Is Parkour a Problem?  
College and University Liability for Extreme Sport Activities

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Parkour, an extreme recreational activity in which one overcomes obstacles in the most quick, efficient, and flowing way, encompasses running, jumping, vaulting, and climbing. The activity is gaining popularity on college campuses. The purposes of this study were to survey campus recreation administrators’ views and policies on parkour and explore the potential legal liability higher education institutions face with the rise in participation in this potentially dangerous activity. The results showed little sanctioned parkour activity on college campuses and that recreation administrators do not appear to be worried. The legal analysis indicated that currently colleges and universities would not likely face legal liability for students who are injured while participating. However, prudent college recreational professionals must remain aware of new activities on campus and may want to take additional steps to insulate themselves from risks of legal liability.

Keywords: higher education, institutional liability, legal risk, university recreation

Like the activity itself, the origins of the word parkour can be mysterious. Some sources state that parkour derives from the French word “parcours” meaning route or journey (Ortuzar, 2009). Others claim parkour modifies the French phrase “parcours du combattant” which translates roughly to “military obstacle course” (“Extended,” n.d., para. 2). Parkour followers also call it “l’art du deplacement” (the art of displacement).

David Belle first developed parkour in France in the late 1980s (Bane, 2008). Practitioners of parkour, who call themselves traceurs, aim to overcome obstacles quickly and efficiently using the human body (Bezanson & Finkelman, 2010). The American Parkour website defines parkour as “the art of movement in which one overcomes the obstacles in his/her surroundings in the most quick, efficient and flowing way. It encompasses running, jumping, vaulting, and climbing to overcome those obstacles” and notes that the discipline “requires one to develop and utilize strength, balance, agility and fluidity, and apply them with prudence, awareness, control, and cool-headedness” (“Extended,” n.d., para. 1). Parkour is frequently described as an extreme sport, since they place participants at risk for grave injury. However,

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those who practice the discipline are more likely to characterize the activity as a methodology, a way of life, or a meditative pursuit (Bezanson & Finkelman, 2010).

Using a traditional definition, parkour would not qualify as a sport, as it has no rigid set of rules, no points, no teams, no formal hierarchy, and little competitiveness (Ser, 2008). Parkour crews, primarily in urban areas, come together and participate in what they call “jams” or “sessions,” which consist of different drills or games like “Follow the Leader,” where each traceur does the same move as the one before (Sparling, 2007). Parkour is not organized by an international governing body as are many other sports. However, Great Britain officially sanctioned the activity in 2009 (McLaren, 2011).

Parkour, buoyed by its use in popular movies and television commercials and by dramatic videos on YouTube, is more prevalent in France and Great Britain than in the United States. However, parkour is catching on in large American cities such as Chicago, New York, Washington, and Phoenix (Bane, 2008) and on college campuses (Mai, 2008). Parkour has also spread to urban centers around the globe (Ortuzar, 2009). It remains difficult to discern exact numbers of people participating in parkour, but the activity steadily gains recognition. A July 2013 YouTube search for “parkour” returned over 5,350,000 videos, up from 297,000 in July 2011 and 89,500 in 2008. A Google web search of the term “parkour” returns over 33 million results up from only a little over one million in 2008.

As parkour’s popularity increases, the activity’s organization improves. Gyms and youth programs offer parkour classes, and parkour “teams” offer training, modeling, and work in television, movies, and commercials (McLaren, 2011). Product manufacturers develop and sell parkour products, and athletic company Adidas has sponsored professional traceurs (“History,” n.d.; Law, 2005).

Previous research on parkour centered on the activity’s relationship to place, its French cultural origins, its dance-like aesthetics and its injury rate (Guss, 2011; Fuggle, 2008; McLean, Houshian & Pike, 2006). Legal research on parkour focuses on the activity as art form and its interaction with criminal and copyright law (Bezanson & Finkelman, 2010). This article aims to survey the landscape of parkour on American college and university campuses. The article reports results from a study of campus recreation administrators’ views and policies on parkour. The article also explores the potential legal liability higher education institutions face with the rise in participation in parkour on campus.

