

# ADVISOR



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### Policy Governance

Policy governance provides a framework that a board and executive director can follow.

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### Three on Three: Budget

Three leaders share how their associations manage their budgets.

## 5 Key Questions to Answer in Your Bylaws

By Donald C. Collins

Association bylaws are a road map to how an association is run, and a means for setting association standards and practices. That dual role of road map and means of setting standards makes the bylaws an all-encompassing document.

The broad scope makes execution difficult, and it leads to a lot of questions. Here are five frequently raised issues.

### 1. HOW SHOULD MEMBERS BE DISCIPLINED?

Association bylaws should set out association requirements, require notice of violations, provide for hearings where facts may be in dispute and provide for an appeal — preferably before some panel other than the one that ruled on the initial charges. Also, associations need to make sure that they disseminate the bylaws. Mere website posting or “making them available upon request” isn’t sufficient.

Most associations can identify the vital matters that will go in their bylaws such as meetings, training, testing and meeting professional standards of comportment. A questionnaire will help associations get bylaws right by forcing the association to ask questions such as: What meetings do we have? How long do you need to be in the meeting to have attended it? What excuses do we take? Do we have a panel to address excuses that we didn’t think of in advance? Do we fine if a member misses a meeting? What do we do if members miss too many meetings? And what constitutes too many misses? Associations should develop a questionnaire to address tests, training, professionalism and other areas of their bylaws. Answering all possible questions helps refine what we write in our bylaws.

Professionalism is the most difficult standard. There simply is no way to envision every way that a member can breach professional standards. But bylaws do not have to be laundry lists of every possible wrong. Associations are contractually obligated to enforce the NFHS rules or some other set of rules. The NFHS rules set out a code of ethics. Associations should link their professional standards to that code.

Finally, associations struggle with unprovable assertions — such as the classic, “The coach smelled alcohol on the official.” A partner interview helps on such matters, but ultimately such assertions do have an impact on professionalism. The issue isn’t whether one consumed alcohol, although one might have. The issue is that professionals don’t smell as if they haven’t washed (unless the odor is caused by an illness — in which case disability laws might apply), they don’t smell like alcohol and their clothes are reasonably clean.

### 2. HOW DO YOU ENSURE THE RIGHT MEMBERS ARE ASSIGNED TO THE RIGHT GAMES?

Bylaws should address the association rating system. That encompasses who evaluates, how they evaluate and how to appeal one’s rating (which is highly advisable). Bylaws need to provide a means to link ratings to assignments, and to ensure that assigner discretion does not override the ratings. Associations should speak to their assigner about incorporating practical assigner concerns into the bylaws so the assigner is empowered to address matters such as availability, missed games and other factors that would reasonably lead an assigner to deviate from a rating system.

### 3. WHAT IS INVOLVED IN THE ASSOCIATION ELECTING AND REPLACING BOARD MEMBERS?

Association bylaws must set out how the board of directors is selected, and what

+ See “Bylaws” P.8

## Manage Member Complaints

By Bob Masucci

Regardless of your local association’s size, composition and age, at some point, if not already, you will hear complaints. About what? It could be anything. They might be about assignments or amount of dues. They could be about other members, a school or coach, leadership performance, or even the facilities where you meet.

Let’s focus only on complaints coming internally from your membership. Complaints from external sources should be treated differently.

Sometimes internal complaints are very simple (a member doesn’t agree with something), but they may rise to the level of a dispute — a controversy or disagreement between two constituent members or groups of members.

Your focus as association leaders should be on how you decide to handle — or maybe not handle — such complaints. Maybe you have (or will have) a process designed for handling complaints. Maybe you just handle them ad hoc as they arise. Regardless of how you decide to handle complaints, your choice should have the following objectives in mind.

- » Demonstrate respect for all parties to any complaint. Even if you think a complaint is warrantless, agree to listen, promise to fairly consider the positions offered and promise to come back with a decision that takes everything into account. A party that feels respected and “listened to” is more likely to accept a decision — even if it is not the one he or she desired.
- » Consider and resolve complaints/disputes within a reasonable timeframe. After you’ve listened to the complaint (or both sides of a dispute), agree on a timeline with the complainant(s). Allow yourself enough time to research any issues, discover any precedents — especially other local associations that might have faced the same issue — and time to reflect, communicate with your board and arrive at an equitable solution. Letting those complaints linger with no resolution, and no expectation of a timeframe for resolution may cause issues to escalate.
- » Ensure that any resolution — especially in the area of disputes — is binding on the parties. It will be rare that a resolution will be 100 percent agreeable to all involved. So don’t plan for it.

