



THSADA Executive Director Report — Rusty Dowling



As I move into my 8th year of being the Executive Director of this outstanding Association, I continued to be amazed and impressed by the caliber and quality of Athletic Administrators we have in the great State of Texas. The work ethic, the ability to multi-task, the endless meetings and the overall responsibility for your respective athletic departments is beyond appreciated. I can relate to my own time as a Head Football Coach the many long hours, parent meetings, player meetings, practice and competitions that I experienced were very challenging. When I moved into athletic administration it was all of the above with no off-season, you wear a multitude of hats, you deal with all levels of central office staff and you attend meetings that you're not sure why you are attending these meetings!

THSADA entered the Fall of 2019 with a new structure and several new initiatives which have already benefitted the Association. We purchased a new software system that has allowed us much more efficiency in dealing with all the aspects of the THSADA, especially membership. This is a completely new system whereby your previous THSADA Member Number and Password no longer exist. This new system has allowed for a smoother membership registration and one where we can track and assist our members with their registration. We are currently on track to obtain over 1500 members.

The THSADA staff has also experienced some changes. Kathy Mathis retired this past spring and was replaced by Diane McKay who will handle all Association finances and Conference Registration. Ally Kinzy was hired to handle all THSADA membership responsibilities. Their contact information can be found on the web site. We also re-located the THSADA office to Webster, Texas (by Clear Lake, Texas). The office is a little smaller than what we had in Katy but there is greater flexibility in conference and meeting rooms.



THSADA also saw their first class of TAAC graduates of 60 individuals. During the course of the Fall, different individuals earned their TAAC as we went thru each month so that we awarded TAAC certificates throughout the Fall term.

Conference registration for both Attendees and Exhibitors will begin on Monday, November 11th, 2019.

The 2020 THSADA State Conference and Tradeshow dates were adjusted to April 5-8, 2020. This change was a result of the new STAAR testing dates. The general template of the Conference will stay the same. Conference registration for both Attendees and Exhibitors will begin on Monday, November 11th, 2019. We are expecting a turnout of 800 athletic administrators and well over 200 exhibitors. One significant change to the 2020 State Conference will be the inclusion of the PBK Sports-THSADA Hall of Honor Luncheon that will be held on Monday. By popular request we were asked to move it to the State Conference in order to increase our attendance. There will be a separate minimal charge to attend the luncheon for both attendees and ex-

The THSADA Board of Directors will hold their Mid-Winter Board meeting on Wednesday, December 4th and Thursday, December 5th at the Waco Hilton Hotel. This is a two-day event where the Officers, Region Directors, Committee Chairs and THSADA Staff come together to discuss the business of the THSADA.





hibitors. With the adjustment of the Awards Luncheon to the State Conference, the deadline date for nominating a Region Athletic Administrator of the Year has been moved to February 10th, 2020. Our keynote speaker for the 2020 State conference will be the TEA Commissioner-Mr. Mike Morath. We are very excited about Mr. Morath being a part of our Conference and he will bring a great message.

THSADA Committee Chairs

Publications

Bernie Mulvaney-Goose Creek IS

TAAC Committee

Jerry Littlejohn-Frisco ISD

Awards

Rodney Saveat-Beaumont ISD

Membership

Scott Moehlig-Alief ISD

Legislative

Vince Sebo-Tomball ISD

Athletic

Andre Walker-Houston ISD

Officials

Johnny Tusa-Waco ISD

NIAAA

Brenda Marshall-Corpus Christi ISD



THSADA President's Remarks

Rodney Chant

Well another school year is upon us and my hope is that it has been a smooth start to your school year. The THSADA has grown into the largest state athletic director association in the United States and you should be proud of the work that our Executive Director Rusty Dowling and Assistant Executive Director Bob DeJonge have put in. We are embarking on the 49th year of the association and it looks to again be a highly successful one. I am humbled to have the opportunity to serve as your President for the upcoming school year. Thank you to our past presidents, board members, regional directors, and committee members and the work you have put in to make this organization what it is today.