**Methodology**

This study surveyed campus recreation administrators at National Collegiate Athletic Association (NCAA) Division I schools for whose contact information could be found online on the schools’ websites in 2011. The study author sent an e-mail to the 330 campus recreation administrators that contained a link to an online survey. An administrator who wished to participate in the survey could click the link and be redirected to the survey, hosted by online survey service Survey Monkey. The purpose of the survey was to measure campus recreation administrators’ familiarity with, attitudes about, and campus policies regarding parkour. The survey received 129 responses, which is a response rate of 39%. Schools in 39 states responded to the survey. The author also collected anecdotal evidence of parkour activity.
on American college and university campuses through online research, including conducting Google and Facebook searches utilizing search terms “university,” “college,” “parkour,” “club,” and combinations thereof.

Survey Results

Of the 129 respondents, a majority (61%) had heard of parkour. However, while campus recreation administrators appear familiar with parkour, very few institutions sanction it as a recreational opportunity. Only 5% \((n = 8)\) responded that the campus where they work officially sanctions parkour. Of the few institutions that did sanction parkour, three operated the activity as a nonsport student club or student activity, one ran it as an intramural sport, one allowed it as a student run activity on campus recreational facilities, and three other programs responded that they sanctioned it in “other” ways. The schools that did sanction parkour are not geographically similar. Institutions that sanction parkour can be found in Montana, Utah, Arizona, Arkansas, Louisiana, Iowa, and Ohio. Of the schools that sanction parkour, only two provided any school funding for the activity.

The schools that sanction parkour all attempted to minimize legal risk to the institution. Four of the institutions used the students’ personal insurance to transfer the risk, three used waivers, two used institutional insurance, two provided coaching and instruction, and one school offered supervision of the activity.

Of the respondents at schools that did not sanction parkour as a recreational activity, 15% stated that they were aware of parkour activities occurring on their campus. An additional 20% responded that parkour was not happening on their campus, but 65% answered that they did not know whether parkour was occurring.

Of all the respondents, less than 2% indicated that a student had been injured on campus while participating in parkour. Nineteen percent of respondents stated that there had not been injuries to students while participating in parkour on their campus. Eighty percent did not know if students had suffered injuries while participating in parkour on campus. No respondents answered affirmatively when asked if a student had filed a lawsuit against the school for an injury incurred while participating in parkour on campus. Forty percent indicated that there had been no such lawsuits filed, and 60% did not know if a lawsuit had been filed.

When asked the level at which they were concerned about the safety of students participating in parkour on their campus, only 36% of respondents said they were somewhat or very concerned. Five percent were not at all concerned, and an additional 12% were not very concerned. When asked about their concern regarding the possibility of lawsuits arising from student injuries caused during participation in parkour on campus, the numbers were similar. Only 32% of respondents said they were somewhat or very concerned. Four percent were not at all concerned, and an additional 17% were not very concerned. The results do change slightly for schools that are currently sanctioning parkour as a recreational activity. Of those schools, a higher percentage was somewhat or very concerned about student safety (43%) and the potential for lawsuits (57%).

Opinions on the future of parkour as a campus recreation activity differ. One respondent explained, “We don’t have a parkour group because students haven’t approached us yet to start one. If they did, we would sit down with them to discuss
the risk and liability situation, and would probably award them status if they met our pre-requisites . . . [including] supervised off-campus venue, medical responders available, safety gear required . . . and, of course, waivers [are] also required.” Less enthusiastic about the possibility, another respondent said, “Parkour or Free Running activities have never been addressed in our Student Affairs Directors Meetings nor have I seen this type of activity on campus or in the [local] community. Our department would not sanction such an activity.”

Anecdotally, the author found online and social media evidence of at least 28 parkour groups on college or university campuses. Parkour groups exist in 19 different states, the most prevalent in Virginia (with five) and two each in California, Colorado, Indiana, Massachusetts, and Maryland. Of these 28 groups, only three were sanctioned by their school. Twenty-one of these groups were found at NCAA Division I schools, one at Division II, four at Division III, one at a NAIA school, and one at a NJCAA institution. These results indicate that the campus recreation administrators are not aware of groups on their campuses, since the author found online evidence of 21 Division I groups, but the survey only revealed eight.