But you can reach a decision that all parties to the complaint/dispute can live with. In some cases, particularly with a dispute, the parties might need to agree to take certain steps to facilitate the resolution. If so, document what each party agreed to do. Phrases like “Jim agrees to ...” or “The association will ...” create clear expectations for everyone, binding them to the resolution.

- » Engage those who must live with the decision. If there’s a complaint about the way finances are tracked, involve the finance chair. If it’s a dispute about another member, by all means, include the other member. If it’s a simple complaint, involve the complainant in helping to research ways of resolving his or her complaint. For example, if the person, representing your membership at-large, has complained about the Knights of Columbus hall you’re meeting in, offer him or her the chance to research other meeting places.
- » Ensure that your decision is fair and defensible. Avoid any appearance of capriciousness or bias. Make sure that you’ve documented all pertinent facts. Have all potential decisions along with the pros and cons of each. Be able to demonstrate how your research into the issue was conducted and your thinking process for sifting through any information you used to arrive at what you or the association felt was an equitable resolution.

Now that you know your objectives for handling a complaint the next section will focus on how to actually go about the task.

### 1. TAKE COMPLAINTS SERIOUSLY.

Chances are good that any complaint that you hear today for the first time is an issue that’s been bothering the complainant over a period of time. Approach all complaints not as problems, but as important information about potential serious issues that may need to be resolved.

### 2. LISTEN CAREFULLY AND SEEK TO UNDERSTAND FULLY.

Ask your member to state the issue. Allow him or her to speak without interruption. Discover whether George is coming to you “solo” or is representing a larger constituency. Take notes — one, so that you have a comprehensive record of what George is concerned about, and also, so that George sees that you’re taking things seriously. At convenient pauses, or when

your member is finished, ask any clarifying questions. Don’t allow George to speak in gross generalities (“Everyone hates this”). Force the member to offer up specifics. Regardless of what you hear, avoid becoming emotional or defensive. Read back your notes so that you and George agree on the facts and the issues.

### 3. ASK MEMBER HOW HE OR SHE WOULD LIKE THE ISSUE RESOLVED.

That allows you to understand a possible starting point for your consideration. It may also give you additional insight into the reason for the complaint in the first place. Don’t commit to your member’s resolution, nor over-promise on one.

### 4. WITHHOLD YOUR JUDGMENT AND OFFER CAREFUL CONSIDERATION.

Don’t attempt to resolve the complaint/dispute at that meeting. Inform your member that you will need to gather additional information and that you may need to speak with him again. Discuss the issue with other impacted parties.

### 5. WORK OUT POSSIBLE SOLUTIONS.

Focus on the issues and keep personalities out of the consideration. Take the time to consider all information. Determine whether the scope of the issue/complaint is “localized” and easily resolved, or whether it might have a global impact on your association and its operations. That will help frame whether the resolution requires any association governance involvement, or even membership referendum. Don’t be afraid to solicit help if necessary.

### 6. ENGAGE THE PARTIES TO DISCUSS FINAL SOLUTIONS REACHED.

Reinforce that fairness and compliance with any bylaws governed all decisions. Ensure that the parties agree to any actions expected of them and agree to be bound by the decision. Ensure that no one person or constituency can be singled out as a “victim” of the decision.

You might choose not to consider a complaint. That is just an alternative means of handling it. If a complaint is frivolous in nature, it is probably not worth the association’s time or effort considering it. As inclined as you might feel to ignore an anonymous complaint, do so only after investigating as best you’re able to see if it might be indicative of a serious problem. Bob Masucci is an official from Clinton Township, N.J., with 30 years of officiating experience. ☒

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## 2016 Summit Focuses on 'Officiating in the Future Tense'

With the advancements of technology and educational resources at our disposal, officiating has evolved from an artistic form with personality into a formulated science that is more about data and analytics.

We will explore in depth how the officiating mindset has changed and what officials need to do in response during the 2016 NASO Sports Officiating Summit in San Antonio.

"Officiating in the Future Tense: Change Mindsets, Build Intelligence" will be the theme of the event that will take place July 31 to Aug. 2. In addition

to NASO, presenting sponsors for the Summit are the NFHS and the University Interscholastic League (UIL).

