Above all, it is responsible for producing the results - whether economic performance, student learning, or patient care - for the sake of which the institution exists.³⁷

In the late 1970s, many changes were made by Preston Trucking.³⁸ The focus of that change was to make the company more competitive in an increasingly difficult transportation market. Most of the difficulty centered on communication. At the time of the change, employee performance and morale was at an all-time low. Levering noted that open communication became a natural by-product of the company's decision to change. More importantly, the change came strictly from management. Employees were not called upon to make any change, were not asked to forego any established union privileges, and were not given "lip service" regarding their efforts for company growth.³⁹ Management alone was required to change. For example, Levering discussed the positive reinforcement method wherein a manager had to find four good things to say regarding an employee's performance for every one criticism.⁴⁰ In establishing vital com-

36. See DRUCKER, *supra* note 4, at 139.

37. *Id.* at 17.

38. ROBERT LEVERING, *supra* note 28, at 151.

39. PETERS & WATERMAN, *supra* note 26, at 238-241 (Lip service is a management gimmick. It is used by management, usually in times of crisis, to inspire employees to renew their efforts, expresses management's concern for the employees well-being, and directs that positive change will result if each side makes a concerted effort. Implicitly, it is management's placing some blame for its own failure on the employees).

40. ROBERT LEVERING, *supra* note 28, at 139-161.

munication, and recapturing employee performance, the program was a success. However, management did not readily buy into the precept that it had to change, nor did the program guarantee future company success.

The idea that Preston management alone had to change its employee communication and interaction was not easily accepted. One-quarter of the management structure quit because of the change in management philosophy.⁴¹ When management training is directed to managerial functions within a multitiered organizational structure, it would be difficult for a manager to accept less than the absolute authority he or she held. However, if communication is to be a shared process, management has to learn the processes of employee participation. At Preston, it was also realized that the new management emphasis was not a guaranteed success. The Preston story had to be repeated everyday. The communication of goals, purpose, and procedures became an everyday effort. It required the constant commitment of management.

V. INTEGRATING THE RISK MANAGEMENT PLAN

One of the methods adopted by management, as a means of integrating risk management programs, has been the appointment of a risk manager. The role of a risk manager can be a positive one for the stadium or arena. However, such an appointment does pose some problems. First, if the position is merely a delegated duty which management does wish to deal with, then it will fail due to management's own incompetency. Second, the position may be just another layer or tier in the organizational structure which means that the flow of information will have another obstacle. Therefore, the success of a risk management program should not be left solely with the appointment of a risk manager. A successful program depends on its integration of risk management communication within the organization.

There are a number of steps required for an integrated risk management program. They utilize each of the lessons reviewed concerning risk identification, the applicable legal concepts and, more importantly, an open or participatory management approach to facility safety.

1. The traditional concept and perception of the management role has to be re-defined. It is doubtful, for instance, that middle management engages in a daily process of decision-making, planning, and organizing. It is suggested that management's real function, literally and figuratively, is to facilitate. In other words, making it easier for employees to perform their jobs is the real function of management. Such a role is almost totally de-

41. *Id.* at 154.

pendent on loose, unstructured communication.⁴² A management model based on facilitating, rather than ruling, should be adopted for the management which establishes the facility risk management program and for the risk manager it wishes to appoint.

2. There can be no qualifications to the communication process at any level of the stadium or arena organization. The major factors to be considered in reducing risks are conditions of the facility environment, its participants and spectators, emergency procedures, and related information. The ability to deal with these risks is dependent on open and honest communication.⁴³

3. The hindrances posed by organizational structure or delegated responsibilities have to be overcome. Usually, this means effort, renewed effort, and then more effort to make risk management work. If a risk management program becomes the victim of organizational indifference due to the framework of the facility or is forgotten by management under the guise of a delegated duty to a risk manager or staff, it usually fails.

“Risk management is an on-going process. Not only must it be integrated into the very fiber of an organization, but also its effectiveness must be systematically evaluated and adjustments made as appropriate. Neither the implementation of the plan nor its effectiveness assessment just happen . . .”⁴⁴

42. HENRY MINTZBERG, *THE MANAGER'S JOB: FOLKLORE AND FACT* 163-176 (1990).

43. BETTY VAN DER SMISSEN, *supra* note 2, at vol. 2, ch. 24 at 45-58.

44. *Id.* at vol. 2, ch. 23 at 15.

