



# DRIVEN by DATA

ANALYTICS  
DEMOGRAPHICS  
SPORTS OFFICIALS

NATIONAL ASSOCIATION OF SPORTS OFFICIALS

## INTRODUCTION

**W**e live in a world that is virtually awash in information, from the downright inane to the absolutely vital, and sometimes it's hard to tell which is which.

And in the world of officiating it is no different, with everyone's cellphone, I-Pad, tablet and camera grabbing different versions of truth both in terms of audio and video. Everyone's a critic, everyone's a reporter, everyone's an official and that makes it harder and harder to be a referee in today's world.

The 2017 NASO Sports Officiating Summit in Louisville, Kentucky, with its theme "Driven by Data: Analytics and Demographics of Sports Officials" tried to give officials and sports associations tools to sift through and grasp those important nuggets from the mountain of information they gather at every contest, every film session, every panel, and every refresher course they sit through.

They learned that information not only comes in through the eyes and the ears and computer and phone screens, but also through the wisdom to accept a mistake and move on, to acknowledge that certain tried and true ways may work for one group, but not for others, to understand that voices long not heard may be the ones that give an official the breakthrough he or she needs to move up to the next level.

They also learned about who to tune in and who to tune out come game time and about the importance of good health in maintaining one's skills. They also picked up information on building relationships, on maintaining good legal representation and on the importance of having good insurance.

It is important they did all this, as from taking a quick glance through the rule book before a big game, to listening to the local association when it makes a suggestion, to paying attention to guidelines from the state governing body, to using your imagination when it comes to recruiting new officiating talent, it all helps. And especially in times of crisis, the more information officials and their representative associations have, the better they will be perceived, the better decisions they will make.

That thought was taken seriously at the Marriott Louisville Downtown July 30-Aug. 2 as attendees grasped

every tool that was put before them in a variety of panel discussions, breakout sessions, workshops and speeches.

After the welcome reception on July 30, the Summit got into full swing and off on a happy note on July 31, as people listened to famed retired NFL official Jerry Markbreit tell one amazing story after another from Walter Payton coin-flip fiascos to Chicago Bear-Green Bay Packer rumbles, to making the day of a disabled young fan.

Participants then swung into the meat of the matter, as they learned about the best uses of data in the session entitled, "We have numbers. What do they say?" Experts like Terry Gregson (NHL), Steven Angel (NBA), Matt Hawkey (PRC soccer) and Don Van Massenhoven (NHL) along with Steve Shaw (NCAA football), talked about the best ways to use numbers to analyze the work of officials.

Later that same morning, four officials from basketball, football and other sports went through a "Breakdown That Play" session doing a candid frame-by-frame analysis of some of their favorite, more interesting and challenging calls. Ron Foxcroft (Fox 40), Lisa Mattingly (NCAAW basketball), John McGrath (NFL), Brian Taylor (KHSAA) and Julie Voeck (PAVO) all took part.

Still on July 30, there was a popular "Game Changer: Better Officiating through Innovation and Fresh Thinking" session featuring several short presentations on a product or a concept that could be "A Game Changer" for an official or his or her association. Vokkero, Ref 360, Zoom, ArbiterSports, WNBA, Sports Integrity, Get It Right, Dr. Robert Doan and Referee Digital Media were all involved in the effort.

A favorite of every NASO Summit, The Officiating Industry Luncheon, followed. Chaired by NASO President Barry Mano, the OIL, as it was known, featured Theresa Wynns and Bob Gardner of the NFHS, and Butch Cope of the KHSAA as they provided a national overview of the accomplishments and challenges of the officiating world, from high school all the way through to the pros.

Also going on that first day was an exciting event, as Fox Sports football officiating analyst Mike Pereira interviewed Carl Cheffers of the NFL, Lisa Mattingly of NCAA basketball and Thomas Harris of Battlefields to Ballfields in a session appropriately called, "After Further Review." Opinions, stories and personal remembrances of officiating days past were on the docket for discussion.

There was also a cool event sponsored by Play Station called "Sport-by-Sport Breakouts" which allowed participants to immerse themselves in video breakdown sessions of the sport they work in. Various entities sponsored stations for baseball, basketball, football, soccer, softball and volleyball as sessions were led by respected officials. Participants got to watch plays, hear perspectives and then add their own opinions.

