

## Social Media Exposure

By Donald C. Collins

Social media has changed the world, but it doesn't change our standards and it doesn't change the law. Social media does, however, accelerate the impact of breaches of standards. Simply put, social media by sports officials or others can turn what used to be a minor breach of standards into a great big breach that reaches far more people.

The standards don't change, but the forum has changed for sports officials — and as the forum changes and more people are reached, breaches of our standards have a greater social impact. That social impact doesn't lead to a change in law, but it does lead to a change

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in damages. The unprofessional person used to only reach those within hearing range plus the various people willing to spread the unprofessional person's message. Social media lets the unprofessional person reach anybody who clicks on his or her message. As more people are reached, more harm is done.

Our words can create a host of legal issues. The most common issue is the chance that we'll commit libel.

Social media doesn't change libel law. One could not be held liable for expressing an opinion before social media. One still won't be held liable for expressing one's opinion. Indeed, most officials who commit social media breaches are just using a new forum to express a negative opinion about a coach, a player or an official.

Social media may make us more likely to commit libel, though. Social media is insidious. It creates the guise that we're writing to a select few, but we're not. The world can often see what we write on social

media. Where we write something that implies that we have special knowledge of facts that impugn another's character, we can lose the protection for expressing an opinion. Officials who want to use their status to look like insiders can be vulnerable.

Libel may not be the biggest problem. Officials have contracts, association bylaws and league guidelines to adhere to. Social media can be regulated, and at higher levels can even be barred. An official has to know the social media rules of his or her organization, or he or she could inadvertently violate them.

Social media does create some legal oddities. Sometimes social media rules regulate the forum. This raises questions as to what forums constitute social media. Is an online criticism of a national rule barred? Would the same criticism be barred if it was an op-ed in the local newspaper? Is the criticism of a rule or the rulesmaking process something that an association should regulate?

Associations have to be clear as to what forums they're regulating and what communications they're concerned about — we must all be on the same page. Then, associations have to educate their members on what types of communication are appropriate when one is using social media. Associations also have to find ways to encourage proper use of social media and to discourage improper use. Social media may be a different forum than associations are used to regulating, but the tools of governance are the same. Good management is still good management, and good management can reduce an association's legal exposure.

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### Postgame Responsibilities

Almost every sport has rules covering the pregame or prematch responsibilities of officials. But when does the official's work end? The question of when an officiating assignment ends is becoming defined by imposing specific postgame reporting and communications responsibilities on officials.

At every level of competition, responsibilities after the game go with the territory, and failing to carry the ball can have serious legal consequences. Jurisdiction has been expanded conceptually, physically and chronologically. Officials need to know the sports-specific playing rules requirement of postgame reporting and the rules-driven extension of officials' jurisdiction.

An ability to not only penalize the misconduct, but to describe and document it, is an integral part of risk management for all officials.

### Legal Risks of Fitness Requirements

Officials associations have the power to impose fitness requirements for their members, but they should tread carefully because there are some legal risks.

On one hand, an officials association is not responsible for member officials' health. Associations are not responsible for officials who are injured on the field of play nor are they responsible for the health ramifications of an official's return from an injury.

On the other hand, an officials association may have a contractual obligation to its clients to provide officials who have prepared themselves physically.

Associations can require fitness standards. However, they are safer if those standards link to officiating standards such as field coverage as opposed to being general health standards such as heart fitness. Associations are safest if they require only what the NFHS Code of Ethics requires. Anything more is a legal risk.

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