

Complaints Lead to No Tournament Games

By Donald C. Collins

Q I was working a basketball game several months ago when I had to eject two coaches from the game because of their actions. Apparently the coaches filed complaints against me, but I was never notified of those complaints. At the end of the season I found out I would not be working the tournament. When I asked why I wouldn't be getting any tournament games, I was told it was because of the complaints by the coaches I ejected. I was never allowed to share my side of the story. I was wondering if there is any legal action I can take?

A Sometimes the law is not the best solution for a problem. A sports governing body should have an objective system in place to evaluate and observe officials. After all, the governing body needs to be able to tell the officials, coaches and media that it's working hard to make sure the best officials are getting the plum assignments.

The absence of an objective assignment system is not illegal. Employers make subjective hiring decisions all the time. They are generally entitled to do so.

Subjective systems have serious flaws. In officiating, they lead to suspicions that assignments are divided under a "good old boys" system. In other industries, we've seen studies that show that tall people are hired over short people when all things are equal. We've seen studies showing that people with ethnic names lose jobs to people with more standard sounding names when their resumes are identical.

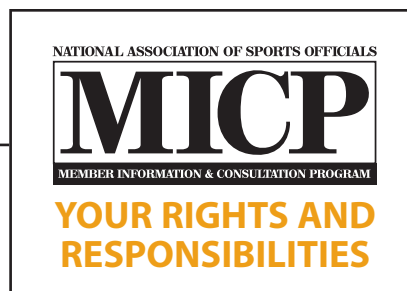
The law has reacted to subjective biases by putting into place a number of protections for job applicants. However, those protections only

impact things like race, gender, national origin, disabilities, age and religion. Those legal protections don't protect the subjective judgments that arise when an official ejects a coach and the coach isn't happy about it. In short, if an official can prove that he or she was rejected for a protected reason the official could win a lawsuit. Indeed, in Pennsylvania a female official won a lawsuit when she was denied postseason boys' games because she was a woman. Absent that type of discrimination, you are not likely to prevail.

An official is also not likely to prevail against the coaches. The law does not prevent a coach from expressing his or her opinion about an official. Nor does the law preclude a coach from filing a complaint about an ejection. The law wouldn't even preclude a coach from going public with the complaint and stating that the ejection was bad and the official did a bad job. Of course, such a comment would probably violate the sportsmanship and conduct codes of most sports organizations.

The law allows people to express opinions. As long as the coach does not outright lie in public, he's OK. The coach can tell the newspapers, "That's the worst official in the world." We accept that as the coach's opinion. But, the coach cannot make a public statement such as, "That official is corrupt, on the take and was paid off by the manager of the local bank." That's a bit more than the coach's opinion. The coach better be ready to back that statement up.

An official is best off not suing absent discrimination or some outlandish public statement by the coach. An official is probably not going to win a lawsuit. Worse, though, officials who run off to court make themselves look like whiners and lose professional respect. Remember, thousands of high school,



college and professional officials get bypassed for a tournament or playoff assignment every year. The accepted response is to find out what your weaknesses are and to improve as an official.

Not suing doesn't mean that an official has to take it. Officials and sports governing bodies have a common interest in having a good tournament selection system. The officials want selections based on merit, and the governing body needs to be able to tell all of its constituencies that it is working to provide quality officiating. If an official works with his or her colleagues, they can probably make some headway in getting a sports governing body to assign officials based on evaluations and observations.

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