

The Buck Stops Here

Lead Your Members Down the Right Path

By Tim Sloan

Once upon a time, there was a notion of propriety.

If Mom thought you were being wrongly influenced by your peers, she might ask, "If they all set themselves on fire, would you too?" The obvious answer was no, but the question was absurd, so you had a place to hide. What if she asked you this one? "If all the other waiters aren't reporting their tips, does that make it OK if you don't?" A more valid question and a tougher answer. Fifty years ago, the answer would likely still have been no. Today, responses might include, "The government's wasting the taxes I already pay them!" or, perhaps, "It ain't stealing if you don't get caught", or even, "Yes."

Sad commentary, isn't it? Everyone, it seems, self-justifies the sin he or she commits and uniformly uses the pretense that he or she isn't the only one doing it; "Start doing something about the others and then I'll think about my own attitude." Has it crept into officiating

too? There were the high school officials who were giving each other top-shelf evaluations to get better assignments. How about the European soccer officials who rigged games? Joe Public now believes we get bonus checks for favoring certain schools to win and that we have a code of silence precluding us from turning in cheaters: I mean, *everyone's* doing it, right? If the public doesn't see us take any meaningful action, we as leaders must be complicit. Is that what we want?

OK, let's set outright crimes aside and look at other unfortunate things that happen in our associations. Chances are, our constitutions say something about existing for our mutual betterment or providing adequate training and supplying qualified officials for the sport. Whatever the wording, anybody — *anybody* — who doesn't support those aims is hurting you. If you let members out of their obligations within the bylaws to perform two evaluations every year,

what are you saying? If your assigning officer always gives himself games between winning teams, are you the only one noticing? If one of your super heroes refuses to work with rookies, and you let him, what does it say about your development philosophy? "Norma's too busy to have time for evaluating," "Bart works hard on the scheduling for us" and "Anywhere Sam works is over the head of a rookie" are as much convenient responses as they are copouts. Operating an officials' organization should be less about entitlement than just about anything we can think of, so how can we justify it? If we can't clean up our own house, what does it say about us?

Here are some ideas for running a clean operation. Because of where our public perception has taken some of us, they might have an initial downside, but any turnaround must include some acceptance of blame to move forward.

(See "Right Path" p.8)

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Should Your Association Become a 501(c)(3)?

By Bob Masucci

Deciding to incorporate is not something to be taken lightly in large part due to the extra legal and documentation requirements such a decision places on your organization. However, if you make the decision to incorporate, the follow-up decision will be whether or not to do so as a nonprofit tax-exempt corporation.

By far, the most common classification for nonprofit incorporation, and the one that a local officiating association would naturally fall under is the 501(c)(3) designation.

That designation is so named because nonprofit status falls under section 501(c) of the Internal Revenue tax code. Specifically, a sports officials association qualifies since one of the eligibility criteria for 501(c)(3) status is an organization whose mission includes a charge "to foster national or international sports competition."

So, how will you know if it's to your advantage to file as a 501(c)(3)? The first consideration is whether or not your association will bring in enough taxable

(See "Association" p.3)

EBFOA Gives Back With Scholarship Program

By Sam Moriana

There are a number of ways officials associations can outreach to the community. For some associations, including the East Bay Football Officials Association (EBFOA), a scholarship program is developed.

The East Bay Football Officials Association (EBFOA) is located across the bay from San Francisco and has been in existence since the early 1940s. The EBFOA is an organization rich in diversity with members from all walks of life. It provides football officials for 33 high schools in the East Bay area.

At the beginning of the 2003 football season, the board of directors of the EBFOA decided to establish its scholarship program. The goal was to provide a \$1,000 scholarship to each of the leagues we serviced to football players who were seniors and going on to college.

Kyle Emerick, a young and up-and-coming official who was a student at the University of California, Berkeley, was appointed chair of the scholarship committee. The committee's job was to establish the criteria for the scholarship, determine the funding, broadcast the program to all the participating schools and finally, select the recipients.