"We are very excited about the opportunity to host the Summit in San Antonio. This will be a first for us in Texas," said Peter Contreras, assistant athletic director for UIL. "For those of us in Texas, we understand what a jewel of a city San Antonio is. For visitors, I believe they will fall in love with the city and all it has to offer"

NASO President Barry Mano said the theme speaks to the link between changing the mind-set and building the intelligence of officials in all sports.

"When we endeavored to adopt the theme for the 2016 Summit, we had a strong sense that time had come for leaders in this industry to put renewed focus on the current operating environment," Mano said. "Today and in the immediate future, three arrows point the direction: the necessity to change our mind-sets; the requirement we build fresh intelligence; the acceptance of the fact that a new openness is not optional. Officiating, as in all walks of life, now has a standard of publicness to adhere to. This Summit, while paying homage to what is past, will focus intently on what future officiating is going to look like."



Based on the theme, an educational program will be constructed that will be information-driven and include many great speakers and panelists.

This will be the 17th consecutive Summit to have a central theme on which the educational sessions are focused. Some of the recent themes for past Summits have dealt with assignments, evaluations, taking care of business and decision-making.

The Summit is the industry event of the year! As information about the 2016 program becomes available, it will be announced on [naso.org](http://naso.org) and [sportsofficiatingsummit.com](http://sportsofficiatingsummit.com). You can also call NASO at 262-632-5448 for details. ☒

## Policy Governance: Know Your Role in the Association

By Brent Killackey

A good board of directors of an officiating association shouldn't just rubber stamp everything brought forward by the executive director or president. But it also shouldn't micromanage.

At the same time, the executive director must understand he or she reports to the board and the board has the ultimate say. And the president must respect a board's decision, even if he or

she did not vote in support of a particular action.

Policy governance provides a framework that a board and executive director can follow — outlining best practices for roles and decision-making that can enhance an organization's effectiveness.

An officiating association runs best when those in leadership positions understand and operate within their defined roles, whether that's executive director, board member or president.

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## THE PULSE

Local Association News Nationwide

### Softball Diamond Named After 'Pancho' Palesse

The Milwaukee County Parks dedicated a softball diamond at McCarty Park to Orlando "Pancho" Palesse on April 27 in honor of his service to the community.

The 91-year-old Palesse is a longtime basketball and football official and previously served as president of the Eastern Wisconsin Officials Association. He officiated basketball for the Big Ten for 13 years, retiring in 1980.

Palesse is currently an active player-manager of the Milwaukee Seniors 65-and-older and 70-and-older softball teams.

### OOA Announces Hall of Fame Class

The Oklahoma Officials Association (OOA) announced its hall of fame class April 29. Four officials will be inducted into the hall of fame on July 25: Marvin Barbee of Roff, Gary Easley of Claremore, Fred Burris of Lawton and Dale "Bud" Campbell of Sallisaw.

Easley and Burris both worked as basketball and football officials, calling state championship games, several state tournaments and All-State contests.

Barbee is a former director of officials for the Oklahoma Secondary School Activities Association. He has worked in football, basketball, softball and baseball during his 43-year career.

Campbell has officiated four state basketball tournaments and still works as a basketball official observer.

### Basketball Officials Group Gives Coaches Award

The Birmingham Basketball Officials Association presented this year's James Perryman Coaches Recognition Award to Helena High School head basketball coach Chris Laatsch. The award recognized a coach that has partnered with the officials association over the years, helping embrace younger officials and giving them opportunities for growth.

At a recognition banquet in March, Laatsch said he was humbled by the award.

"I appreciate the opportunity to be here and 'partnership' is a really nice word that means a lot to me because without a partnership, we can't do what we do and we believe basketball is a vehicle to train young men and for them to be great husbands and great fathers one day," Laatsch said.

SOURCES: MILWAUKEE COUNTY PARKS, NEWSOK.COM, SHELBY COUNTY REPORTER

"It's important you keep those roles separate," said Scott Green, a retired NFL official who was head of the NFL Referees Association. Green is a public safety consultant and an NASO board member.

Here are some policy governance tips that speak to the different roles and will help an officiating association — or any board for that matter — operate effectively.

