

Your Rights and Responsibilities

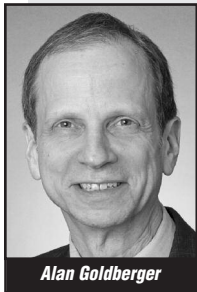
Know How to Use Your Bylaws

NASO members who have questions concerning situations pertaining to their officiating now have access to the Member Information and Consultation Program (MICP). MICP provides members with articles or information on specific topics. NASO can also put members in touch with an expert to discuss officiating-related information up to three times a year through MICP.



Donald C. Collins

The following question was asked during the "Current Legal Issues: Your Questions Answered" session at the 2008 NASO Summit. The answers are from session leaders Don Collins, a lawyer and executive director of the San Francisco section of the California Interscholastic Federation, and Alan Goldberger, New Jersey lawyer and official who wrote the book *Sports Officiating: A Legal Guide*.



Alan Goldberger

Q: How should internal discipline, fines, suspensions, removing an official from an eligibility list be handled? If an official is late to a game, for example, what kind of fine system would be "legal" within the guidelines or the bylaws?

Collins: The bylaws of an association by law are a contract. In that contract, though, you cannot escape greater laws. You must provide what's called due process. You want to give your members notice of those matters for which they could be penalized. You want to give them

an opportunity for some sort of a hearing on those matters. In most of those cases, it's very simple. Somebody misses a game, you have in your bylaws that if you miss a game there will be a \$10 fine, so you impose the \$10 fine. The person might have had an accident or a heart attack. You give them their hearing, you've resolved it. The key is to provide the notice, the opportunity for a hearing.

Goldberger: It's an irony that we're officials, we spend a lot of time on that rulebook, more time on the casebook and more time arguing about plays that happen once every 37 years. When it comes to our own bylaws, the internal rules that we use to run our association, nobody has read them since 1916. As a result, what do we do? We have a member who strays from the fold and we decide what to do with that particular member on the basis of our moral barometer, which is very nice and very well-intentioned. The only thing is you're going to find yourself sending in a claim (to American Specialty) if that official who is wrongfully suspended in his or her mind decides to retain counsel.

It's pretty simple. All we need to do is formulate bylaws that are enforceable, that conform to the way we want the association

to run, that outline to a member what is expected by him or her — what's permitted and what is not permissible — and a system of sanctions after a due process hearing to enforce those sanctions. The mistake associations make, aside from not reading their bylaws, too often is assuming the member charged is guilty without understanding that there may be another side to the story.

How do you get around that? Very simply. Going back to due process, something called saying to the member in writing, look, you have been charged with violating our bylaws, section twelve, paragraph two. Failed to show up for a ballgame on July 28, 2007, appeared out of uniform Aug. 15, 2007, whatever it is. A hearing will be held on Sept. 9. At that time, you can bring counsel, you can prepare, bring witnesses, whatever you like. That way, your committee charged with disciplining members with suspensions and expulsions, where appropriate, and fines, can get to the bottom of the situation. You may decide that the official showed up on time. Maybe somebody wasn't telling the truth about him. Whatever you decide, it's fair, it's open, and you've treated the member the way you would like to be treated if you are charged with something that could impact your officiating career, reduce the number of games that you get or hurt your standard.

I think the problem is well stated, but doesn't seem to be solved any place in the country. If we would all read our bylaws and follow them, and if they're not good, change them, and then follow the ones we change them to, I think we would not be talking to (insurance companies) as often as we are. That's just my opinion. It's bad for business, but I'll live with it. □

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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