Developing the criteria was a relatively easy task. The committee settled on the following:

- Achieve a grade point average of 3.0 and above throughout all the years of high school.
- Have plans to attend an accredited two- or four-year institution in the fall.
- Submit two letters of recommendation from teachers, coaches or administrators.
- Submit an essay describing how participation in football helped in the pursuit of higher education.

The funding issue developed into an interesting discussion. Some committee members suggested an increase in the dues. Others suggested asking the members to participate by donating a game fee or more. The committee settled on the latter, the members accepted the donation idea and the program was born.

Since 2003, there have been a total of 37 \$1,000 scholarships distributed and, all of the money came from member donations.

Broadcasting the program to the schools begins early in the fall. Athletic directors are sent a packet that includes

an application and criteria. When working games, referees are instructed to remind coaches and athletic directors about the program.

The selection process is sometimes difficult due to the stiff competition. Nevertheless, recipients are selected each year.

One of the most rewarding experiences occurs at the annual banquet held at the end of each season. Each recipient, his parents and coach are invited to the banquet as guests of the EBFOA. Each recipient is given a certificate and a check for \$1,000.

An added highlight for the past several years is the television coverage arranged for by Jon Robertson, the current chair of the committee and provided by Cal-Hi Sports. All of that takes place in a room full of officials, their spouses or significant others, the athletes and their families. That part of the banquet is indeed the highlight of the evening and is enjoyed by all.

Early in my officiating career I heard a phrase that went something like this: "High school organized sporting events are an extension of the education process." What did the speaker of the phrase mean? Was there more to learn about football than running, blocking and tackling?

It is an intriguing concept that comes to light when the scholarships are handed out.

Sam Moriana is a retired high school football official from Alameda, Calif. □

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Social Media and Your Association

By Donald C. Collins

Officials associations generally regulate conduct. That can range from the specific regulation of arrested members to broad umbrella clauses that prescribe "conduct unbecoming an official."

The advent of social media has led to regulations that focus on a medium of communication as opposed to conduct or speech itself. Hence, inherently non-offensive conduct or speech may violate association regulations by the mere fact that it takes place in social media. That

sounds bad ... until one realizes that there are some forums of communication that must be regulated in order to maintain the integrity of our profession. Social media is such a forum.

Social media sites invite interactive dialogue between a group of site users. The parties to such sites intellectually understand that their communications are open to public viewing. However, social media is insidious; users get sucked in,

(See "Social Media" p.6)

Association Continued from page 1

income to make avoiding taxes a concern. Normally for officiating associations that isn't an issue. Most associations don't generate income. It could become an issue, however, if your association is set up so that game fees are paid by schools to the association and then parceled out to officials. That would be considered payment for services and normally taxable income. By the way, membership dues are not considered income. The 501(c)(3) status exempts an organization not only from federal income taxes, but also from local taxes such as levied by your state or county.

The second consideration is whether or not your association will look to solicit donations or maybe even apply for grants. The benefit of being designated a 501(c)(3) is that individuals contributing to your "qualified charity" may claim those contributions as deductions on their tax returns. Being a 501(c)(3) might make your association an attractive alternative for taxpayers looking to reduce their tax liability. Understand, even if you don't file as a nonprofit, you can still accept donations. However, the donor will not be able to claim that donation as a charitable donation on his or her income tax return.

Some other benefits of being a 501(c)(3) include reduced postal rates on third-class bulk mailing; the opportunity for free radio and television public service announcements; discounted Internet service; cheaper advertising rates, and possibly others depending on your association's activities.

Considering those benefits, you might be inclined to readily embrace nonprofit status. But in order to make a balanced decision, you will need to also consider the other side of the ledger. Just what are you biting off when you opt to file for nonprofit status?