- » The board should be looking big picture at the long-term, big-picture matters — the outcomes it desires to have put in place. These outcomes are sometimes referred to in policy governance terms as the "ends."
- » The board should focus on ends rather than the specific means by which staff achieves those outcomes. "The board should not be micromanaging the day-to-day activities," Green said. "That's really the executive director's responsibility."
- » The board can, however, set the boundaries of acceptability for staff activities. That's different from telling staff how to do its job — there should remain a board focus on the outcomes, rather than the means by which those outcomes are accomplished.
- » The executive director must accept that policy decisions are the responsibility of the board. "When it comes to voting on a policy issue, the executive director is providing information and

a recommendation, but the ultimate decision needs to be made by the board," Green said.

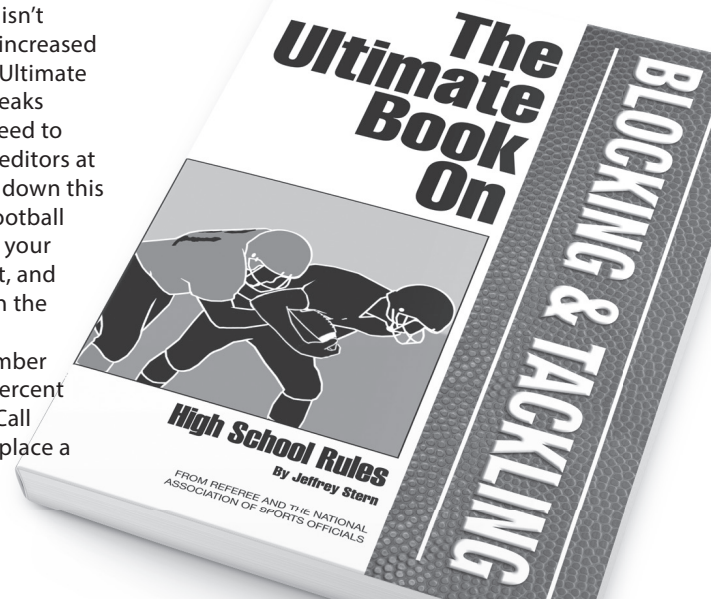
- » The executive director should make sure there is good communication with the board. There's nothing worse than a board first reading about an association matter in the paper instead of hearing those things first from the executive director. "The key for the executive director is making sure the board is aware of things," Green said.
- » The board should spell out how it has delegated authority to staff and how it will evaluate staff performance. The board needs to hold the executive director accountable for achieving the desired outcomes set by the board.
- » Make sure new board members understand their role. It can be helpful to have an orientation and job descriptions that outline what is expected and what role they play.
- » When a president functions in a role similar to an executive director, overseeing more of the day-to-day operations, that creates a slightly more complicated organizational picture. But policy governance principles can still be applied, including the president respecting the policy decisions of the board. The board should ultimately speak with one voice.

Brent Killackey is a Referee assistant editor and high school baseball umpire. ☒

## Player Safety Is Job #1 in New Blocking & Tackling Book

There is no play in any football game in which someone isn't blocked or tackled. With increased emphasis on player safety, *The Ultimate Book on Blocking & Tackling* speaks directly to what your officials need to be most concerned about. The editors at Referee magazine have broken down this critical area of knowledge for football officials. As the game advances your officials need to advance with it, and this book will help them stay on the front lines.

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## HOW TO...

### STEP DOWN FROM A BOARD POSITION

In most associations, board positions are coveted by members. There is a status attached to those roles. Being an officer carries with it responsibility as well. But sometimes it makes sense to step aside and let someone with fresh ideas take your place. Here are a few tips to help you make stepping down as easy as possible:

#### 1. Give as much notice as possible

A change in your profession or work schedule, the birth of a child or a move up the officiating ladder may make it necessary for you to devote time to those personal matters. The more time you give the board to install your replacement, the better. Sometimes circumstances force you to leave smack dab in the middle of a season or an important part of the association year. Do your best to make it easy for those you are leaving behind.

#### 2. Be gracious

Your fellow members elected or appointed you to the post. That shows they had confidence in you. If you served multiple terms, it indicates they were pleased with the job you were doing. So even if you're resignation is due to some acrimony or discord within the group, express your gratitude for the opportunity. Don't air any dirty laundry that you're leaving behind.

#### 3. Set up an exit interview

If you're parting on good terms, meet with the board to give them an idea of where you think the association is headed and point out any stumbling blocks on the horizon. If your leaving is due to dissatisfaction, be professional and keep personalities out of it. Instead of, "I can't take one more meeting with Joe acting like a moron," try something less aggressive such as, "I don't feel I'm on the same philosophical page with other board members. I don't see that changing."