Aug. 1 opened with a vigorous discussion session called, "Officiating in Public," as respected individuals such as Katy Meyer (PAVO/moderator), J.D. Collins (NCAA), Scott Green (NFL), Mark Jones (AHSAA) and Sandra Serafini (PRO soccer) discussed the challenges and opportunities of officiating in this social media-crazed, video-glutted age, where unsubstantiated rumors, camera phones and viral tweets force officials to be on their toes all the time.

Following that, Margaret Domka of NASO presented results from a nationwide survey of sports officials. People got to know quite a bit about the age, gender, race, location, education and aspirations of their fellow officials. They saw the numbers and learned what is needed now and what will be needed in the future to keep officiating moving in a healthy direction.

Later that morning was a bit of a cheerleading session, as Joan Powell of Pac-12 volleyball moderated a discussion session called, "Help Wanted: Why Officiating is Cool." Discussion centered around new ideas to nurture and hang onto officials and how to attract new talent to the ranks with a strong focus on the use of social media. Nancy Funk (KHSAA)/volleyball), Charlie Obermayer (US Lacrosse), Vito Testa (US Soccer), Mark Uyl (MHSAA) and Sandra Walter (IHSAA) all took part.

Following that was the annual "Law and Liability" question-and-answer session where everybody had a chance to take a deep breath and become re-acquainted with all the legal landmines that face officiating these days. Moderator Drew Smith (American Specialty), Alan Goldberger (officiating law expert), Don Collins (officiating law expert) and Chad Collins (KHSAA general counsel) laid out the guidelines to help keep officials on the field and out of court.

Following lunch, there was a leadership session called, "What Officiating Teaches You About Yourself." Moderator Debbie Williamson spoke with Mark Baltz of Zoom (former

NFL official), Rich Fetchiet (NCAA baseball), Derick Bowers (NFL official) and Julie Voeck (PAVO) on what officials who want to move up the ladder and assume positions of leadership need to do to get there and what kinds of risks and rewards they can expect when they do.

Along with that, on this jam-packed second full day, was the State High School Association Leadership Forum, an invitation-only workshop for high-school-office executives, staff members and invited guests, which provided them with a unique opportunity to share ideas and best practices. Ralph Swearngin (former GHSA executive director), Uyl, Julian Tackett (KHSAA executive director) and Todd Stordahl (WOA executive director) were among those taking part.

There was also free help for local associations as insurance and legal professionals were available for groups to find out what kind of coverages would suit them best. These on hand to help in the session called, "The Coverages That Matter," included Collins, Goldberger and Smith.

Two high-level prep sessions followed, including a conversation about the results of a nationwide survey of interscholastic officials. Moderator Matt Bennett discussed what worked and what didn't with Doan, Jason Nickleby of the MSHSL and Stordahl of the WOA in "High School Officiating, Fact and Fallacy." It was an honest portrayal of how state associations can help make local associations work better and vice-versa.

Then came a centerpiece session. By now, most high school football officials are all too aware of the 2016 case where Illinois prep officials mistakenly gave an untimed down at the end of a state semifinal game that allowed a team to tie the score and then eventually go on to win the game in overtime. The case wound up in court, and the issue has left some scars. NFL official Jeff Triplette moderated the candid and ultimately heartening session that was attended by game officials Hollice Clark and Tom Longtin as well as by IHSAA Executive Director Craig Anderson.

As the day wound down, there was a "Referee Voices Live" session where James Breeding of NCAA mens basketball, Dave Coleman (Pac-12), Tony Corrente (NFL), June Courteau (NCAAW Basketball), and Jeff Seeman (NFL) shared stories, insights and moments that allowed officials to feel good about their profession and what they do for a living.

After all that information and data, participants got a

chance to unwind and think about what they learned at the Celebrating Officiating Gala sponsored by Fox 40. There they celebrated former GHSA Executive Director and 2017 Gold Whistle Award winner Swearngin, and Smith of American Specialty Insurance, insurance provider to NASO and 2017 winner of the Mel Narol Medallion.

With all that behind them, everyone now looks forward to the 36th annual NASO Summit at the Marriott on Canal Street in New Orleans, July 29-31, 2018. The theme there will be "Say Yes to Officiating." □

# All My Best Friends Are Officials

NFL legend Jerry Markbreit leaves everybody smiling with stories that are touching, informative and downright hilarious.

# Law & Liability Interactive

Hold onto your hats (and whistles), the legal landscape for officials is more complicated than ever.