A big thank you to Shawn Pratt, who over the past year has served as President and has raised the bar for those of us following him. His work in the last year has been tireless and as a result you will see great things that he put in place to continue to bring our association to the forefront of athletic administration.

I want to thank our current officers, including Shawn Pratt as past president, David Kuykendall as president elect, and our new vice president Debbie Fuchs. My hope is that through the leadership of this group that the association will continue to grow the organization not only in members but in professional growth.

I have been fortunate to get out to a number of regional meetings this year. I want to say thank you to our regional directors in leading each of your areas of the state, you are on the frontline in representing our association. The Regional Directors include the following: Region 1 – Mike Meeks (Lubbock ISD), Region 2 – Phil Blue (Abilene ISD), Region 3 Philip O'Neal (Mansfield ISD), Region 4 - Maria

Kennedy (El Paso ISD), Region 5 – Ray Zepeda (Cy Fair ISD), Region 6 – Lynn Pool (Austin ISD), Region 7 – Paula Gonzalez (McAllen ISD), Region 8 – Melanie Hinson (Southwest ISD).

Last year our membership finished around the 1200 mark, and through our group membership we look to hit the 1500 mark and beyond. Thank you to our membership committee and the work you put in to put this in place.

Our TAAC certification has been a huge success. We have somewhere around 100 athletic directors who have completed their TAAC certification and know that many more will be completed soon. Thank you to our TAAC committee and the tireless work that you put in to develop this program so that our members can continue to grow as athletic administrators.

The first Fall Forum was a resounding success with over 170 members in attendance at the Dub Farris Athletic Complex. If you attended you heard speakers that were at the forefront of facilities, facilities design and safety and security. We look forward to the event again next year and hope that you can make plans to attend. A special thanks to Northside ISD, Stan Laing and his athletic staff for hosting the Fall Forum this year.

My hope is that the rest of your fall is a smooth and successful one. As I stated earlier I am honored to represent and serve the THSADA in the upcoming year. I look forward to seeing each of you at the state conference in April.



The Inaugural THSADA Fall Forum — Bob DeJonge

The Inaugural THSADA Fall Forum was a huge success with over 175 Athletic Administrators from around the state attending. The event was held at the Dub Farris Athletic Complex and Northside ISD on September 24th. A reception for attendees and sponsors was held the evening before and provided a great social time networking for everyone. Fall Forum was originally approved by the Board of Directors as an added THSADA event in order to provide an additional professional development opportunity for Athletic Administrators after the school year began and several weeks of Fall sports were underway. Topics of discussion specific to Fall Forum were TAAC classes 401 (Athletic Facility Design and Construction) taught by THSADA sponsor Marmon Mok, and TAAC 502 (Safety and Security Action Plans for Athletic Venues) taught by Dr. Justin Kurland with NCS4. The UIL opened the afternoon session with a very informative preview of Legislative Council items on the horizon. Our day concluded with a tour of the Northside ISD State of the Art Facilities including the Dub Farris Arena, Football stadium as well as the Olympic caliber indoor and outdoor Natatoriums!

As a result of the turnout for this event, plans are already underway for next year's Fall Forum. THSADA would also like to thank all of the Fall Forum sponsors who continually support the extra-curricular programs in the State of Texas: Marmon Mok, Daktronics, Brock ISD, Musco, Waterboy and Hellas Construction. THSADA appreciates their contributions to all Athletic Administrators and programs in Texas. On a special note – Our heartfelt thanks go Stan Laing and his team at Northside ISD. They were truly the all-stars of the event!

Testimonials!!

"What a great opportunity to be involved with the THSADA. Fall Forum is a wonderful networking environment with all the Athletic Administrators throughout the state. Brock definitely will be back!"

Amy Champion-Brock USA

"The THSADA Fall Forum was well attended, informative and gave ADs across the state a chance to network with one another during a time of year they normally wouldn't be able to. It is always enlightening to hear the UIL give the membership up-to-date, pertinent information. Topping the forum off with a tour of Northside ISD's athletic facilities was a perfect ending to a great two days".