In general, almost all the disadvantages of filing as a 501(c)(3) nonprofit corporation can be summed up as "overhead." The paperwork associated with establishing and maintaining an organization as a nonprofit corporation can be daunting. The nonprofit application is close to 40 pages long. Next, the association must draft and approve its Articles of Incorporation that then must be filed with your state. Drafting the bylaws of the association

takes time. But you should be doing that whether or not you become a 501(c)(3). Expect to go through several cycles before arriving at a version designed to describe how exactly your association will govern its affairs.

Following those initial steps required to get started comes the on-going record-keeping. That includes an annual IRS filing, additional required annual and informational reports, and records of the proceedings of your meetings. Add to that the keeping of precise accounting records, establishing and maintaining a set of accounting books and financial records and you've got a challenge facing you. But again, those procedures are often important regardless of your status.

The initial costs of applying and setting up a nonprofit corporation vary from state to state and are generally not too prohibitive. The tab for incorporating in your state will be roughly \$75-\$100. Filing for the federal tax exemption will most likely be around \$150, for a smaller (revenue) corporation. However, there may be other costs related to legal and professional support. Those could get out of hand. Hopefully, you can find someone — even an association member — to offer his or her services *pro bono*.

It takes significant time and energy to manage the affairs of your nonprofit association. That includes scheduling and holding board meetings, the fiscal accounting and recordkeeping mentioned above, and possibly fundraising activities.

One other possible disadvantage — as a 501(c)(3) corporation, you are not permitted to inject yourself into the political process for the purpose of advancing a position or a candidate for office.

In summary, be aware that establishing your officials association as a corporation and applying for the 501(c)(3) exemption is a long-term commitment. Making the decision to do so requires careful thought and planning, and will demand personal commitment on the parts of a number of people. Don't go into it blindly. You also don't need to be intimidated out of the decision. Do your homework!

Bob Masucci is an official from Clinton Township, N.J., with 30 years of officiating experience. □

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Should Your Association Join CBOA?

By Todd Korth

Why would any officials association that has basketball referees as part of its membership want to join a basketball-only association based in California? On the surface, it doesn't seem very convenient or practical, but take a closer look at the California Basketball Officials Association (CBOA) and it becomes clear that it is nothing like any other association.

CBOA states on its website, cboa.net, that its "mission includes upholding, encouraging and promoting high ethical standards amongst institutions, spectators, participants, coaches and officials involved in the game of basketball." The way that it gets to that point is through the curriculum offered each season to its member units.

CBOA is more than a bunch of officials who gather once or twice a month and are led by an individual who talks about a subject, maybe even offers a PowerPoint and some video. That's the routine of many associations in the major sports throughout the nation.

Some individuals in those associations offer intriguing material that promotes lively discussion and education. Some associations simply don't offer as much, if anything. You know where your association falls.

Why join CBOA? If you and your association truly want to educate and train officials, newer and seasoned, to be the best that they can be at whatever level they're working, why not join CBOA?

CBOA has a proven curriculum that includes a study guide, lesson plans, website quizzes and plenty of video for newer and seasoned officials. It is all planned and prepared before the very first meeting of each member association's season. So whether you're from any of the 27 member units in California or the newly formed Wisconsin Basketball Officials Association in the Milwaukee area, your season of meetings and tests are all the same. It's up to you and your association leaders to formulate an instructional staff to deliver the content and train your members.

"WBOA has done a great deal of training and educating as a means of supplementing the increasing workforce demands with the proliferation of the three-person system," says Chris Koschnitzke, a WBOA member from Delavan, Wis.

"This association is training younger lower-level officials and helping those guys develop into third officials for (varsity) games," Koschnitzke says.

As a member of WBOA, I recently finished my 13th season as a high school basketball official and I can say without hesitation that I was more prepared entering the 2012-13 season than ever before. That's not a knock on any of the other associations that I've belonged to, but WBOA through CBOA pushed me and other members with a combination of testing and discussion during meetings that is second to none.