Everyone who took part in this question-and-answer session had to take a deep breath after learning that the legal minefield for officials is more complicated and difficult to navigate than ever.

Drew Smith, the president of American Specialty Insurance and the insurance provider for NASO and all of its membership, moderated this panel session that included Don Collins, commissioner of the San Francisco Section of the CIF and a 2016 Mel Narol Medallion Award winner; Alan Goldberger, attorney and a respected authority on sports officials and law; and Chad Collins, general counsel of the Kentucky High School Association.

All three panelists gave detailed and daunting opening statements. Their overarching theme could be broadly defined as "Watch your back!"

## ***BE AWARE OF DISCRIMINATION***

Don Collins went first.

"Briefly I'm going to talk about discrimination from third parties triggered to some extent by the LaVar Ball situation that's in the news," he said. "Now, that occurred in a club setting in an AAU (basketball) tournament (where Ball complained and got a female official replaced). But during your regular course of the season and your school settings, you have to be concerned about this also.

"We all know that we ourselves, when we run our associations, cannot discriminate against people based upon color, gender, race, religion, national origin, age and disability. We know that. At least I hope we do. However, what we don't often realize is that we can be (held) accountable for the third party's discrimination.

"A case in point, outside of the sports world, if you just pretended that I was a receptionist and a female delivery person came by, dropped off a package and said, 'Here you are, Mr. Collins, you sexy thing.' That's a third party. They don't work for my company. But my company would be obligated to tell the delivery service, 'Tell that deliverer to stop doing that to Mr. Collins.' Well, you have the same problem.

"You might have people who believe women should not work a men's game, essentially LaVar Ball in a school setting. You can't allow that. You actually could not say I'm going to honor (that). You have to now say I am actively telling you we

can't accept this because it is a discriminatory thing based upon what you've said. And even though it is not us doing the discrimination we must take a stand.

"In all such cases, we must be vigilant against this.

"State association directors already know this because they have nothing to do with your normal assigning, and yet we have seen them be held accountable for associations that said we won't put a woman on a man's game. And suddenly the state association itself is in trouble for that. So be sensitive not just doing what you do when you are trying to make sure your members do not discriminate. Be sensitive also to the fact that you can be accountable for having a hostile work environment when others discriminate against your members."

## LIABILITY PROBLEMS

Chad Collins then stepped in and took a long look at the liability issues state associations face.

"We look at things from a legal standpoint," he said. "So, when we talk about liability, a lot of times we end up at the topic of negligence. And we were in a meeting the other day in which I was accused of not being able to stay within a short definition when we talk about negligence. But in its shortest and simplest explanation, negligence is when we fail to do something or we do something that we shouldn't have when another person in the same or similar circumstances would have done something different.

"And so, what does that mean? When we look at negligence, we're basically looking at four different elements. And the first thing we try to do is we look at it and say do we have a duty here? And I'm going to talk to you a little bit more about where we find out whether or not we have a duty. But we also look about (and ask), "Did we fail to do that duty?" Then we look at and try to determine were there any damages to the party that was harmed. Are they going to lose out and not have future earnings? Did they inure themselves in a meaningful way? And then finally we're going to look at whether or not that failure to act, that failure to meet our duty, was the cause of these damages.

"So as attorneys, we take a very tactful approach. If we can destroy any one of these four elements, we win. And while you might say, isn't that common sense to figure out whether or not you have this duty and to figure out what is going on, I think

we've learned as (Kentucky High School Athletic Association) Commissioner (Julian) Tackett often says, 'Common sense is a flower that doesn't grow in everyone's garden.'

"And so, what do we look at to find out if we have a duty? Well, the easiest are our playing rules. Regardless of the sport, we have playing rules that we have to look at. And that's going to tell us what we have to do and what our duty is in many instances. We also have our association policies or procedures or your governing body policies or procedures that would also create a duty for you.

"With concussions, we've seen our legislatures ... stepping in and saying we want you to handle student-athletes or athletes that are showing signs and symptoms of concussion in the following way. Well, that statute has now created a duty for our officials in how we handle those situations.

"And then finally we look at something called a common law creation. And in that situation, we're going to look at what our industry experts are doing. What are the expert referees (doing) when they're faced with this situation? So, when we're looking at these things, let's talk about them in that vernacular and let's look at them in that framework in understanding that prevention is the key here and that's the best medicine. And if we can talk about it now and understand how we need to act, it's going to improve our long-term strategy in avoiding any liability."