David Kuykendall-Director of Athletics-Frisco ISD

"The Fall Forum was amazing. Just getting to see the Northside ISD facility was worth the trip. The safety training was great and had a lot of useful information that was relevant to all of us. This time of year is crazy for all of us and getting to network/visit with everyone is always such an encouragement for the long semester. Thank you for having this forum and look forward to next year".

Maria Kennedy-Director of Athletics-El Paso ISD

"I really enjoyed the first "Fall Forum" put on by THSADA and Northside ISD, especially the great line-up of speakers and the opportunity to network with other athletic directors"

Debbie Decker-Director of Athletics-Katy ISD

THSADA Membership Update

Membership renewal season is in full swing. As of 10-18-19 we already have 711 Retired, Active and Associate AD's that have renewed their memberships with the new software! That puts us way ahead of last year's pace. I do have a few important reminders for those of you who have not start the process yet.

Since we have a new software platform – that means that everyone is starting from scratch. That means new PW, new member number and creating your personal profile.

New this year we are offering group membership as well as individual. Only the district AD can initiate group membership. This is done by entering names and e-mails for those that will be in the "group". From there each individual will receive an e-mail inviting them to complete their membership profile. Membership cost varies from \$55 all the way down to \$40 depending on the number of memberships in your group.

Payment options – members can choose to pay on-line or choose to be invoiced late if paying by check.

Regional Membership Competition - Beginning November 11 and ending January 14. The region that has the highest % membership growth during that time period will win 5 State Conference registrations!! That is a \$500 value for the winning region!!

Link to membership: <https://thsada.memberclicks.net/membership-registration>

Membership benefits: <https://www.thsada.com/about/membership-benefits/>



Sports Facility Operators Fundamental Duty

Sports facility operators have one fundamental duty: to provide a safe environment for athletes who participate in events and the spectators who attend them. While it is important to note that property owners are not the guarantors or insurers of their invitees' safety once they come onto their premises, facility owners are liable for those dangers that are known or that should have been discovered through reasonable inspections. In fact, failure to protect people from known risks is the number-one reason sports and recreation facilities end up in court. A couple of cases that illustrate these points are *Patrick Pearson v. Philadelphia Eagles LLC*, Case ID# 160800243 and *Townsley et al., v. Cincinnati Gardens, Inc.*, 39 Ohio App. 2d 5 (1974).

Hostile territory

On Dec. 14, 2014, Patrick Pearson attended a football game between the Philadelphia Eagles and the Dallas Cowboys at Lincoln Financial Field (the Link) in Philadelphia. Although Eagles fans have a reputation for bad behavior, especially toward fans of rival teams, Pearson ignored that fact and attended the game wearing a Cowboys jersey. During the game, Eagles fans continuously jeered Pearson. When Pearson went to the restroom, things worsened. While in the restroom, Pearson was attacked by a group of unruly Eagles fans and suffered a fractured ankle that required two surgeries.

Pearson sued the Philadelphia Eagles LLC, the owner of the Eagles' stadium (Eagles Stadium Operators LLC), and Apex, the security agency handling public safety at the game in question. In his lawsuit, Pearson alleged that the Eagles and the other defendants were negligent in failing to provide a safe environment to watch

the game and for failing to properly ensure the safety of attendees. In particular, Pearson argued that as an invitee to the Link, the property owner (the Eagles) or facility operator (Eagles Stadium Operators LLC) through their agents (Apex) has a duty to protect him from unreasonable risks. This includes making sure that the premises are free of any known defects or dangers (such as those associated with unruly fans), as well as any dangers that should have been discovered.

The Eagles and the other defendants argued that they did not breach their duty of care to Pearson because they did everything possible to protect him and keep him safe. In particular, they pointed out that the stadium had plenty of security on the day of the attack and that Apex had even deployed undercover operatives wearing Cowboys jerseys throughout the stadium in an attempt to identify Eagles fans who might harass Cowboys fans.