By late October and early November, I found myself, along with other members, preparing for a 100-question closed-book exam by answering three to four 25-question online quizzes on cboa.net. On top of that, I had attended four of the seven overall scheduled WBOA meetings before my first game in late November. Those meetings coupled with two 100-question NFHS exams through the Wisconsin Interscholastic Athletic Association and the 200-question WBOA study guide, plus practice quizzes and in-class tests by early December, I had a quiet confidence with NFHS rules, mechanics and philosophy that carried with me throughout the season. I know that many other officials in the WBOA and other CBOA units felt the same way.

The CBOA has done a remarkable job, with the assistance of NASO, of teaching officials. Fortunately for myself and more than 100 other officials in southeastern Wisconsin, WBOA's affiliation with CBOA has been an asset for basketball officiating.

Should your association join CBOA? Yes, it should. More than 3,800 CBOA members would agree.

For information about becoming an affiliate member of CBOA, contact cboa.net or Ken Koester at kkoester@naso.org. Todd Korth is a Referee associate editor and multi-sport official, including high school basketball. □

On Your Side

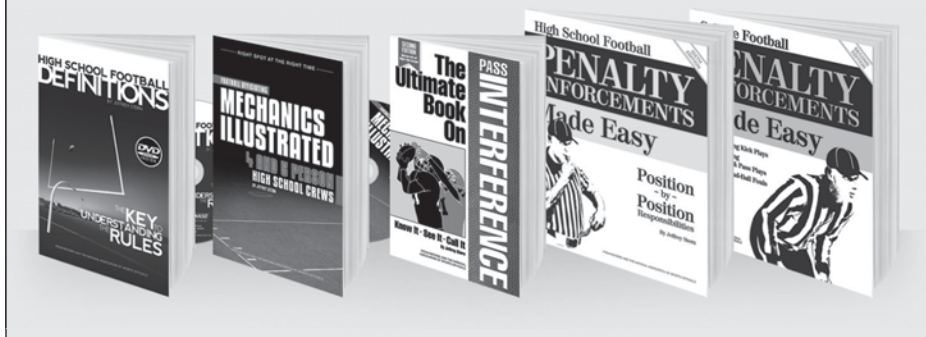
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Your Rights and Responsibilities

Update Bylaws to Address Confidentiality

By Patrick Rosenow

Q: As an association president, I am looking for suggestions for adding language to the bylaws regarding board members' confidentiality. One of my fellow board members is sharing confidential board business matters with non-board members. Our bylaws do not address the topic at all, so we would like to revise them. What should the restrictions be?

A: It's not unusual for boards of directors or executive committee officers to want to be able to freely and openly discuss sensitive matters without their remarks being made available to the membership at large. On the other hand, members of an association have the right to know what's going on in their group and what the people they voted for are saying and doing. The balance between those two interests is a delicate one at times. For example, if the board is considering a disciplinary action against an association member, it needs to be able to conduct that business in private.

Even though bylaws generally provide that board meetings are open to the entire membership, members normally aren't all that interested in attending board meetings. On the infrequent occasion they want to attend, it will often be because the board is meeting about something controversial. However, bylaws can allow the board to vote to go into closed session in certain circumstances. For instance, association bylaws commonly provide that if the board is discussing certain topics like discipline or sensitive financial issues (perhaps negotiating strategies for the next game fee contract), it can do so in a closed session. There will probably also be a catch-all provision that allows the board to meet in a closed session if a certain percentage of the board votes that the interests of the association require it to do so.

Although it's normally implied in the definition of a closed session, the bylaws also may clarify that the only part of the closed session that may be disclosed are

member information [micp] consultation program

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.

the closed session minutes that the board approves for release. Any board member in violation of that restriction would be subject to discipline or removal, provided that the bylaws include that authority.

So, if your board has a problem with a blabbermouth board member, you need to make sure the bylaws provide for closed sessions and authorize discipline of board members who violate the closed session. If you're going to discuss something you want to stay within the board, vote to go into closed session, even if no one else happens to be there. The closed session is what obligates each member to keep the discussion confidential and gives the board a remedy if one of their colleagues ignores the vote.