**Legal Analysis**

**A. Case Law**

As of July 2013, a search of the LexisNexis Academic legal database of state and federal cases for key word “parkour” returned zero results, indicating no published appellate court decisions included parkour. However, these results do not address the existence of cases that settled or decisions that were not appealed.

**B. Potential Legal Issues**

1. **Negligence.** If a student traceur attempted to hold a college or university liable for an injury he incurred while participating in parkour on campus, the plaintiff would likely sue the institution for negligence. *Black’s Law Dictionary* (as cited by Cotten, 2010) defines negligence as “conduct which falls below the standard established by law for the protection of others against unreasonable risk of harm” (p. 40). A plaintiff may recover damages for injuries resulting from a defendant’s negligence only when he proves each of the following: “(1) a duty or obligation, recognized by law, created by a special relationship between the plaintiff and defendant, requiring the actor to protect the plaintiff from unreasonable risk of harm; (2) a failure to conform to the standard of behavior required to protect the plaintiff from unreasonable risk of harm; (3) a causal connection between the conduct and the resulting injury; and (4) actual loss or damage to person or property” (Cotten, 2010, p. 40; Johnson & Easter, 2007, p. 266).

a. **Duty.** For a student traceur to successfully win damages from an educational institution for injuries occurring during participation in parkour on campus, the student must first prove that the institution had a legally recognized duty to protect the student from that injury. The amount of protection an institution of higher learning owes its students has changed over time, and courts still disagree (Lawrence, Kaburakis, & Merckx, 2008).
Lake (1999) notes that before the 1960s, the doctrine of *in loco parentis* and various tort immunities largely insulated institutions of higher education from legal interference. Dall (2003) explains that under the doctrine of *in loco parentis*, the college stood in place of the parent and thus had the same authority over its students that a parent had over a child. This doctrine allowed institutions to govern a wide array of student-conduct issues (White, 2005; Lawrence, Kaburakis & Merckx, 2008). Though *in loco parentis* entrusted a college with extensive powers and responsibilities, it was originally a source of legal immunity, not legal duty (White, 2005).

The *in loco parentis* doctrine fell out of favor through the 1960s and 1970s due to societal shifts in the civil rights era that included changing attitudes about the college-student relationship (Peters, 2007). Through the mid 1980s, courts attempted to fill the void left by the end of *in loco parentis*, but failed to define a consistent judicial approach. Most courts refused to saddle colleges with the legal duty to protect their students, allowing them to avoid liability for student injuries. Many courts decided that because the students liberated themselves from *in loco parentis*, they should be treated as fully functioning adults. Peters (2007) explains this “no duty” standard became the new de facto college immunity.

In the landmark case *Bradshaw v. Rowlings* (1979), the court supported the “no duty” standard with an extensive policy-based rationale that persists today. Bradshaw and its progeny used college students’ newfound freedoms against them, emphasizing that without the authority of *in loco parentis*, colleges had neither the ability nor the duty to control or protect students. Moreover, the *Bradshaw* court noted that the “modern American college is not an insurer of the safety of its students” (*Bradshaw v. Rowlings*, 1979, p. 138; Peters, 2007, p. 467; White, 2005, p. 194).

At the zenith of the use of this “no duty” rule, White (2005) opines that “colleges seemed bulletproof; courts began to realize that colleges had had it too good for too long” (p. 195). So, beginning in the 1980s, increasing on-campus crime led courts to begin to recognize a duty to protect students based on a premises liability theory. The legal trend of giving colleges increased responsibility for safeguarding their students from injury continued through the 1990s due to the rise in fraternity-related deaths involving alcohol and hazing and media attention on sexual assault on college campuses. Currently, the boundaries of a college’s duty to protect its students remain unclear. While courts do not force colleges to ensure students’ safety, they have increasingly recognized a college’s duty to provide a safe learning environment both on and off campus. Courts continue to hold that the college-student relationship does not automatically impose a duty to protect, but they often rely on other facets of the relationship to justify imposing a heightened duty.

