

Your Rights and Responsibilities



By Donald C. Collins

DON'T OVERLOOK JEWELRY RULES

Q What are the liability risks for officials if players wear jewelry while playing a game even though it is against the league rules? The players were told to remove the jewelry, but they wouldn't.

A An official's failure to enforce a jewelry rule could lead to the official being liable for a player's injury. Identifying a safety threat and then failing to act upon it is a particularly bad legal position for an official to be in. The rules give officials the power to remove players who won't remove jewelry when asked. Officials also have the ability to forfeit games in which nobody will comply with the rules.

Usually jewelry problems occur when the official somehow misses the safety problem, not when the official sees the problem and refuses to act. In a situation in which the official missed the safety problem, we'd have a dispute at a trial about whether the official should have reasonably been expected to see the safety violation. The official may win since jewelry is often tucked away, hidden or missed in the heat of battle.

The difficulty here is that the official saw the problem and did nothing. Officials who identify a threat and do nothing are not in a normal situation. They're in an extremely bad legal position. After all, one must wonder, "Why didn't the official just stop the problem if he saw it?"

Officials who identify a safety problem, tell people about it and then do nothing set themselves up for a kind of piling on effect if other problems occur in a game. Witnesses may very well link the official's dismissal of a safety rule to problems ranging from out-of-control games, to injuries not related to the safety problem the official ignored, to game protests that are taken to court — where other officials may testify against the official in question.

Worse, the official may have lost a lot of the defenses that are available. He or she can't say the player assumed the risk of the game after the official has said that the jewelry is a problem. If the official is in a state in which officials are only liable if they were grossly negligent — well, that would probably qualify.

We must acknowledge, though, that it is not a legal mystery. We have to recognize that the realities of lower level sports have forced officials to engage in risk calculations. Lower level officials must balance the damage to their potential game fees against the likelihood of injuries. If the odds of an injury appear low, and the official has a desire to maximize his game fee and minimize conflict, he or she may let jewelry and uniform rule violations go if the participants object.

The fact that some officials engage in that type of economic risk calculation can only be solved by association

administrators teaming up with league administrators and sports governing bodies. Those entities must encourage officials to enforce jewelry rules and other safety rules without concern to the economic risk to themselves. They must penalize those officials who fail to enforce those rules. They must also educate coaches and parents on those rules and make it clear that they must be enforced. It is not acceptable for little Janie (or little James) to say that her ears were just pierced and she's not going to take her earring out. It is even less acceptable for mom, dad and coach to back up Janie (or James).

In short, the official who tells players they can't wear jewelry and then changes his mind will be liable if the players get hurt, but that official is likely backing off of his safety ruling because of an environment created by all of the people in the sports community.

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