#### 4. Help your successor

If you are maintaining your membership in the association, let the person who replaces you know you're available to help get them up to speed on association matters. Don't inject your opinion about other officers or the feasibility of proposed changes. Let them figure that out for themselves.

## Three on Three: Budget

**P**reparing and reviewing an association's budget is a very important part of running an association. Associations have to keep various things in mind concerning the budget.

Three association leaders took time to answer questions about how their associations determine and manage their budgets. They include: Bryan Kemnetz, treasurer of the Minneapolis Officials Association (football and basketball); Jeff Rink, treasurer of the Portland (Ore.) Football Officials Association; and Will Hamelinck, secretary of the Finger Lakes (N.Y.) Football Officials Association.

### Q1: WHO IS IN CHARGE OF DETERMINING YOUR BUDGET AND HOW OFTEN IS IT UPDATED?

**KEMNETZ:** The treasurer prepares an annual budget, with board review and approval. The budget is referred to during the year, but is not "updated" during the year.

**RINK:** Draft budget is proposed by the treasurer to the executive board. The executive board reviews and amends as necessary prior to approval. Regular budget updates are submitted by the treasurer to the executive board, usually at monthly meetings. The treasurer only pays expenses that are in accordance with budgeted amounts. In the case of unforeseen expenses, the treasurer, or any association member, may propose a change to the budget which is approved by the executive board before paying the expenses.

**HAMELINCK:** The treasurer, twice in the offseason, monthly during the season. A report is given to the complete association three times during the season; all items need to be accepted along with the report by the board.

### Q2: DOES YOUR ASSOCIATION COLLECT DUES FROM MEMBERS AND DO ALL MEMBERS PAY THE SAME AMOUNT OR DOES IT VARY?

**KEMNETZ:** All members — associate and full members — pay the same dues. A late fee of \$30 is assessed if the dues are not

paid by July 1; an additional late fee of \$20 is assessed if the member has not paid by the time of the sports fall meeting.

**RINK:** Our association does collect dues that are the same for all members.

**HAMELINCK:** Dues are collected from all members; the only difference would be the new, first-year guys pay less dues to the cost they need to absorb with uniforms and fingerprinting charges.

### Q3: WHAT ADVICE WOULD YOU GIVE AN ASSOCIATION TRYING TO SET UP OR KEEP UP AN APPROPRIATE BUDGET?

**KEMNETZ:** Prepare one and have the board review and approve. The job of the treasurer is to maintain expenditures to the budget amount. If an expenditure is going to exceed a particular line item within the budget by a 10 percent margin or if an expenditure was not originally budgeted, the board should be made aware/or approve.

**RINK:** The goals of the budgeting process should be transparent and well understood by the executive board and association membership. Our goals are to maintain a minimal cash balance while collecting enough dues to cover association expenses. A further goal is to provide appropriate controls on association expenses so that they are properly approved and we only spend money on things that are necessary.

**HAMELINCK:** I would recommend a person good with accounting and with the understanding trust is nice, but there is a need to be hard on someone to collect from them. Also, have checks and balances; there are always reports of associations being robbed by their treasurer. We have many checks in order to assure our treasurer will not be blamed for something untrustworthy, and also protect our association from someone stealing from us. There was a youth organization and a couple churches where that happened. That is our form of an audit. Also, there are three officers with their name on all financial items — president, treasurer and secretary. ☒

## MICP Q&A

# Should You Judge the Capability of an Official?

By Patrick Rosenow

**Q:** A crew chief in our officials association received an email from a league supervisor who is asking him to respond to accusations from a coach that a member of his crew is not physically capable of officiating. Should the member respond? If he responds or doesn't respond, are there legal implications?

**A:** It's hard to point out any significant legal risks that would be created by responding to a complaint that an official is physically incapable of working a particular game or match. It's reasonable for a league supervisor who gets a complaint from a coach about the physical fitness of an official to ask the crew chief if there's a problem. Although it wouldn't lead to any specific legal liability, ignoring or refusing to answer the supervisor's question would certainly create trust issues and would probably have an impact on future assignments. So the crew chief is going to have to respond to the inquiring supervisor. How much the supervisor wants to say to the coach is another matter.

