

expecting a professional decorum to be present in any association he belongs to.

"When it comes to personal matters, a person's privacy is optimum," Earle said. "If that member chooses to go public with a decision, then that's of their own volition."

While both agree it's important to keep discussions private, it's also important that board members make it apparent that they are working on behalf of the association as a whole.

MacFie said it's important to elect board members that will work on your behalf.

"They're representing you and you should put some serious thought into it," he said. "Just because a guy might be good on the field doesn't necessarily mean he'll be good on the board."

Earle said it's important that one voice be heard and the hope is that members will agree with their decision. Not that that's ever going to be the case, he said.

"You can appease some of the membership all the time. You can appease some of the members some of the time. But you can't appease every member all of the time," Earle said. "If a member has a better idea, I would hope that they would present it to the board, and if it is better, I

would hope the board would be flexible."


Board members should be extra careful to keep disciplinary decisions private, both Earle and MacFie said.

"This is a responsibility that is bestowed upon you as a member of an executive committee," Earle said. "If I say something to you, I have confidence that you won't be a rubber mouth.

"If the member chooses to make that decision public, you support your decisions and support that member as an individual."

MacFie said it is likely that members of an association will know if a particular member ran afoul of the law or made some other type of transgression.

"What needs to be known is that if you do something that's against the constitution and bylaws of the association, you're going to get punished for it. There are consequences for your actions."

*Michael LoCicero is a freelance writer from Tempe, Ariz., and officiates high school and college basketball.* 

## When the Assigner Goes Bad, What Can You Do?

By Donald C. Collins

An association simply cannot let an assigner go rogue. The assigner is at the nexus of relationships that can become somewhat combustible if things go wrong.

An assigner impacts officials' pay, their ability to work better games, their ability to advance and their access to prestigious games. When you deal with people's income, work assignments and ability to advance, you're always one step away from the type of job dissatisfaction that leads to low-level grumbling at best and lawsuits at worst.

There's not much of a leap from a threshold number of officials complaining about good-old-boy assigning to some officials perceiving themselves as being denied games due to their being in the federally protected classes of race, color, gender, religion, national origin, age, disability, and sexual orientation. These federally protected classes of people could be supplemented by various provisions of state law.

A rogue assigner can get you in expensive and time-consuming litigation from officials who feel discriminated against. Even if the disgruntled officials really weren't the victims of discrimination, their perceptions can lead to internal grievances and lawsuits. Once you go down this path, there's no easy way out. You can't escape by forcing officials to sign releases and waivers. They don't always hold up. Nor should they. Let's face it, Martin Luther King didn't march for civil rights and employment

rights just to be undermined by an association or assigner forcing officials to sign those rights away. Yes, a rogue assigner can create a world of problems, and there's no easy escape.

There are a lot of entities that the angry official can sue. Obviously, the official can sue his association. However, state associations have been dragged into officials' disputes on the ground that they either license the officials or use association assignments as a prerequisite for state playoffs. Yes, a rogue assigner can create a world of problems that go well beyond his association.

Even if you're not sued, rogue assigners aren't good for business. If your association is in an area with a lot of competition, a rogue assigner could spark a breakaway association to form or lead clients to go to pre-existing competing associations. If you lose too many officials or clients, your association could be severely weakened.

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## QUICK TIP

### PREPARE A PLAN B

Guest speakers are great, if they show up. Have a backup plan in case weather, a change in schedule or a family emergency cause a cancellation. Anticipate the worst and have a secondary program ready to go.



Worse, though, rogue assigners sometimes control money. There are rec leagues, schools and interscholastic leagues that pay assigners who then disperse funds to officials. There are times and places where one can debate the merits of such an arrangement, but these arrangements exist and often for good reason. The merits of the arrangement notwithstanding, problems can arise when assigners intermingle association or officiating funds with their own.

I assume that most problems of this nature are innocent business errors — although that doesn't help the officials who are either shorted or suffer through delays in receiving payments. But it is possible that some assigners have made business errors that weren't so innocent. It's not a stretch to assume bad faith. One can easily do an internet search in one's own state and find dozens of cases of youth league administrators absconding with funds either through poor management or through malice. It's also not a stretch to realize that assigners can err in handling funds.

Basically, the best protection against an assigner who has gone rogue or is perceived as going rogue is to not let the assigner go rogue in the first place. An association has to run a tight ship, complete with policies that protect the assigner from being accused of going rogue and monitoring to ensure that the policies are followed.

Associations need regulations that make clear who can assign, how they become an assigner, whom they can assign, where and how often they can assign an official, and what an official must do in order to be assigned.

To be more specific, associations need to avoid internal disputes over who the assigner is. Associations also must develop

policies as to what qualifies an official to be ready for assignment and whether and under what circumstances an assigner should not or cannot assign him or her. This would include policies on keeping officials away from specific teams, policies on how often an official can be assigned to a specific school, and even whether and under what circumstances an assigner can be removed from games.

Associations must also establish a ratings policy, and link it to the games and level of games an official qualifies for. This policy should be supplemented by some formal means of determining the playoff officials, and a means of equitably distributing the high prestige games and major assignments that occur in the regular season among those officials who qualify for them. These assignment policies protect the assigner from charges that they abuse their discretion.

These protections are not a cure-all, though. The wise association must maintain good insurance as even the best systems are not a guarantee that some official won't be sufficiently disgruntled by the assigner to complain or sue.

Finally, having good policies is a start, but an association must monitor compliance with assignment policies, and must take regular treasury reports from assigners where the assigner has a role in handling funds to ensure that funds are being handled in an appropriate manner. In short, good policies combined with good monitoring are the best solutions to protecting the assigner and keeping the assigner from going rogue.

*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.* ☐

## Don't Take the Offseason Off

**A**h, the offseason. Time to kick off your shoes, put your feet up, have a cold one (or three) and take your mind off such things as your association. There's nothing to do until the next election or the next season, right?

Not so fast.

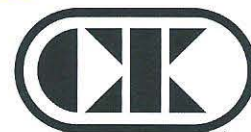
There's plenty that can be done between seasons. In fact, some tasks are better undertaken in the offseason, when

members' attention isn't directed on their games.

Newer members can be contacted to check on their comfort factor with their sport or the association. Some people are shy by nature and won't ask a question in a meeting no matter how important the answer may be. But in private they'll open up. You may head off a problem at the pass.

Recruitment efforts can be stepped

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