## HELPING YOURSELF

Goldberger tried to reinforce that point.

"We're going to talk a little bit about preventive medicine," he said. "The thing is that first of all our people have to understand legal play, legal field, and legal issues. Legal issues result from, in some cases, not having legal play as Chad alluded to, not having a legal field, a field that has dangers that are presented to the student-athletes who in the case of our high school athletes, of course, are minors. We have to remember, of course, and we all have to make sure that our people know the first rule of officiating which is, anybody?"

And at that moment, the audience responded in unison: "Protect, protect, protect."

But that wasn't the answer Goldberger was looking for.

"Those are rules two, three and four, but nice try," he said. "The first rule of officiating I made up is 'don't turn your back.' Because that's how you prevent, prevent, prevent, okay? Don't

turn your back. There's a lot of bad things that happen when we are looking other than where we should be looking, which is at all the athletes and both benches. And, of course, like that elementary school teacher, we have to have all kinds of eyes in the back of our heads.

"Third, of course, obviously cleaning up rough play, taunting, baiting, trash talk. In New Jersey, we have very severe rules about trash talk, enhanced penalties, immediate ejection and so forth. That may be coming soon to a state near you.

"The fourth thing our people have to be aware of is how to manage the fight, one of the most misunderstood concepts in all of officiating. I'll say very briefly, as I've said many times when I've graded you all in the past, great officials do not permit athletes to fight. (If so) that student athlete has to come out.

"The next to last thing I think we have to know, ACA2, an acronym standing for 'Anybody who can afford the \$2 (to get into the game).' That's who gets into our venues, folks. Every time we talk to a spectator or answer a spectator or get involved in a colloquy with a spectator, we raise that spectator up to our level, to be our peer. Here's a bulletin which we all know: Spectators are not our peers. They have no qualifications and no rights to speak to you, nor are we accountable for them. Those conversations only end in a bad way. Don't let it happen to your people.

"And lastly, center stage — game control and personal safety. As association leaders, how do we get through to our people with the strategies that they need? We found out very recently that we have many instances of complete disregard for both rules and refs. Is that a good thing? It is not.

"Do we communicate rules and rules modifications to our people? Do we communicate methods for dealing with disregarding rules that some of our brothers and sisters (in the officiating world) do or are asked to do?

"And for officials working independent ball, independent and showcase, would it be that somebody might want to tell us about special rules for a game like more than an hour before the game or in some cases ten minutes before the game, okay? Are we working the game, or are we actors in a reality TV or unreality TV display or spectacle of some kind? Are we asked to compromise player safety in relaxing player-safety-related rules? Not that that's illegal, immoral or fattening, but it carries consequences.

"Here's my thought," added Goldberger. "What if we are told to put officials on that game that will keep coach in the building because it's a big rating item for us, it's a big draw, maybe the son is a D-I prospect. I'd like you to do that if you don't mind, assigner, okay? ...

"Those folks who would do that need to take a look at something like this Nevada revised statute. It's the bribery of sports official statute. They may also want to look at federal law prohibiting bribery of game officials. Giving something of value to a referee to corruptly referee the game."

"Too often we are asked to go from this 'the rules, the whole rules and nothing but the rules' like we have in our meeting (today) to a situation like this, complete disrespect for rules and refs. All in the name of what? What everybody always says, the game is for the kids, isn't it? The game's for the kids. That answers it all, right?

"Okay, I've got three questions, Really, really, really the game is for the kids? Tell me all about it. It's a game for the kids when you have an official in the middle of the field brutally assaulted from behind by two players in a planned attack instigated by the coach. Or it's a game for the kids when two officials ask a police officer in uniform to move spectators away from the field and are subsequently arrested after it turns out that police officer is a parent who brought his friends to see little Sharon play and he wanted to bring them right up there to the sideline. Is that game for the kids?

"How about ... it's a game for the kids when the tournament sponsor pressures referees before a game to make the wrong call. Is that for the kids? How about is it for the kids when a contracted game official is pulled off the court in the middle of the game at the coach's request so that we can get somebody else in here? Is that for the kids?