### i. Special Relationship Generally.

Since most courts have refused to view the standard university-student relationship as one giving rise to a duty of care on behalf of universities (Hefferan, 2002), in order for a traceur to recover damages for injuries suffered while participating in parkour on campus, he must prove that there is something additional in his relationship with the institution that makes it “special,” justifying the imposition of a heightened duty.
ii. Special Relationship for Student-Athletes. While courts have generally recognized only a limited duty of care owed by universities to private students, there is growing support for the recognition of a heightened duty of care with respect to student-athletes. As collegiate athletics have grown in scope, popularity, and importance, courts have begun to treat the relationship between a college and one of its athletes as distinguishable from the relationship between a college and one of its nonathlete students. Courts many times view the relationship between a college and one of its athletes as “special,” and thus subject to a different legal standard (White, 2005). In many cases involving student-athletes, courts based their finding of a duty on whether a college actively recruited a student to play a certain sport and whether the injury took place at a regularly scheduled event (White, 2005). In other cases, the finding of a special relationship hinged upon the existence of mutual dependency between the student-athlete and the institution and the amount of control the institution exerted on the student-athlete (Hefferan, 2002). Some cases examine how the activity is funded, the presence of supervisory university employees, and if the student-athletes were on athletic scholarships to determine if the relationship is “special” enough to merit college liability for injuries (Denner, 2004; Kleinecht v. Gettysburg College, 1993; Swanson v. Wabash, 1987).

More courts are replacing simple principles, like the “no duty” standard found in Bradshaw, with multifaceted tests. The Davidson (2001) case provided a three-prong test to determine if there was a special relationship between the state university and the plaintiff, a junior varsity cheerleader. The Davidson test uses three factors to determine the scope of the duty, including (1) whether the team is school sponsored and involved in intercollegiate competition, (2) whether there is a relationship of mutual dependence between the athlete and the university, and (3) whether the school “exerted a high degree of control over the athlete.” (Davidson v. Univ. of N.C. at Chapel Hill, 2001; White, 2005) White (2005) illustrates that this more flexible test marked a shift away from Bradshaw and blurred the once bright line between NCAA sanctioned athletics and other forms of athletic activity.

Under the Davidson test, courts must investigate the degree of mutual dependence between the student and the institution. Scholarship student-athletes clearly depend upon the university for certain benefits, including an educational opportunity, tuition, room and board, books, and the mental and physical training necessary to compete. The university depends upon its high profile student-athletes to attain a variety of economic and noneconomic benefits, including enhancing school spirit, marketing the university to prospective applicants, bringing national media exposure to the college, and facilitating the recruitment of other athletes (Hefferan, 2002).

To meet the Davidson test, institutions must exert a high degree of control over their students to establish a special relationship between the parties. Institutions—through the implementation of NCAA rules, athletic department policies, and coaches’ regulations—subject varsity student-athletes to a great degree of control, including control over the students’ major and course selection, time management, and social lives (Hefferan, 2002).

iii. Special Relationship for Other Students. Though courts appear willing to impose a heightened duty of care on colleges and universities for the safety of their varsity student athletes, the duty to students involved in other athletic and recreational activities is less clear. Participation in club sports, intramural sports,
and informal recreation—including parkour on campus—may or may not rise to the level of a “special” relationship between the student and the school. So far, courts have not held institutions liable for injuries occurring in club sports (Fields & Young, 2010; Gilbert v. Seton Hall University, 2003; Kyriazis v. Univ. of West Virginia, 1994), and only a very few courts have held institutions liable for injuries occurring during intramural sports (Breheny v. Catholic University of America, 1989; Fields & Young, 2010; Henig v. Hofstra University, 1990; Nganga v. College of Wooster, 1989; Ochoa v. California State University, Sacramento, 1999; Scaduto v. New York, 1982).

The Davidson test appears to provide a potential avenue toward college liability for injuries to nonvarsity athletes and students participating in other recreational activities since there is a sliding scale to determine whether the three Davidson factors are satisfied along a wide spectrum of possible college involvement in sports and recreation (White, 2005). School sponsorship of an activity could range from allowing participants to use college facilities or delegating funds for equipment or promotion. Any such “sponsorship” may create substantial mutual dependence within the relationship even if it does not rise to the level of NCAA athletes and their schools. Institutional control of recreational activities, including regulations regarding and supervision of the activities, may also meet the Davidson test.

van der Smissen (2007) provided that a duty does exist for campus recreation to keep participants safe because of the relationship inherent in the situation. She opined that the provision of campus recreation programs and services to students creates the “special” relationship that gives rise to the obligation to protect participants from unreasonable risk of harm. Fields and Young (2010) agree that van der Smissen’s interpretation of duty seems logical and follows the spirit of duty, but from their study of campus recreation cases, they determined that courts have not firmly settled on this interpretation and still come to different results.