At trial, a jury found that the Eagles and the other defendants were negligent in their duty and responsible for Pearson's injuries. In particular, the jury found that Apex should have been better prepared for the potential danger. In support of this finding, Philadelphia Court of Common Pleas Judge Teresa Sarmina held that it is foreseeable that, at a sporting event where fans are drinking and engaging in enthusiastic banter and cheering for their teams, tensions may run high. In fact, the court noted that Apex actually anticipated such behavior and deployed undercover operatives wearing Cowboys jerseys to identify Eagles fans who were harassing fans of the opposing team.

As a result, the court deemed it foreseeable that altercations could take place in the bathroom, a possibility that Apex and the Eagles were aware of. Therefore, the court found it rea-

sonable for the jury to conclude that, because the Eagles and Apex failed to provide a safe environment to Pearson, and because he was attacked in one of the blind spots to the security provided, his injuries were proximately caused by their negligence.

In March of this year, a jury awarded Pearson \$700,000 in damages.

Anticipating trouble

In addition to Judge Sarmina's reasoning, the court's decision finds support in a long history of facility cases. In fact, 45 years ago, the Court of Appeals of Ohio, Hamilton County, faced a very similar case.

Much like the Pearson case, Harry Townsley went to the Cincinnati Gardens in Cincinnati to view a sporting event. However, unlike Pearson, who was attending an NFL game between divisional rivals, Townsley was assaulted at a Harlem Globetrotters basketball game. Townsley, like Pearson, was assaulted in a restroom. However, in Townsley's case it was by a group of boys seeking money from him, and not because he was cheering for the wrong team. As a result of the beating, Townsley suffered lacerations to the face and lips as well as the loss of two of his front teeth.

Townsley, a minor, and his father sued the Cincinnati Gardens for negligence. The trial court, like Judge Sarmina in the Pearson case, found for Townsley and held that the Cincinnati Gardens either knew — or, in the exercise of ordinary care, should have known — of the danger that victimized Townsley. In particular, the trial court noted that the security detail for the game was made up of only five police officers. The game was attended by 5,000 people. Since two of the police officers were stationed on the main lev-

Continued on page 5



Continued from page 4

el, there were really only three people supervising the level housing the isolated, dimly lit public restroom where Townsley was assaulted.

On appeal, however, the Ohio Appellate Court held that in order to be negligent, the facility must have had some prior knowledge or experience of the type of occurrence that occasioned Townsley's injuries, or that the facility owners should reasonably have known of or anticipated the type of danger or acts of third persons that resulted in the injuries sustained by the plaintiff.

In ruling for the facility, the appellate court held that the type of event, which would determine the probability of any trouble as well as the anticipated attendance, must be taken into consideration when considering the type of precautions and number of police officers needed for spectator protection.

Since the Globetrotters represent a family show, as opposed to a concert or boxing match where one could anticipate a greater possibility of trouble, the determination that five police officers represented ample protection for the evening seemed reasonable. Therefore, the court concluded that there was no evidence to show that the facility, because of prior activities upon the premises during any given performance, could have anticipated the act of the assailants. The law does not exact upon a business proprietor a degree of duty to anticipate that which could occur upon his premises to the distress or damage of his invitees beyond that which could reasonably be foreseen.

It is true at this point in time that such an incident has taken place in the Cincinnati Gardens, and the proprietor has now become aware of the potential of such an incident. Therefore, it may be necessary to add extra

security personnel or to have them make periodic visits to restrooms to protect the facility's invitees.

Reasonable care

While most venues are not as large as the 69,000-seat Lincoln Financial Field or the 10,000-seat Cincinnati Gardens, sports and recreation facility operators and event organizers can still learn valuable lessons from the two cases.

First, as the Townsley case illustrates, it is important to remember that property owners and businesses may not be liable for every injury that happens on their premises. Second, while facility operators may be not liable for every injury that happens on their premises, the Pearson case stresses that they are liable for protecting guests/invitees from those dangers that are foreseeable. In other words, before a facility can be negligent it must have some prior knowledge of the danger or should have had prior knowledge of the danger had reasonable care been exercised in inspecting the facility.