"In each of these cases, we will recall the incidents we're talking about are real-life incidents (and) that each of those games was finished, except for the last one (the LaVar Ball incident). They tried to finish it, but the coach was so bad even the sponsor pulled the plug on him. But the point is what did we do? We're such nice people and we are. I get it. However, the game was continued for the kids, the same kids whose parents would sue them in a heartbeat when something went wrong, alleging that that game was finished with an incomplete crew or under circumstances that presented a danger to their son or daughter.

"So that's the deal. The truth about the game it's for the kids, ... when the coaches and the sponsors and the parents act like adults. And that may start any century now. The game is for the kids when the officials call the game according to the rules and are supported for doing that. And the game will be safe, fair and fun."

## **RESPONSIBILITY AND CONCUSSIONS**

With that sobering assessment in the books, Smith then began the Q & A with a big emphasis on prevention and official's liability in the case of injury, especially the still rising issue of concussions.

"We're primarily focused, whether or not you're at that level or any level for that matter, in keeping the competitors safe," said Chad Collins, "and with the onslaught of litigation and legislation telling us how we have to deal with this, we've learned so much about concussions and how to handle them over the last 10 years. If you go back to 25, 30 years ago when I started officiating, this wasn't a subject that was all that keyed on.

"But today we know that it's not the first hit that's the problem with concussions. It's the second impact syndrome that's causing all of these issues, which means we have an opportunity, whether or not we're the coach, whether or not we're the official, to do some things that will hopefully protect that student-athlete from being injured. And that is the removal from play, having them evaluated by the licensed healthcare professional as the law requires, and implementing them back into play at a pace that is appropriate for that young man or that young lady given the facts and circumstances of their injury.

"It's more critical today because we know more. And because we know more, that means we have a more defined expectation as to how we need to handle it as officials or how we need to handle it as coaches or how we need to handle it as a state association when we make a rule."

## **WHAT IS AN OFFICIALS' DUTY?**

In short, Chad Collins wanted to make clear, have sound definitions of negligence and duty.

"This raises the question of once we get concussion rules, and we're only seven or eight years into these rules, we haven't

established enough of a pattern of practice to fully know what our duties are," added Don Collins. "We live in America, a beautiful country, but it does one thing that's cruel. It does not tell us all of our duties. All of a sudden, we get sued and we run onto the court and Alan tells us what our duties are. So, you have this problem with these concussions.

"You have a rule that says I will, as an official or a coach, remove you when you show signs or symptoms of a concussion. That's the first statutory duty. But now I would ask you ... how many of you take a test on what the signs and symptoms are? And how many of you require a certification? And how many of you actually have to pass that certification? How many bring in a doctor? These are the kinds of things where suddenly there's a suit and someone goes, 'How does Alan know? He never took the test.' And Alan goes, 'I didn't know I had to.' And they go, 'Well, 99 percent of the officials are actually doing it.' Suddenly there's an industry standard Alan didn't even know and neither did Chad.

"So, all these things have to be litigated. Do you have a duty to give notice? There are some statutes that say your duties are done once you remove the person. But when you remove them, don't you have to go over and tell the coach this is why I'm removing him? But the rule doesn't actually make it entirely clear. There might be somebody who forgets to do that. And then when the person comes back, there are multiple people that can remove the person. The official can remove him, the coach can remove him. So, what if I went out of the game and I came back, and it was the coach who removed me. Chad's the official, he isn't entirely sure why I left. So, he does nothing because he doesn't know. Did he have a duty to inquire? ...

"What if we're thwarted in our communication? Charles goes down. Twenty people run out to treat Charles, who is holding his head. I want to say to the coach, 'I'm going to remove him for signs and symptoms.' I can never get to him, and suddenly a few plays later Charles is back. I didn't realize it for three or four plays. Then I go, 'What the hell is Charles doing back?' And they tell me, 'Oh, we were checking him out for a clavicle injury, not for the head.' We didn't know about that."

"My desire to consummate the communication was thwarted. My only defense is the Viagra defense. I couldn't consummate my desire to communicate. But these will all be litigated out, all these situations. It's so new, that's why we're all worried about it. We don't have a full jurisprudence on the concussion duties yet."



## **GIVE THEM INFORMATION**

"Let me just jump in here," said Goldberger. "Also on concussion we need to understand – what we have to bring back to our local associations are a couple of things. Number one, it's a rule that has to be refereed. Rules have to have mechanics. And Don is right, we have the rule, nothing wrong with the rule. Where we got in trouble in 2010 is where the National Federation and the NCAA and every other group realized that we have data now that show us that sports are much more dangerous than everybody thought. Now what we need to do is understand that this is something that officials need to be given."