Katz and Seifried (2012) warn that the campus recreation industry needs to prepare for an upcoming shift in courts’ interpretations. Recent research supports that university recreation parallels intercollegiate athletics in terms of both its ability to recruit students and provide direct benefits to the university as a whole. As campus recreation continues to expand its role on campuses, courts may see the relationship between an institution and its recreational participations as increasingly mutually beneficial, making it more similar to the relationship an institution has to its varsity athletes. This special relationship may give rise to a heightened duty of care and create increased potential for legal liability.

b. Voluntary Undertaking. Another potential avenue for a student traceur participating in parkour on campus to hold a school liable for his injury is based upon the theory of a voluntary undertaking, which is distinct from the existence of a special relationship. One who offers services to another that if not accomplished with due care might increase the risk of harm to others or might result in harm to others due to their reliance upon the undertaking confers a duty of reasonable care (Hefferan, 2002; 57A Am. Jur. 2d Negligence § 193, 2011). Courts have applied this doctrine in cases involving universities and students finding that the institution’s policies and employee actions constituted a voluntary undertaking to provide for the plaintiff’s safety (Hefferan, 2002; e.g., Davidson v. Univ. of N.C. at Chapel Hill, 2001; Furek v. University of Delaware, 1991).
c. Premises Liability. An additional avenue for a student traceur to hold a university liable for his injuries suffered while participating in parkour on campus may be based on a different type of negligence theory. In the 1980s, rising on-campus crime led courts to begin to recognize a duty to protect students based on a premises liability theory (White, 2005). Courts have imposed liability on colleges and universities for student injuries by rooting the college’s duty in its ordinary duty as a landowner, obligating them to keep their campuses reasonably safe for persons deemed “invitees” (Peters, 2007; 62 Am Jur 2d Premises Liability § 68, 2011). Students are considered invitees (431 Am Jur 2d Schools § 489, 2011). However, the duty of a university to its students premised upon the landowner-invitee relationship is very limited since the duty has only been recognized for injuries sustained on campus and the injury must have been reasonably foreseeable (Hefferan, 2002).

2. Elements of a Negligence Claim Applied. To hold a college or university liable for the injuries suffered while participating in parkour on campus, a traceur must prove all four elements of negligence. The traceur must prove that an educational institution has a duty to protect him from unreasonable risk of harm. This may be difficult, as courts generally do not hold that schools have that duty to college students absent some additional relationship. Courts are more likely to hold that schools do have that heightened duty to an intercollegiate student-athlete, so a traceur would have to convince a court that the relationship between themselves and the school is more like the relationship between the school and an intercollegiate student-athlete and less like the relationship between the school and its other students.

This proof hinges on how the institution organizes parkour as a recreational opportunity on campus. The more the organization of parkour looks like a sport, the more likely a school would have a heightened duty to participants. Currently, American colleges and universities do not approach parkour similarly to intercollegiate sports. The survey found that most institutions do not sanction parkour at all, and of those that do; the majority do not treat it like a sport.

Therefore, it is unlikely that a traceur participating in parkour on campus would pass the Davidson test to impose a heightened duty on the school. Traceurs are not given athletic scholarships, the NCAA does not govern parkour, there are few parkour contests, and schools do not control traceurs’ academic lives. Since parkour devotees generally eschew competition, it is unlikely that any parkour would meet the first prong of the test that requires intercollegiate competition. The traceur may argue that he does depend on the school to provide the space on which he participates in his activity, but the school would respond that the institution receives no benefit from the traceur, since unlike intercollegiate sports, parkour does not bring in revenue, help recruit new students, nor get media coverage that may result in noneconomic benefits to the school. If the school does not get a benefit, the traceur would not meet the mutual dependence prong of the test. If the school regulates the activity—for example, by subjecting traceurs to safety rules—the traceur may argue that the school controls them. However, a school would distinguish simple safety rules from the high degree of control they exert over intercollegiate athletes.