If the facility owner has no knowledge of the dangers and could not have discovered them in the exercise of ordinary care, the facility is not liable for any injuries.

John T. Wolohan
J.D.
Professor

Attorney John Wolohan is a professor of Sports Law in the David B. Falk College of Sport and Human Dynamics at Syracuse University.

Professor Wolohan, who is a member of the Massachusetts Bar Association, received his B.A. from the University of Massachusetts – Amherst, and his J.D. from Western New England University, School of Law.

Legal Brief



Vega v. North Canton City School District In Ohio State Trial Court October 2017

Facts: In October 2017, a Hoover High School (Ohio) football player received a two-day, in-school suspension and was dismissed from the team for the remainder of the season pursuant after a coach saw an e-cigarette (vape pen) fall from his pocket. The chemical-abuse policy, included in the student handbook's section for sports and extracurricular activities, imposed as punishment for violations immediate removal from a team or activity for the remainder of the season and explicitly included in its definition of prohibited substances "tobacco" and "tobacco-related products," including electronic cigarettes and vape pens. The player's father exhausted all of his administrative appeals and then filed a lawsuit, arguing that his son had been denied due process and equal protection, because in previous school years, students caught using tobacco products had been sanctioned under a separate misconduct policy imposing a punishment of suspension for only 10 percent of a sports or activity season. However, prior to the 2017-18 school year, the school had notified all students and parents, including football players and their parents, that going forward, punishment for tobacco-related violations would be handled under the chemical-abuse policy, resulting in full-season suspensions.

Issue: Were the due process rights and equal protection rights of the foot-

Continued on page 6



ball player violated by the change in the handling by the district of tobacco, e-cigarette, and vape pen violations to the chemical-abuse policy?

Ruling: No. After holding a hearing at which the player's attorney and school district counsel presented their arguments, Stark County Ohio Common Pleas Judge John G. Haas found in favor of the district, holding the student involvement in sports or other extracurricular activities is considered a privilege, not a constitutional right, and that the player-in-question had been adequately protected legally by the pre-school-year notification to students and parents that tobacco, e-cigarette, and vape pen offenses would henceforth be handled under the chemical-abuse policy.

Standard of Practice: The case illustrates the longstanding principle that participation in school sports and extracurricular activities is a privilege, not a constitutional right, and that sanctions imposed for policy violations will not be overturned by a court if the policy had been adequately communicated in advance to those affected.

This article, written by attorney Lee Green, was originally published in the January 2019 edition of High School Today magazine and reprinted with permission by the NFHS.

Clear Bag Policies – Things to Consider

Grace McDowell
Assistant Athletic Director, Frisco, ISD

Clear bag policies have long been in place at professional sport stadiums and are utilized in an increasing number of college venues every year. Recent tragic events in Texas as well as other areas around the United States have created a heightened awareness of possible threats, which has led some school districts in the state to make changes to procedures at stadiums and other athletic facilities. Shawn Pratt, McKinney ISD Athletic Director, stated that his district chose to implement a clear bag policy for this school year for varsity football due to the “major incidents we have witnessed around the nation, as well as the increase in the number of minor incidents such as alcohol or other prohibited items being brought into stadiums.”

This football season from August 24th to September 20th there were six shootings that occurred at or near high school or youth football games across the country. This number includes the shooting that occurred on Friday, August 30th in a stadium following a high school football game in Mobile, Alabama where ten students were injured. These acts of violence sparked discussion between athletic directors regarding the implementation of bag policies at stadiums and other athletic venues. Athletic directors from 26 school districts in North Texas responded to a survey distributed via THSADA Region 3 membership concerning stadium bag policies. Over half (14) of the athletic directors indicated that their district has implemented a bag policy for at least varsity football, with seven of these districts having implemented a bag policy for additional venues or events. It was found that 7 other school districts are in the planning stage of implementation, while the remaining 5 districts stated that they currently have no plans to implement a policy in the foreseeable future.