"We need to understand, number one, signs, symptoms or behaviors consistent with concussion cause removal of somebody from the game or practice or a scrimmage. So, if you're working a practice that rule counts for that. ...If any one of the adults detects the sign, symptom or behavior, the student athlete comes out. This is not a roundtable discussion. It's not a vote. It's not a forum...."

"(D)epending on state law and state association policy, you may be able to come back upon approval. We tell officials to make sure you know who the healthcare professional is, if there is one. Make sure you understand that that player – that student/athlete – has been evaluated before he or she is admitted back in the game. Not always easy, but something we need to do."

"And make sure that you do not have any shortcuts in this process. Because the minute you have a shortcut, you can't defend it. And in the case of traumatic brain injury, it's not going to be a pretty sight if the student/athlete ends up with a catastrophic condition."

## **KEEP YOUR INSURANCE CURRENT**

After that, everyone took a deep breath and moved onto the issue of what kind of personal insurance officials should carry to protect themselves.

"First off, I think the most important thing if I'm an official I need to be aware of what I have," said Smith. "So, before I go out and join another organization, before I go out and try and buy something on my own, the first point if I were an official is awareness. What insurance do I have and what does it cover me for?"

"Perhaps you're working an AAU game and you're covered through that," Smith continued. "Perhaps you're working a

youth football game and you're covered through that. Maybe you're doing high school games and you're a registered official with the Kentucky High School Association, and through your membership in the NFOA, you have insurance through there. If you're an NASO member, you've got a great insurance program through NASO.

"But the first thing you want to do is check on that," Smith said. "The most important thing I see is the liability that you may have when you're officiating."

The possibility of having to defend yourself or have a judgment against you related to a player injury is something that officials can get dragged into – events that can keep you awake at night, Smith said. "You want to buy liability insurance that takes care of that," he said.

"The second thing is what are you going to do if you're injured? If you're counting on that income, if your family counts on your income as a sports official, how are you going to replace that income in the event that you're injured while officiating? Medical insurance through a primary employer or, if you're self-employed, purchased on your own, may cover some expenses related to the injury."

Also, don't expect that your homeowners' insurance will cover you if you're hurt or if you're being sued over a player injury. Smith warned that not all homeowners' insurance is created equal and officials should examine their coverage.

"Highly recommend that you look at liability obviously through NASO," Smith said. "It's a great program. And the other item might be your auto insurance. What kind of auto liability limits are you carrying, especially if maybe you have a van and you're bringing a bunch of officials with you, there's the potential there for a significant number of injuries in the event of an accident?"

Another potential legal issue brought up involved using video for training and evaluation of officials. When sharing and trading videos, officials need to make sure they're not running afoul of intellectual property laws, particularly when they're posting those videos to YouTube.

## INDEPENDENT CONTRACTORS OR EMPLOYEES?

Also brought up were the recent cases that have raised questions about the status of some sports officials — independent contractors or employees. The implications for officials associations are immense, opening up the possibility of worker's compensation claims and tax implications.

"I know of one organization where you're looking at a high six-figure annual going into the association and being paid out to the officials for officiating," said Goldberger. "Anytime you do that, you are throwing up the white flag to the tax man and to a whole host of federal, state and local agencies (saying), 'Yes, we have employees, yes all the officials are employees.'

"And then what happens? You become liable. And in some cases, officers and other functionaries become personally liable for penalties, interest and withholding taxes that you didn't withhold because you are misclassifying your employees as independent contractors.

"Okay, now this takes many forms," Goldberger explained. "But the deal is it's a hot ticket item now. And aside from what we've read in the news lately, the bulk of the problem really is going to be if the IRS or any other state taxing agencies get a bee in their bonnet about trying to derive some extra income and start going after these little nonprofits who are officials associations who have done things this way for 100 years, and now all of a sudden, it's no good. Well, it was never any good, we just got by in most cases.

"So, this is probably the single most unintelligent thing you can do if you don't want to be an adjudicated employer, that is to pay your officials as the result of money you take in from some sponsoring organization or school. It goes down to the rec-league level. Everybody likes to outsource, because all that liability that we're talking about is basically gone the minute you outsource."

But with every potential solution comes a problem, Goldberger said.

