

# Are You at Risk if Teams Play Short?

A number of issues arise when teams don't have sufficient players. Officials frequently end up having to address procedural matters, manage coaches and deal with payment issues.

An official must know how many players a team must have to begin a game, and how few players a team can have and still continue. A failure to apply a rule and allow a game to begin without enough players won't generally result in legal liability, but if the wrong things occur in the game, the official could become legally liable, as well as become ensnared in an administrative and public relations nightmare.

Officials must also know the exceptions to the rules. Some youth and recreational leagues have start-of-game rules exceptions. That is OK — as long as the exception doesn't place so few players on the field of play as to create a safety problem or a conflict with the nationally promulgated rules on how few players a team can continue a game with.

## Officials should never attempt to guess on team eligibility issues.

The official must also remember that his or her role is to apply and interpret the rules. The official is not a co-conspirator in finding ways to get a game played. Nor is the official to judge who is on a team and who isn't. The official is the arbiter of the game, but not the arbiter of a participant's eligibility to play in the game.

In interscholastic games, if a school doesn't have enough players and the official is asked if the school can borrow players from the other team, the obvious answer is no. Officials can't get in legal trouble for enforcing the rules.

In recreational leagues and youth leagues, the answer is no unless the league has a specific exception. If an official works a recreational league that has an exception, the official should ask league officials to produce a written copy of the league rules so the official can read the exception.

Officials should never attempt to guess on team eligibility issues. A wrong guess could lead to an inadvertent breach of contract and create some problems for the official and his association. If the official isn't 100 percent certain of team swapping, the official has to work the game even if the official deeply suspects that something is amiss.

Thus, officials have had to work games in which the coach has gone into the stands and suited up a spectator — the official had no way of knowing if the player was a legitimate player being disciplined, an ineligible member of the student body who hadn't taken a physical or a student from some other school. It's not the official's job to know that. The official's duty is to report the unusual incident. If something is amiss, league administrators are charged with addressing it.

While officials should work games that have the outward appearance of legitimacy, officials are under no obligation to work a contest that they have been told is not legitimate. Officials have no obligation to officiate when a team forfeits a contest and then holds a scrimmage. Indeed, some insurance policies will not cover games that are converted into scrimmages. If an association finds that to be a problem, the association may need to place language into its contract to address the problem.

In short, the official must enforce the rules. The rules for various levels will tell officials whether teams can start games with too few players. Private leagues that make exceptions should place those exceptions in their written rules or officials should not honor the exceptions.

*Written by Don Collins, 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. □*

## Assault or Battery?

There are currently 20 states that have specific legislation providing tougher penalties for those who assault officials. But what constitutes assault? What is the difference between assault and battery?

Under criminal law, a person is guilty of criminal assault if he or she attempts to injure another person or makes a menacing gesture intended to make the person fear for his or her safety. Civil assault requires a victim to actually fear for his safety, but criminal assault is committed if an act merely is intended to make a person fear for his or her safety — even if the victim is not actually in fear.

Criminal battery requires unwarranted contact and resulting harm. It also requires an examination of the batterer's criminal intent, known in the law as the individual's *mens rea*, Latin for "guilty mind." Unwarranted contact, plus injury, plus an intent to harm equals criminal battery.

## Check Your Bylaws

A member of your officials association is charged with a crime. He or she has not been convicted, just charged. Could your association discipline or remove that member? That might be what you want, but don't act too fast. Does your association have proper bylaw provisions covering such an action? If your group doesn't have proper bylaws or it takes disciplinary action against a member while a member has merely been charged with an offense, the association leaves itself wide open to a lawsuit.