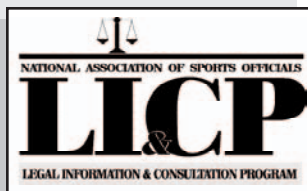


Your Legal Rights and Responsibilities

Can Our Training Program Keep Us Out of Trouble?

NASO members who have legal questions concerning situations pertaining to their officiating now have access to an attorney free of charge. As a benefit of membership, all individual NASO members can talk with an attorney up to three times a year concerning officiating-related matters. It's the Legal Information and Consultation Program (LICP) and it's working for you!



By Donald C. Collins

Q: We've heard of lawsuits involving sports officials in which it was claimed the game officials weren't trained properly, leading to a player injury. We feel our association's training program is worthwhile and comprehensive, but how do we know for sure? Is there something we should be

doing (or not doing) with our training program to help ward off such potential lawsuits?

A: Officials are generally liable where: (1) they fail to check equipment and field conditions before a game; (2) they fail to enforce safety rules during a game; or on rare occasions (3) they fail to control the game.

Officials associations can be liable as employers of officials whether the official was well-trained or not. Courts may also find that associations have express or implied contractual guarantees to properly train their officials — especially at the interscholastic level.

Association training should, at the very least, emphasize safety rules. Officials should be trained in monitoring fields so they have a sense of when to allow play and when not to allow play. Officials should be trained repeatedly to monitor safety equipment before the game. Officials should be trained to not ignore a specific safety rule such as the bleeding player rules and the unconscious player rules. Finally, officials should be trained in enforcing the sportsmanship and conduct rules of their sport. The enforcement of sportsmanship and conduct rules is becoming increasingly important. Let's face it, if an injury or a fight happens during a game in which everybody is out of control, the out-of-control people will often point to the official, claiming the game was not properly managed. That's easier than owning up to their misconduct, poor sportsmanship, lack of dignity and propensity to violence. If a jury believes them, the official and the association could suffer. Of course, the official and the association could appeal and win, but that costs money and time.

Training alone is not enough. An association must supplement training with a good assignment and evaluation program. The assignment program needs to make sure that new officials aren't thrown in over their heads too soon. Associations have to be able to distinguish developmental youth games from competitive youth games in assigning, and they must try to pair newer officials with their more experienced counterparts at the competitive end of the youth scale and at the frosh/soph and junior varsity levels of high school play. Some of the more competitive youth, frosh/soph and junior varsity games are where a newer or less-experienced official could get pressured to bend a rule that should not be bent. That's also where a newer or less-experienced official can be abused and where surprising acts of violence can occur without an official who is ready to handle them.

Training should be supplemented with good evaluation programs to ensure that newer and less-experienced officials don't feel frozen in their development. The unhappy official is more likely to trigger discrimination suits, and to sue over perceived errors in application of bylaws. Of course, nothing is fail-safe. Thus, training and evaluation must be supplemented by good insurance and solid association bylaws.

Finally, an association can work to develop great training programs, but even the best training program can be nipped to death. After all, nobody's perfect. Ultimately, an association will benefit from being in a state where some certifying agency (usually a high school governing body) certifies either the official or the association. Associations will also benefit, and should lobby for, limited liability legislation. NASO has drafted excellent model legislation (available at www.naso.org). 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 material is intended for informational purposes and is not legal advice. □

Is there a topic you or anyone else in your association would like to share? ONBoard would like to interview you. Send your ideas to editor@NASO-ON.org.



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