"And your answer is if you're an administrator of a school board or superintendent or town recreation director or something else in the sports governing body regional association, when the catastrophic injury comes or when the claim comes for somebody wrongfully ejected from a game or whatever it is, you get into court, step up and tell the judge, 'We didn't hire those officials, we had a company do that, it's called the Greater Louisville Football Officials Association or whatever the case may be,'" Goldberger said. "Poof! You're liable. And then you have a whole host of things that the employers are liable for and a whole host of employer obligations that people who don't have employees just don't have."

## KNOW WHOSE VIDEO IT IS

Another hot-button issue that came up are the legal ramifications of using video provided by a news crew or a third party to determine a ruling on behavior issues while officiating a contest. Don Collins was asked if there were any such cases in San Francisco.

"To answer the question, there are times when we have an incident and we do get third-party video," said Don Collins. "I've never received it from a news crew. And we're using it privately for our own internal office purposes. And so, our issues become our procedural issues, and we let the other party see it. And do we get information from the school or person that we're punishing or taking an action against? And so, we have procedural issues. But for the most part, I don't tend to have legal issues when I take film from mom or dad or pull something from Channel 2, other than the procedural stuff."

"I guess what I would focus in on is, number one, do your playing rules allow for that?" added Chad Collins. "Because at the high school level generally we don't have that option, we don't have that tool (related to game rulings). ... Now, when we're talking about dealing with conduct, misconduct, behaviors, things that happen at the game that may be punished outside of the contest itself, well, that changes. And certainly, we have a policy in Kentucky that allows the use of videos to do that, and we utilize that policy. ... I would always say you need to have a policy, you need to have procedures that allow you to use that in that situation, and certainly in Kentucky we do."

## THE PROBLEM OF ABUSE

The session closed with another worrisome topic. What recourse does an official have if they're verbally abused by a participant, coach, etc., because of the official's race, gender or other trait?

"The initial recourse officials have in any instance of abuse," Golderger said, "is to penalize the offender, penalize the team." But officials don't always use the tools at their disposal. "We've had reports where officials are tormented from the start of the game. And the final DQ report recounts five, six, seven, eight (incidents). In one case, I counted 13 instances during the course of the game where any one of the instances could have been a DQ and should have been a DQ. ... These gentlemen will tell you from the state office perspective it's real tough to defend a referee or umpire who does not protect himself or herself by calling the infraction."

When you get to a hearing, it's going to be tough because the "coach is going to come in and say, 'We have a perfect record at Big Town High, sportsmanship is very important to us. And we didn't have a problem in this game. You don't see any technical fouls, no less ejections. So, what's the fuss? If official Collins had told me that I was a little too loud or a little too argumentative, I would have addressed it with him. But I teach sportsmanship is very, very important.' So, when you get to the holier than-thou Olympics, this is what happens."

"We need to understand that this is a reluctance on the part of officials," Goldberger said. "Maybe it's because they're worried about the eighth-grade schedule for next year or being banned from a conference or blackballed or something, and they do not throw the flag or take the card out of their pocket."

But such concerns have consequences. What about situations where the person tormenting the official is a spectator or someone not part of the team?

"We have medicine for everything in sports," Goldberger said. "That medicine is get the site administrator, who you will have identified before the game, and have the site administrator remove the offending piece of protoplasm from the area."

"Now, why do we harp on this?" Goldberger continued. "Not just the obvious reason of our safety, but because every time we don't follow that protocol, every time we address a (fan) directly or somebody not involved with the game, every time we use some other method ... what happens? In the headline, if there is one or certainly in the reports to the state association office, what is the focus of that? Official Collins here did not follow proper protocol and that's a big offense."

"That's why we have to follow proper protocol because our friends and admirers who populate these venues and who populate the athletic benches and the teams are quick to point out everything we did wrong so that in a way it obscures what they did wrong and the fact that they're not at all familiar with the NFHS or the NCAA or the Burlington Rec League rule concerning conduct and sportsmanship. Nor are they familiar with athletic codes of conduct. But that's not their fault because these officials didn't follow protocol, okay?"

"And this is a huge, huge problem and a huge legal exposure," Goldberger concluded. "That's why our officials have to understand what they need to do when the wheels come off the wagon and if they refuse (to follow protocols)." □

# High School Officiating: Fact and Fallacy

**Youth and prep officials are the backbone of sports officiating. They need all the support they can get.**