

CONFLICTS OF INTEREST POLICIES – A VITAL TOOL FOR YOUR ASSOCIATION

An association assigns an official to work a varsity game. The next day Team A's coach complains that the official was Team B's JV coach. The association's assignor calls the official, who says, "there's no problem because I'm fair." The association can't convince the official that there's an appearance of a problem. Nobody can explain to Team A's coach how this whole mess occurred.

There are other scenarios. They get more difficult. What does an association do where an official is scheduled for a JV game involving a school where his son plays varsity basketball, and both coaches want the official on the game? What if the official is a twenty year veteran who only does varsity games, and is serving the JV game so he can watch his son later that night? Are you going to assign an official to his alma mater's game if the official graduated four years ago? What about twenty-five years ago? Does your answer change if the official is the president of the alumni association or a large donor? Maybe it changes again if you live in the mountains and the closest school is two hours away. Maybe your answer changes if it's a playoff game instead of a regular season game. It might change again if the official and coach are business partners – even if they have no sports-related links at all.

One thing is sure: if you're running an officials association you'd better have a conflicts of interest policy. In fact, if you're a state high school association, a league playoff assignor, or any entity that assigns officials you'd better have a conflicts of interest policy.

Depending upon what level of play and what type of games you're assigning, your conflicts of interest policy should factor in: what schools the official attended; when the official attended those schools; whether the official has immediate family or in-laws attending a school; whether the official has a financial relationship with a school or a coach; whether the official has a family or financial relationship with an employee of a school; whether an official has ever coached at a school – and if so what sport, what level, how long ago, and for how long a period of time. Of course, if you're involved in assigning playoff games you may even want to know whether the official has worked games involving one of the teams or even in one of the teams' leagues. Indeed, there are situations where an official in a regional playoff game could be conflicted out because he works one of the teams' league even if the official has never worked that team's game in the current year. Yes, conflicts policies could lead to some strange questions and results.

Of course, identifying all the factors above doesn't mean that they should all be in a conflicts of interest policy. Your association has to look at the factors listed above and figure out how those factors apply locally or regionally. Your association may not care if a teacher from School A does a JV game involving School A's archrival. It may care if the teacher does a Varsity game. Your association may not care if a graduate from twenty years ago works games involving his alma mater. Other associations may care.

Still others may think the issue only matters where School A's archival is involved. Your association has to assess its local area and figure out what things are important.

The factors above are just a starting point. Your association has to figure out how to apply those factors. Your association should consider the level of play, the magnitude of the game, the region it's in, the number of officials in that region, the distance between schools, and the standards of the sport.

Of course, it makes no sense to figure out a brilliant conflicts of interest policy if you don't put it in your Bylaws or your tournament regulations. A policy known only to a select few is not a policy at all. In fact, it's a license for selective enforcement. Further, remember that association Bylaws are binding contracts between the association and its members. So make sure to put your conflicts of interest policy into the Bylaws.

When your association does put its conflicts of interest policies into its Bylaws, it would be wise to protect its assignors. Do not make the game assignor the person responsible for upholding the conflicts of interest policy. First, assignors have enough to do without having to gather conflicts information. Second, making the assignor responsible opens her up to charges of bias or selective enforcement.

The best way to uphold a conflicts of interest policy is to establish a panel to collect the information, make decisions on where conflicts occur, and notify the assignor. An association can give officials a hearing if they believe that the panel is wrong, but they don't have to if they write good Bylaws. It may be wise, though, to have some sort of emergency exception clause so that your assignors have some wiggle room on those days where a shortage of officials mandates choosing the least harmful assignment rather than the best assignment.

Unfortunately, Bylaws are often full of well-intentioned, lofty language that has little practical meaning. Remember, there are three failings where a conflicts problem arises. First, the official thought she was so fair that she either didn't see the conflict or didn't care. Second, the association didn't educate the official on why it has a conflicts policy and what the conflicts are. Third, the association didn't get the information regarding the official's conflict.

So far, we've spoken about what should be in a conflicts of interest policy, stated that it should be in the Bylaws or tournament regulations, and advised on having a panel make the decisions so the assignor can be protected. Now, we've got to make sure that we eliminate the three sources of failure.

First, associations must teach officials that their belief in their own fairness won't cut it. We teach officials positioning and mechanics, and we stress learning the rules and wearing the proper uniform in the proper way. We need to take occasional teaching moments to point out that a general sense of fairness doesn't compensate for these things. As officials, we are attempting to reduce the risk of error and the risk that reasonable people will think that we put ourselves in a position where we could be viewed as unfair

or unprofessional. Using the right mechanics reduces our chance of being viewed as unfair and unprofessional even if we know that our sense of fairness makes us beyond reproach. Similarly, not officiating your own school's game reduces our chance of being viewed as unfair.

The second and third problems are easily addressed. An association needs to produce a form that asks for all the possible conflicts. An example is, "List all schools you have been employed at, the year you were at those schools, and the position you held." An association can ask similar questions to find out about business relationships, family members' jobs etc... An association should refer back to the paragraph listing conflict factors to see what type of things the conflicts form should address. An association should then circulate the form to all of its officials, and require them to submit. Then the association's conflicts panel should distribute final decisions on conflicts to the officials and the assignors. Now assignors will not assign officials to the schools on an official's conflict list, and the official will have the conflict list and know that she should tell the assignor if the assignor errs and tries to assign her to a game where she has a conflict.

This approach to conflicts should resolve most of the annoying conflicts problems that associations confront and allow officials, assignors, and associations to focus on their jobs free from the distractions caused by conflicts.