Again, the general membership of the association has a right to know what's going on and the presumption should be in favor of transparency. That being the case, on rare occasions, the board can't do their jobs properly without the assurance that they can speak freely and openly without fear of having their words publicized. Well-drafted bylaws will balance those concerns and make for a better association.

Patrick Rosenow, Mandeville, La., is a retired Air Force judge who now sits as a federal labor administrative law judge. He has officiated basketball at the high school, college and international levels. This article is for informational purposes and is not legal advice. □

▶ How to . . .

Help Avoid Burning Out

When can a good thing become too much? Referees need to ask themselves that question on a regular basis. Have you gone from loving your officiating and serving as a board member to dreading another day with the duties that come with those positions? Are you starting to burn out?

Even if you enjoy officiating and the tasks like leading your association that come with it, anything can become tedious if you are constantly doing it. You need to learn how to prevent experiencing too much of a good thing.

Remember, it's OK to say, "No."

It might be difficult at times to turn down available assignments because you want to build a solid reputation with your assigner, but your assigner will understand that you need to take a break once in a while. You'll be a better official for it. You should remember: Getting burned out and calling one bad game after another is much worse than turning down an occasional game. It might be even harder to say, "No," related to association tasks, but there is only so much you can do.

Establish committees.

In connection with not taking on too much in your association, you should encourage others to get involved. By establishing committees to assist with recruitment drives or clinics, you'll be delegating some duties, which is good for you. You also may be developing some other leaders, which is very good for your association now and in the future.

Exercise apart from officiating.

Depending on what you officiate, you're likely to get some good exercise during games. However, doing something different for exercise is also important to reduce stress and keep from burning out. Whether it's walking, jogging, swimming or bicycling, stay active.

Give yourself a vacation every now and then.

Schedule a short vacation during the season. It is a great way to be able to spend extra time with your family during a time of the year when you are away a lot working games. It will also help energize you to put officiating and the stresses of managing an association aside for a few days.

The Pulse

Local Association News Nationwide

Umpires Gather Equipment for Kids

In collaboration with "Pitch in for Baseball," a national nonprofit organization, Jim Mulgrew and Erin and Jon Martin spend time in the offseason gathering equipment donated by individuals and local leagues.

Jon Martin of Milford, Mass., and Mulgrew, from Northbridge, Mass., are umpires with the Worcester Area Baseball Umpires Association. Erin, Martin's wife, coordinated the donation efforts, reaching out to several communities.

"We're collecting equipment for players from as young as 10 years old all the way through high school," Mulgrew said. "We want baseball and softball gear to help out others who are not as fortunate."

Mulgrew said that several communities in New Jersey and New York, because of Superstorm Sandy, lost entire vaults of Little League equipment and are in need.

From its headquarters in Philadelphia, the Pitch in for Baseball ships new and slightly used equipment to children in the U.S. and all over the world.

Umpires Association Founder Dies

Charles Coburn, a longtime umpire from Greenville, N.C., died Feb. 21 at the age of 65. Coburn, who umpired for 41 years, had a successful career despite losing his right arm in combat during the Vietnam War. Coburn founded the Pitt County Umpires Association (PCUA). When he retired from officiating in March 2012, the PCUA retired his number 32 uniform during a ceremony at Pitt Community College.

CPBOA Hosts All-Star Games

The Central Pennsylvania Basketball Officials Association (CPBOA) hosted two boys' and girls' all-star games on March 24 at Gettysburg Area High School.

Admission for the all-star doubleheader was \$5. All proceeds went toward scholarships awarded to outgoing seniors.

