

I Stand Accused

By Donald C. Collins

You've just been accused of making a racist or otherwise offensive comment during a game you were officiating. But you never uttered the words you're accused of saying.

How can officials prevent such situations? An official's defense against false charges starts well before the game. The official needs to be professional at the site. Indeed, the defense must go back even further. Officials need to have cultivated a reputation for being professional throughout their career. Officials would be even better served by having a reputation for professionalism when they're not officiating. A history of off-court racist or offensive comments can make it harder to defend oneself when embroiled in a controversy regarding racist or offensive language.

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Obviously, it's best for officials to never have made the comments they're accused of making. However, sometimes you have the classic "he said, she said" situation, and matters boil down to a fact-finder making a credibility determination. Some league, governing body or officials association is going to weigh evidence and assess credibility. Your past and your reputation will help ... or hurt.

Professionalism alone isn't enough. Officials must protect themselves at the site. However, protecting oneself against claims of racist or offensive comments isn't what it used to be.

Officials once could avoid making offensive or racist comments simply by controlling their own speech. Now, the world has changed. Officials can still ensure they don't make overtly racist or offensive statements, but they can't guarantee their instructions on a wide array of rules aren't construed as offensive.

Officials have to convey information on matters ranging from hair beads, to

sharp items affixing hair coverings, to wearing medical devices, to a myriad of uniform rule exceptions, including leggings and undershirts in some sports. The words we use in conveying the information may seem innocuous, but the sensitive nature of the issues can open officials up to charges of insensitivity in speech and insensitivity to the racial, gender and religious characteristics of the subjects of the rulings.

In this new world, officials can protect themselves by remembering they enforce rules, but they are not in the business of suggesting the remedy. Telling people how to make the fix can open the door for false accusations.

Officials should also try to have a witness when they convey information. This can be a bit difficult under some sports' mechanics. The official may wish to tell both coaches together, thereby providing a witness from both teams. Officials may also want their partner in verbal range even when the partner is looking at another area. They may even wish to convey information where table crew members or game administrators can hear it. These adjustments provide witnesses, but in some sports they will contort the normal mechanics.

Officials should also note there's verbal as well as physical safety in numbers. Don't roam the site alone. Sit in the stands with your fellow officials before the game. Go to the officials room if there is one. Sit near the table, timer, clerk or other neutral parties during the game. Leave the site with your partner. You don't have to be robotic, and can certainly say hello to people you know, but lingering in areas where there are disputes, potential disputes or partisan cheers could lead to false charges of speech and conduct of which you truly were not a part.

Officials can be the victim of false charges and can best protect themselves with the classic tools of being a good official: professionalism, using protective mechanics and exercising good professional judgment.

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DQ Decisions Sometimes Lead to Courtroom

The disqualification of an athletic contest participant remains an important and essential decision officials must make. Because "DQ" sanctions often carry additional penalties, such as the suspension from a future contest, these decisions can lead to litigation, particularly when postseason participation is at stake.

One of the latest examples involved St. Thomas More High School in Milwaukee. The team found its players disqualified after a bench-clearing ruckus during an early round of the state basketball tournament. The school sued the Wisconsin Interscholastic Athletic Association and got a temporary restraining order that effectively overturned all of the disqualifications (even though video clearly showed the entire bench clear, which by rule is a disqualifying offense for those players).

The officials were not called to testify (as has happened in some of these types of cases), and whether that will happen at a later hearing remains to be seen as the school is now seeking to have the matter dismissed as moot. While the team advanced in the postseason, it did not win the state championship.

What are lessons for officials?

We have a duty to enforce the rules, which includes disqualifications. Knowing those actions carry an increased likelihood of scrutiny, and the possibility of court review, it's wise to tread carefully. Be sure to get the call right, even if it means conferring with your partners and consulting other rules code-approved sources, where permitted. Comment on the incident *only* to those to whom you are required to report; and *do not* share your comments with anyone else. Do not give media interviews or discuss what you did on social media sites or by email.

The postgame report should stick to the facts. Clearly state what occurred and what actions were taken. Leave out unnecessary commentary and opinions. It's also a good idea to have your reports reviewed by a designated person at your officials association, or your conference or commissioner. If that's not being done, it might be a good idea to run it past an attorney.

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