The traceur could attempt to prove that the institution had a duty to keep him safe from unreasonable harm under the voluntary undertaking theory. If a school attempted to inform traceurs about the risks of participating, provided supervision, promised safe space for participation, or created safety rules for the activity, then
the traceur may argue that the school undertook to keep them safe, and then failed to meet that duty. Again, the duty imposed will turn on how the activity is organized and the actions of the school with regard to the activity. Since the survey found that very few American schools address parkour at all, the vast majority of schools are not undertaking to keep traceurs safe.

If the injury resulted from a defect in the campus environment—for example, a lack of maintenance on buildings or structures on which traceurs participate or weather-related increased dangers like ice or snow—then a traceur may make a premises liability claim. The traceur would have to prove that the defect in the premises breached the school’s duty to keep the campus environment reasonably safe and that the school could reasonably foresee that the traceurs would be using the premises when the injury occurred. Since many of the institutions surveyed did not appear to be aware of parkour activity on campus, the school may respond that an injury on campus in that manner was not foreseeable. A school could also argue that the particular use of parkour on the premises was not foreseeable, since many of the activities include using structures for purposes for which they were not intended (for example, climbing up or jumping off buildings or railings). If the injury were unforeseeable, then the school would not be liable.

3. Defenses to Liability. Even if a traceur could prove the elements of a negligence claim, including that the school owed him a duty to keep him safe, colleges and universities possess a variety of ways to defend against liability for student injuries suffered while participating in parkour on campus.

a. Assumption of Risk Defense. Institutions may use the doctrine of primary assumption of risk to defend against liability for students injuries incurred in participating in recreational activities. Denner (2004) notes the general theory behind the assumption of risk defense is that the plaintiff, by proceeding to participate in an inherently dangerous activity, either relieves the defendant of a duty of care that would have otherwise been owed to the plaintiff or the plaintiff himself was partly responsible for his or her injuries.

For a successful assumption of risk defense, the defendant must establish: 1) that the plaintiff had actual knowledge of danger, 2) that the plaintiff understood and appreciated the risks associated with such danger, and 3) that the plaintiff voluntarily exposed himself or herself to those risks (57B Am Jur 2d Negligence § 773, 2011).

If a court finds that the primary implied assumption of risk doctrine applies, then the defendant owes no legal duty to protect the plaintiff from the particular risk that caused the injury (White, 2005). Denner (2004) explains this doctrine particularly appeals to defendants in sports injury cases because most sports in which serious injury may occur involve open and obvious risks and athletes who willingly participate in a recreational activity generally consent to unforeseen and unintentional injuries.

b. Charitable Immunity. Many colleges and universities are nonprofit entities. Thus, schools use the doctrine of charitable immunity to insulate themselves when a student is injured (White, 2005; Gilbert v. Seton Hall University, 2003). The traditional doctrine of charitable immunity gave nonprofit corporations and associations organized exclusively for religious, charitable, or educational purposes immunity from negligence liability for injuries caused to a beneficiary of
the charitable institution. The law dealing with the immunity of nongovernmental charities from liability in damages for tort remains in a state of flux, with some courts holding charities liable in tort to the same extent as individuals and private corporations, some courts granting charities “complete” immunity, and some courts providing charities with an immunity limited to protecting its trust property or funds from execution under a judgment rendered against it in a tort action (15 Am. Jur. 2d Charities § 183, 2011). Although several states have recently abolished such immunity, it remains an effective defense option for nonprofit educational institutions in those that have not (White, 2005).

c. Exculpatory Agreements and Waivers. Another defense institutions could use to insulate themselves from liability for student injury is utilizing exculpatory agreements, which are contract clauses that exempt or release one party from liability for future negligent acts. (57A Am Jur 2d Negligence § 43, 2011) White (2005) states that in the majority of cases, these clauses are upheld; in some cases, however, exculpatory clauses are considered unconscionable due to the inequality of bargaining power and considerations of whether the transaction affects the public interest. Since it is unlikely that the court would find an exculpatory agreement between a college and a student unconscionable, it may be a valid defense to liability. In their study of campus recreation related lawsuits, Fields and Young (2010) found that waivers can be a valid defense for injuries occurring in intramural, club and informal sports.