No one will argue that student safety should be a top priority for public schools, but change can be difficult, especially when it results in the inconveniencing of

community members. Athletic directors must determine the best course of action depending on their specific community. Prosper ISD Athletic Director, Valerie Little, stated “we initiated our policy last year at our old stadium to get fans and community members accustomed to the process prior to opening our new stadium.”

The addition of a clear bag policy comes with a price as well. The increase in staff needed to monitor and search bags at stadium gates impacts event expenses. The districts surveyed who have active bag policies manage the process in different ways depending on the level of bag restrictions, with some using an outside security service, some using district security or police, and a few utilizing school district staff members. Costs vary depending on how the district chooses to implement the policy. Every school district and athletic director would agree that cost is not a factor when it comes to ensuring safety, however, planning for the added expense is critical.

Athletic directors in districts who have recently put bag policies into practice indicated that advanced planning is the biggest piece of advice they would give other districts considering the addition of a bag policy. Planning includes managing more details than just the added expense. For example, the inconvenience for spectators during the transition can be minimized the first few events by providing free clear disposable bags at the gates. Other considerations include training for staff, signage at the venue, and communication with the community, fans, and opposing teams. The decision to implement a bag policy is not one to be taken lightly and requires thoughtful consideration and planning by the district's athletic director and great collaboration with the district's administration for the transition to be as successful and painless as possible.



The Mighty Mustang and His Heroics!

Sandra Mader, CMAA

Director of Athletic Services, Aldine Independent School District

Aldine High School junior tight end Jayden Payne went to high school for a normal day of high school academics and football practice. Little did he know that this particular day would be the most memorable day for the rest of his life, along with two others he would soon meet on September 19, 2019.

Jayden, along with his mother, was on his way home when he noticed a troubled mother and her young daughter fighting for their lives in the floodwaters. Without any hesitation, Jayden quickly exited the vehicle and bravely jumped into the raging water to bring Vinitta Williams and her daughter, Ava to safety.

Aldine High School Head Football Coach, Carl Semler said, "Here at Aldine High School, we emphasize the 'servant's heart' and putting others before ourselves. Jayden's actions on September 19 clearly showed his determination to do the right thing, even when personal safety is at risk. In saving Vinitta Williams and Ava, Jayden had a win that was infinitely bigger than anything a scoreboard could ever display, and we are extremely proud of his actions that day."

Jayden has received a huge amount of recognition throughout the past month. Houston Texans quarterback Deshaun Watson had Jayden as his guest of honor at the Carolina Panthers Game on September 29. He threw out the first pitch at a Sugar Land Baseball Skeeters minor league baseball game. Also, Fox News anchor Shepard Smith interviewed Jayden, and Ellen DeGeneres asked him to appear on her show. The ESPN camera crew came to Aldine High School to visit the campus. In addition, the ESPN story on Jayden will air on NFL Countdown. Coach



Semler said Jayden has handled all of the media attention with dignity as he is a very humble young man. Coach said his mother has done a wonderful job raising Jayden, and he is a terrific young man."

"When I saw the SUV go into the ditch, my first thought was 'I have to help them,' because I have been taught by my mom and my coaches that our purpose on earth is to help each other, and take care of those who need help. All the attention was overwhelming, but in the end, I'm just happy everyone was ok. We live in a world now where people want to film tragedies instead of try and help, and at my school, we are taught when it comes to fight or flight or film, be a fighter, so that's what I did." Coach Semler responded, "Very mature words from a 16 year-old!"

Dre' Thompson, Aldine Independent School District Executive Athletic Director said, "When we heard about Jayden and his heroic efforts, we were very proud of him in saving the mother and her child on a day

where the water was treacherous. He could have been selfish but had it in himself to save someone else's life. Because of his actions, he is a true hero!"

Jayden Payne would consider himself just a normal student living a normal life. Here at Aldine Independent School District, we see him as someone very special that showed true grit, true determination and true selflessness in the face of danger on the playing field we call "Life".