SOURCES: WORCESTER TELEGRAM, WNCT-TV, THE PATRIOT NEWS

Now ONBoard

NASO-ON currently has more than 900 members. In all, those groups represent more than 100,000 individual officials. We welcome our newest NASO-ON member association, listed below along with its home cities and contact persons:

California: Central Coast Conference Baseball Umpires Association, Aptos (Bob Snyder); Pacific Coast Soccer Referees Association, Redondo Beach (Bob Foster)

New Jersey: East Coast Independent Umpires Association, Manchester (Jim Peterson)

Massachusetts: Hoop Innovators Basketball Group, Boston (Cedric Townes)

Social Media Continued from page 2

and frequently comport themselves as if they are engaged in private speech while they are actually in an electronic public square. That is the equivalent of speaking too loudly with friends at the mall: The world can hear you and respond — even though your conversation is private.

Associations must ask the following four regulatory questions in developing social media bylaws: 1) Could the speech in question be harmful if made public? 2) Does the speech link to a real official, person or situation? 3) Could the speech become tied into an unprofessional dialogue? 4) Does the speech appear to be unedited? Those questions will form the basis of a policy.

Associations must not overregulate. Doing so fosters resentment and subjects the regulator to ridicule, hearings and litigation.

Associations must balance their desire to regulate by determining whether there are mitigating factors. Associations must ask about three mitigating factors: 1) Was the electronic speech intended to be in a social medium? 2) Does the speech have value that offsets any potential harm? 3) Is the speech removed in time or distance from a real person or situation? Those questions will let associations know when to excuse a policy violation, set limits to the policy or reduce a penalty.

The balancing is difficult. It is easier to ban. Some professional leagues do just that. Where the stakes are too high, a league can't afford the exposure of an official's social media gaffe.

Balancing — not bans — are necessary at lower levels; it is impractical to tell high school and other lower level officials they can't use social media. We must develop bylaws that factor in the four regulatory questions, and then give hearing procedures that factor in the three mitigating factors that let us know when to excuse, set limits or reduce penalties for social media violations.

Some violations are easy to detect. Those include using social media to criticize an official or participant or brag about an ejection or tough call. Those are clear violations, yet they happen with an appalling frequency. Some very good people simply forget they're not in a private forum.

Most association regulations cover clear violations. But regulations have a tougher time addressing the mitigating factors. Things such as test review, opinions on rules, technical discussions on how to handle tough coaches and play situations can push right up to the edge of the four regulatory questions, yet be appropriate. Let's face it; it's not surprising that officials discuss plays, test questions and procedures via social media. If officials don't violate the four regulatory factors, focus on guidance, not punishment.

NASO's board of directors developed excellent social media guidelines (see naso.org). Like any good guidelines, they address clear violations. They also set out best practices. However, guidelines are a baseline for your bylaws. Your association still has to draft the actual bylaws. There are no one-size-fits-all guidelines, and there are no one-size-fits-all bylaws.

Social media policies are but one tool. One could comply with a social media



We must remember that the purpose of social media is not to suppress speech; it is to regulate the dangers of people being sucked into believing that they're making private comments when they're really making very public comments.



policy, and violate another policy. One could also be on social media without violating a social media policy. Indeed, all one has to do is write an article for a publication or draft a newspaper editorial to fall into that trap. News articles and editorials often get published online, and site users make comments ... that's social media; it meets three of the four regulatory factors (it is edited so it doesn't meet the fourth), but it meets the mitigating factor of not being intended for social media. It's a traditional newspaper piece that got tied in to social media. We don't use our social media bylaws to penalize that.