A lot depends on exactly what the coach was complaining about. Hopefully, the supervisor asked the coach for some specific examples. Whether or not the member is physically capable is a relatively objective question. The crew chief ought to be able to honestly tell the supervisor whether or not he has seen what the coach is complaining about or anything else that causes him to question his crewmate's ability to work. If he hasn't, he can tell the supervisor so. There is no reason to talk to the official in question. On the other hand, if the crew chief has noticed some problems, it's a lot more difficult. Obviously, an official who can't physically get the job done shouldn't be out there in the first place. That said, we all know that at lower levels in particular, sometimes a shortage of bodies or a misplaced good old boy system will result in officials working games, even though they have

age, weight or injury-related limitations that should probably put them on the sideline.

Nonetheless, it's a bad legal idea to concede that an official is not really capable of getting the job done, but was out there anyway. If a game goes south and there is an injury or controversy, someone may point a finger at the official who was out of position or slow. We don't need someone testifying that unqualified officials were assigned to do games. If the official is really physically incapable, he should take himself out of the assignment pool in the first place. If he doesn't, the supervisor should not assign him and tell him why. That's not a fun conversation to have and it may bring into play some Americans with Disabilities Act issues, but it has to be done.

The major problem in this case for the crew chief and official is the vague allegation that the official is not physically capable. Does that mean eyesight? Foot speed? Endurance? The crew chief should find out and have an honest exchange with the supervisor. If that means addressing a problem with the official, address it. Eventually, the supervisor will have to answer the coach and be able to honestly say he's looked into it and is convinced that all of the officials he assigns are physically capable of doing the job. That's the critical legal issue.

In any event, there's really not much to be gained by talking to the member. What everyone else actually sees an official do is more important than his self-assessment of his physical abilities. Of course, if he had a short-term injury like a tweaked hamstring in the game with the complaining coach, it would be worthwhile to have that information and share it with the supervisor. Other than that, there's not much to be gained by having the official say anything. Let the crew chief, who ought to have a good idea of how the member was doing, do the talking.

Patrick Rosenow, Mandeville, La., is a retired Air Force judge who now sits as a federal labor administrative law judge. He officiated basketball at the high school, college and international levels. This article is for informational purposes and not legal advice. ☐

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## + Board Members

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the board members' terms are. Most associations do that. However, many associations don't follow their bylaws. That leads to board disputes that often appear to be a battle between that which is written versus that which is expedient. The best way to resolve the problem is to account for as many possibilities in advance through either a questionnaire or by looking at the association's history and bringing the bylaws in line with the actual practices.

Associations can also prevent problems by addressing issues concerning the replacement of board members. Bylaws should address board member misconduct, board members who miss too many meetings and other board member problems. The bylaws should set out the procedures for resolving those problems, removing board members and installing replacement board members.

## 4. DOES COMMUNICATION REFLECT CURRENT PRACTICES?

The world has changed, and our bylaws need to account for the changes. Associations must review their bylaws

to make sure that their sections on communication, meeting notice, assignments and other matters account for their current practices. That is a simple review. Associations need to find every section of their bylaws that refer to using the mail for notice, and make a determination as to whether the mail notice should be replaced or supplemented with electronic notice. That does have a legal impact, interestingly, as associations who are using electronic notification where their bylaws refer to mail may lose a challenge from a member who claims improper notice.

The new electronic environment also requires associations to account for social media. Association bylaws should require members to adhere to professional standards already. However, a good social media policy can assist members in responsible social media navigation. That is a good time to borrow from others: The NASO Social Media Guidelines provide assistance, and associations can and should either reference those guidelines or use them to develop their own social media guidelines.

## 5. DO YOU REQUIRE INSURANCE?

Associations should require members to have liability insurance. Most associations are aware that members need liability insurance, but too often associations fail to require it in their bylaws. Some associations contend that their members already have insurance or their members belong to other entities that will cover them. That is a dangerous way to live. Association bylaws should require that members have insurance, and that the association and board have insurance. Associations should also verify that members meet the insurance mandate. There's too much at stake to take that lightly.

Those are five common bylaw issues, but they're not the only issues. Associations should constantly review bylaws against their actual practices, and periodically review their practices so they can stay up to date before problems arise. Maintaining good bylaws is a practice that never ends. Donald C. Collins is the executive director of the San Francisco Section of the California Interscholastic Federation. He is a longtime basketball official and lawyer. This article is for informational purposes and is not legal advice. □

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