

Legal Pitfalls of Training Videos

By Donald C. Collins

An officials association that is showing its members a random collection of video plays and play situations is almost undoubtedly making a non-commercial use of the images, provided the video is not shown or distributed to anybody outside of the association.

The officials association's non-commercial use of videos is legal. As a general rule, the non-commercial use of video images of people who perform in a public setting is perfectly legal. The simple fact of the matter is that officials, players and coaches perform in public settings. The nature of the officials', players' and coaches' performance is tantamount to consent of public criticism.

Most people understand that one picture of an MLB umpire is just that – one shot. Most people also understand that 100 pictures of a major league umpire can turn into that umpire's personal training video.

An officials association can still get in trouble, though. Here are four points to consider:

A non-public setting. An officials association may need to be careful if it is filming at a camp or clinic as such performances may not be public. Associations can use their bylaws to address that problem with their members. Associations can also consult local counsel to develop a photo release for use when they film camp participants, coaches or teams in a non-public setting.

A public contest may have filming restrictions. Many colleges and professional leagues restrict filming at their contests. Those entities often allow spectator snapshots, but place severe restrictions on videotaping or filming any part of their events. Lower-level leagues and schools are occasionally on the alert, too. Schools and leagues are understandably sensitive at times as they've seen some instances of inappropriate usage of game photographs. No association wants the ill will that would come if its photographer was tossed off the premises for breaching a filming restriction. Make sure that it's OK to film well before the start of the game.

Don't go overboard by using too many shots. That suggested restriction has to do with a distinction between your right to show what is held open to the public and the individual's or team's right to control things that use its image in a manner that they could sell if so desired. Simply put, most people understand that one picture of an MLB umpire is just that — one shot. Most people also understand that 100 pictures of a major league umpire can turn into that umpire's personal training video. An officials association is probably going to be protected from the MLB umpire's privacy action and right of publicity action because its use of the film is non-commercial, but the officials association may not have had the rights to shoot so much film.

Limit the extraneous comments. Training videos should be limited to rules, mechanics and standards. The comments should not be personal insults about the coach or official.

Donald C. Collins is executive director of the San Francisco section of the California Interscholastic Federation. He is a longtime basketball official and lawyer. This material is for informational purposes only and is not legal advice. □

Quality Training a Point of Emphasis

Your association's training program for new and veteran officials is not only necessary to provide players with a quality athletic and educational experience, it also is a liability risk management vehicle. A good training program will not only help your officials to better call and manage a game, it may keep them and your association out of the courtroom.

A thorough and effective training program should include at least three components.

1. A comprehensive study — at least every two years — of the risks of the sport, including the rules, their application via rule interpretations, practical applications and rule variances.
2. An interactive classroom format using officiating textbooks, articles, guest speakers, video and audio tapes and handout materials dealing with particular situations that occur often and are of concern in the region to which you supply officials.
3. How to deal with coach- and fan-related behavior and situations: Identify safety hazards, weather-related issues, player injuries, how to properly supervise and control a game, assigning and teamwork among members of an officiating crew.

Proper Mechanics Keep Liability at Bay

Officials who recognize their primary responsibility is player safety know that good mechanics make it possible to call the game within the spirit and intent of the rules. Conversely, bad mechanics create a fertile climate for letting a game "go south." Officials who choose good mechanics manage exposure to liability by maintaining a safe environment.

Using approved mechanics — being in the right position on the field or court at the right time — goes a long way toward being able to spot and penalize rules infractions that compromise player safety. Being out of position greatly increases the chance of not observing illegal actions.

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