d. Recreational User Statutes. Fields and Young (2010) found another defense schools may use to avoid liability for student injury suffered during participation in recreational activities is immunity under recreational user statutes. Recreational user statutes generally provide that a landowner does not owe a duty of care to keep the property safe or a duty to warn of dangers on the property to persons using the property for recreational purposes for free (62 Am Jur 2d Premises Liability § 125, 2011). Mull, et al. (2005) determined that recreational user statutes work well as a defense since the nature of informal recreational sport activities are self-directed and the institution makes the facilities available for students with no direct fee.

e. Governmental or Sovereign Immunity. Institutions of higher education may seek immunity from lawsuits under state laws. Fields and Young (2010) found public educational institutions relied upon defenses of governmental or sovereign immunity to avoid liability in negligence cases for student injuries occurring during participation in recreational activities. Generally, the doctrine of governmental or sovereign immunity is a bar to liability, barring actions against the state, its counties, and its public officials sued in their official capacity, unless a law or statute states that such an action is allowed (57 Am Jur 2d Municipal, County, School, and State Tort Liability § 1, 2011).

4. Defenses to a Negligence Claim Applied. Even if a traceur can prove that the institution has a duty to protect students from injuries received while participating in parkour as a part of recreational activities, colleges may present a variety of defenses to liability for that injury. Colleges will argue that there is a clear primary assumption of risk defense, in which students participating in parkour on campus consent to the risks involved in the activity. Since the activity itself includes vigorous motions, including jumping, running, and falling, the risks of injury from
these movements are inherent to parkour. The student voluntarily encounters these risks as they participate and practitioners are old enough and experienced enough to know, understand, and appreciate the risks.

State laws may also present opportunities for institutions to be immune from liability for student injuries. Public colleges and universities may also be able to present a defense of sovereign immunity, that they cannot be sued in tort because of state laws barring it. Non-profit higher education institutions may also present a defense of charitable immunity, arguing that their educational mission bars liability under state law. Schools may also use immunity under recreational user statutes to immunize them against liability since parkour is a recreational activity, if the school allowed the students to use the land without a fee. If the school had the students sign waivers or exculpatory agreements, the school could also point to these contracts as foreclosing any institutional liability for negligence.

Implications for Higher Education Institutions

Presently, it seems unlikely that colleges would be liable for injuries students suffer as result of participating in parkour on campus. However, as the rate of participation in parkour increases, institutions may want to take additional steps to insulate themselves from liability. Institutions may take one of two avenues to accomplish this—depending on the degree to which the school organizes the activity, controls participants and minimizes risk. One way is the “less is more” attitude as proposed by White (2005) and demonstrating a completely hands-off approach. Refusing to involve itself at all with parkour on campus, a college or university might effectively place a student’s involvement clearly within the realm of his own private affairs, foreclosing any duty on the part of the institution to protect the student. If the school takes this avenue, they should not market parkour to prospective students. They should refrain from funding, directly or indirectly, parkour as a recreational activity. Most importantly, they should refrain from governing parkour with regulations outside of those that apply to all students.

Another way a college could insulate itself from liability is to clearly sanction and closely regulate and supervise parkour on campus. Courts may recognize that this supervision creates a heightened duty to protect, and the school would need to meet that duty of reasonable care. Under this avenue, colleges should take steps to ensure student safety, including requiring students to have personal insurance, providing safe premises, providing safety guidelines—perhaps even ones that limit the riskiest of parkour maneuvers, providing trained coaching and supervision, instructing participants on inherent risks involved in parkour, and requiring waivers or exculpatory agreements.

Conclusions

From this study, one can conclude that campus recreation administrators do not appear to be worried about parkour activities on campus. Currently, American institutions of higher education exhibit little sanctioned parkour activity on campus. Colleges and universities would likely face little liability for students who are injured while participating, especially if the activity is not sanctioned by the school.
As parkour participation on campuses continues to grow, future research should continue to monitor injury prevalence, lawsuits for injuries suffered during the activity, and campus recreation policies regarding the activity.

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