(See "Social Media" p.8)

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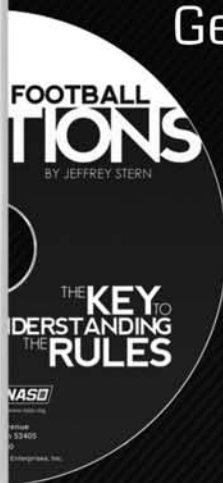
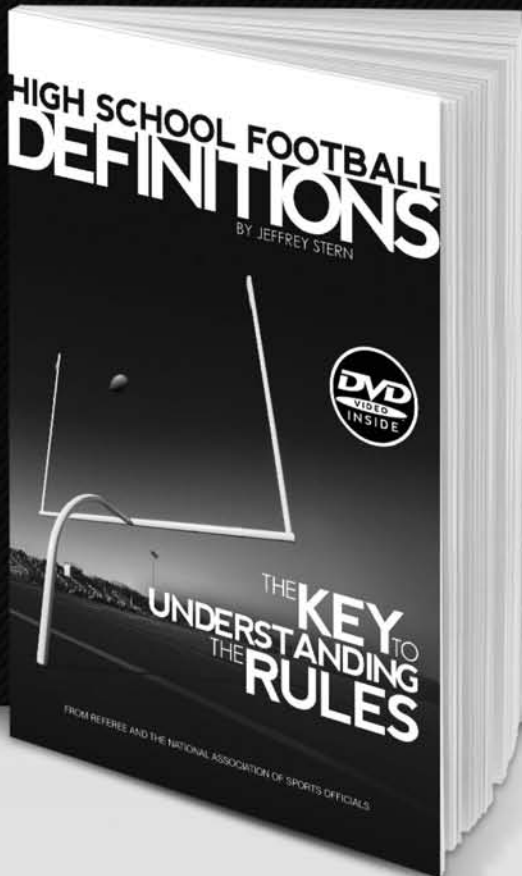
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Right Path Continued from page 1**Control your officers:**

Back to your assigning officer, Bart — if he's eating all the plums, tell him to stop. Use the Heimlich, if necessary. This is a novel concept, but if he still assigns himself Academy vs. Cathedral, take him off. Do you need the aggravation? Here's a better question: How many members don't need the aggravation?

Control your members:

If Norma thinks she's immune to evaluating and Sam's too good for the lower caste, straighten them out. Either that or get rid of the bylaw that you're not serious about. Tell them your point of view, ask for their help — then act.

Support your officers:

Once Bart comes around and starts assigning benevolently, you had better help him defend his choices. Members have to understand you won't throw duly-elected officers to the dogs for doing what they're supposed to do. Your problem children won't be the ones who sit in the front row, answering all the questions; they're going to be the ones in the back who have an inaudible retort for names your assigner calls. Take care of business.

Support your members:

I was once in an association that was having trouble with assaults. The league disciplinary committee didn't see it as a big deal. Then, one day, we weren't available for games in that league. None of us. Inevitably, the powers-that-be assumed that to be a strike, meriting retaliation. Our board reminded them that accepting assignments was a choice, not an obligation. The same went for being an association member. Our president offered ideas to teams when they begged for help covering games. The assault problem cleared up. Membership increased, too.

To beat upon the hackneyed axiom once more, do you want to take the "I" out of "us"? Easy: Take it out. Stand up for what you believe in, which hopefully is what your membership believes in. Act on behalf of what's right rather than what's expedient. Respond to the will of the people who voted for you. Then they won't get the idea they have to look out for themselves first, because noone else will.

Be prepared to stand out from the crowd. That's why we have striped shirts. *Tim Sloan, Davenport, Iowa, is a high school football, basketball and volleyball official, and former college football and soccer official.* □

Social Media Continued from page 6

Finally, your association has to make some policy calls. It is possible to use social media to advocate for a rule change or express an opinion on rules. It is also possible to do that using traditional media. For example, I prefer measuring discus throws using the metric system as opposed to the imperial system, and think high schools should adopt that standard. That comment is fine in traditional media. It should be fine in social media. It isn't linked to any specific situation or person, and it is an thought-out statement. Yet, some groups would penalize such a statement if made via social media.

We must remember that the purpose of social media is not to suppress speech; it is to regulate the dangers of people being sucked into believing that they're making private comments when they're really making very public comments.

Social media is new — that's the real problem. Like all new issues, we will resolve it and move to the next big thing. *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 and is not legal advice.* □

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