

# Association Intervention

By Donald C. Collins

Historically, too many officials take the approach that they just have to worry about one thing: officiating. Too many associations believe their sole roles are to train or assign. There are still many officials and associations who hold this view today.

Unfortunately, the associations that hold this innocent view of officiating are occasionally surprised by various disruptions. Those disruptions could be an injured official, an official upset over game assignments, an official who wasn't paid, a sportsmanship problem, officials raising discrimination claims and any of a host of other problems.

Associations may be good at responding to a crisis when it happens, turning to the person in their association who might be able to bring in expertise from their outside work. The success of this approach to officiating correlates

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to the ability of the troubleshooter. Unfortunately, this approach is not always reliable and can be avoided if preventive measures are in place.

There are many associations that take preventive measures that put more concrete solutions in place. They can require their members to carry liability insurance, make sure that their association is insured and join the NASO MICP program. This gives these associations protection and the ability to consult with someone should things go south.

Ultimately, crisis response — intervention on behalf of the official

or the association — has to be a part of a coordinated strategy of education, training, communication and feedback within the association and with the association's clients. Association leadership has to start with education on association bylaws, policies and other association practices. This education has to be followed by training, actual implementation of the practices (they can't just be written down on paper and forgotten on a shelf) and feedback from members on how things work.

Associations have to use this same approach with fine policies, penalties and due-process systems. Then, associations need ongoing feedback and have to be willing to consider the feedback and make changes where appropriate.

This process has to occur on other matters, too. Members need a review of basic business practices. Associations will have to call on the attorneys, CPAs and insurance people within their ranks (and outside if that expertise isn't available) to make sure that there is an educated membership.

Associations also need to continue this process with their clients. Clients need to know what to do — and have someone to tell them to do it — on matters ranging from pay and hosting officials to sportsmanship and game security.

Intervention should not seem like an ad hoc solution to an emergency.

In a modern officials association, intervention should become a continuation of ongoing education, training, discussion and feedback. Intervention should become a routine practice that flows from ongoing conversations on a wide array of topics that the association has identified as core issues.

*Donald C. Collins is 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.* □

## Proving Harassment in Court

When an athletic director (AD) convinces other ADs and the commissioner of a conference to no longer use an official, he or she is not really interfering with the official's economic relationship with a third party, as long as the AD is not misstating any facts. However, the misstated facts have to be significant enough to make the official look bad. An error in a minor detail that has no significance won't be enough. It has to relate to something that would harm the official's reputation and diminish his or her ability to get games. Even proving the AD's facts were wrong may not be enough. The AD will argue that since the official is a public figure as far as his or her officiating is concerned, it's not enough that the AD was wrong. To be liable, the AD has to have a reckless disregard for the truth.

## The Prejudice of Age-Based Evaluation

There are some technical legal issues that relate to whether the federal Age Discrimination in Employment Act or a state variant might apply to high school officials associations. To obtain relief under the acts, an injured party must be an employee. To be liable, an employer must have a minimum number of employees. One exception is made when a state or local government is the employer. If a sports official tries to bring a case under one of the acts, the association or group that does the assigning is going to claim he or she is not an employee, but an independent contractor, so the act does not apply.

The association may also argue it is not an agent of the government and it does not have the requisite number of employees. Those arguments may or may not win. Just because an official is found to be an independent contractor for worker's compensation does not mean a court won't decide he or she is an employee for the purposes of discrimination.

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