

# BAGGAGE TRANSFER

By Donald C. Collins

If an official with some issues has left another area association and now wants to join your association, what can you do?

It would be rare for an association to have to take any person who just showed up. Associations generally have entry standards. Those standards are the roadmap to determine who gets in, and under what terms and conditions they can get in.

Generally, we look to the bylaws to determine an association's entry standards. However, bylaws are not the sole source of association policy. Associations also occasionally enter lateral transfer agreements with other groups. One has to read association bylaws, but the bylaws are not enough. There's a wide array of standards that can only be found by looking at committee records and reading agreements on lateral transfers.

Some associations don't have entry standards. But the absence of an entry standard is not an open door for any applicant. In the absence of entry standards in the bylaws, the association would have to read its bylaws to see whether the board or membership has the power to alter the collective by adding a new member. Then, either the board or the membership would have to vote.

Associations aren't the only entities that have to deal with entry standards. There are officials who contract through independent assigners. Those assigners have substantial latitude in determining with

whom they contract. There are also officials who get licensed by a state and contract directly with schools. Their entry standards are set by the state governing body.

Associations – and even independent assigners – do not usually have unlimited discretion. Most state governing bodies license or set standards for officials. Associations have to check with their state office to see how much discretion they have to reject a licensed official, and what standards the association has to enforce.

Next, associations that enter into lateral transfer agreements have a contract with other associations. The contract will impose some limits on an association's discretion to reject a transferring member. Take care of the potential for a conflict by amending bylaws to authorize the terms and conditions of the transfer agreement to apply, and to review the transfer agreement before they sign it to make sure the agreement does not open the door for transfers who don't meet a core standard.

Don't reject officials from other groups off of vague notions of issues without knowing the issues. Groups should reference-check all transferring and new officials.

Associations should check with an attorney or an HR specialist to find out what questions one can't legally ask in checking references. Prepare for the reality that many entities don't like to say too much when a prospective employer conducts a reference check. But even the most reluctant former association should tell you what level the official worked, and whether they'd want the former member if he or she came back.

Finally, associations should ask an attorney or HR specialist how employment discrimination laws can impact the decision to accept or reject a lateral transfer.

Associations have discretion, but it is not unlimited.

*Donald C. Collins is a longtime basketball official and lawyer from San Francisco. This article is for informational purposes and is not legal advice. ■*



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