

Notecard Questions from the All Chairs Meeting Held on January 13<sup>th</sup> at the US Lacrosse Convention

1. Should a NY Umpire get both background checks?
  - a. US Lacrosse only accepts the National Center for Safety Initiatives background screening for coaches. This is because they do a nationwide county and state check of records. If your state requires a background check likely it is a statewide check for that particular state. Currently USL does not require umpires to complete a background check unless they act on behalf of the organization as a paid clinician or observer. The new database will have an ala carte option for officials to add the background check at their own expense (apx, \$25 for non NYS officials, and \$45 for NYS officials).
2. Even if the official is an N3 and is in great position calling a great game, injuries happen. How/why are officials held responsible for player's behavior and isn't there an assumption of risk on their part?
  - a. Injuries can happen on any game, everyone involved in the contest is assuming risk. The focus of the session was to draw attention to limiting your personal risk as an umpire, and your board's risk as a group, and the best way to do that is to have a clearly defined process for training and rating officials, and to adhere to that process. Anyone can be sued at any time, but you have less risk if you have taken all appropriate steps to ensure player/game safety through your boards process and procedures.
3. Fitness testing – will that be incorporated into rating/certification process?
  - a. At this time US Lacrosse is carefully watching what the Federation of International Lacrosse is doing in regard to fitness testing. FIL introduced two fitness tests at the U-19 World Games last summer in Hanover Germany. One test was a beep test which is a measure of anaerobic fitness, and the other was a Cooper test (a timed 1.5 mile run) which is a test of endurance. The general feeling is that while these tests measure two types of fitness needed to work a lacrosse game, both a men's and women's lacrosse game test are needed. FIL is working with the University of Manchester to develop these game specific tests. Fitness is obviously a necessary component to successful officiating, and until the time that a national standard is set, Local Boards should stress fitness, and actively evaluate it during the rating games of their umpires.
4. Local Board Officials Service Varsity and Junior Varsity with 100% USL Membership. Modified officials are not members of the board, US Lacrosse and have no affiliation with the board, is the Local Board liable for issues occurring at the modified level?
  - a. In a word, No. However, it does not make sense for the growth of the game, individual umpires, or your board to not be one cohesive group. Every effort should be made to all officials working all levels to be members of your board and US Lacrosse. It is also helpful to share primary safety points of emphasis with all officials if the opportunity presents itself. Best for the game and demonstrates the integrity and competency of your board.
5. Is there a way to reference background checks of those who coach and then officiate?

- a. At the national level US Lacrosse only completes a background check on those coaches who are part of our certification program. Regular coach members are not currently subject to a background check. US Lacrosse does not share background check information with any groups. In the new database, if a Local Board has certified coach members they will automatically see the successful background check as part of that individual's record. Please note that if someone receives a red light on the NCSI background check their USL membership is revoked.
6. At a D1 college game 1 of the 3 assigned officials is unable to officiate at the last minute (illness, injury, car accident). The remaining two officials do the game, are they more liable for incidents in that game.
  - a. As noted in the Q and A at the meeting, the rule book is the first insurance document of any game, adhering as closely as possible to the rule book is the best way to minimize liability. The collegiate rule book "recommends" three officials, it does not require it. Those officials are not more or less responsible for the game, however if there were to be a lawsuit this fact would certainly be scrutinized.
7. Does US Lacrosse insurance cover certified umpires doing High School games where the players are not US Lacrosse members.
  - a. Yes. US Lacrosse insurance for umpires is not contingent on the other members of the contest being members. The USL insurance coverage "follows you" wherever you go, as long as you are officiating amateur lacrosse. The liability coverage defines coverage for officials and umpires as follows: "Coverage is in force while officiating in any and all amateur lacrosse activities as long as the appropriate rules are being enforced. Appropriate rules may be US Lacrosse, NCAA, National Federation of High Schools, or other approved amateur lacrosse rules appropriate to the age/category of play."
8. Can we get Youth Guidebooks to distribute locally?
  - a. All US Lacrosse members will receive a guidebook for the game they are affiliated with. Umpires should expect their guidebook to arrive with their February Lacrosse Magazine. If your area or group is still in need of additional guidebooks please contact Liz Piper at [epiper@uslacrosse.org](mailto:epiper@uslacrosse.org)
9. What is the difference between General Liability and D&O Liability insurance?
  - a. Liability insurance is part of both an umpire's individual insurance plan, as well as the Directors and Operator's insurance. D&O insurance protects the group's administrators in the event of a lawsuit naming the organization.
  - b. **General Liability** insurance is automatically included as part of your US Lacrosse membership (along with Accident Medical insurance). The General Liability coverage protects you if you are named in a lawsuit arising from property damage or bodily injury to others. This means if you are sued because someone was injured (bodily injury) or because you damaged someone else's property during a covered lacrosse activity, those claims would be covered by the General Liability policy, up to the \$2 million policy limit.
  - c. The Directors and Officers Liability policy is an optional coverage that officials' associations can purchase. It provides coverage to officials' associations for claims

arising out of wrongful acts, including claims such as discrimination, wrongful termination and sexual harassment. Individual officials should confirm with the association they belong to that they have purchased D & O Liability and that the coverage is broad enough to extend to individual members in case they are named individually in a lawsuit.

10. How do “procedures” flow into By-Laws?
  - a. If we understand the question, a board’s procedures for operating the board, implementing training, etc. may not conflict with the board’s by-laws. Nor should they conflict with USL’s model tenants for local by-laws.
  - b. Standard procedures for your organization, such as requiring US Lacrosse certification or rating, or how your board deals with grievances, should be written into your association’s by-laws. Doing so provides for better communication throughout your organization and promotes unified handling of certain types of situations. Both of these goals can ultimately help protect you in the event of a lawsuit. (See #12 below, as well)
11. Should new umpire candidates become USL Members before attending a training clinic?
  - a. New umpires should complete the membership procedure prior to their first on-field training experience. Please be frank in your training class that completion of the training class requirements is no guarantee of an on-field rating, and/or game assignments, and USL Membership is not refundable.
12. If each official is an individual contractor, how can someone sue the association for not assigning them enough games or enough high-level games as they see it? Aren’t associations able to hire who they want for what they want barring discrimination based on gender, race, religion etc...
  - a. If associations want to protect themselves from accusations of game assignments being discriminatory, they should have written assigning policies and procedures and adhere to them. Additionally, there should be a process and procedure for the selection or de-selection of an assignor. It is important to the health of Local Boards that assigning practices be fair and transparent, otherwise it will affect recruitment and retention of new officials.
13. Can regions or super regions purchase D&O insurance together?
  - a. This strategy to having additional coverage at a more affordable price is a viable one, especially in those emerging areas with small local boards. However, if the organizations are operating under different boards with separate by-laws, then they should carry separate Directors and Officers Liability policies. If organizations do decide to fall under the same policy, it should be noted that the limits on the policy for the year apply to the entire group, thus if there are multiple claims on the policy in the same calendar year, they will be paid out in chronological order, and if the policy is exhausted before all the claims are paid, a board could find itself without protection.
14. Is it recommended that umpires write down the sequence of events immediately after a game?
  - a. For the official’s personal records and for board records it can be a good practice to write down the circumstances of an injury. The language and description should be devoid of all opinion (i.e. #12 fell near the critical scoring area, while on the ground

she was checked by #2, she then dropped her stick and grabbed her hand – she left the field and did not return to the game), do not indicate any emotion by the players, possible injury diagnosis, umpire opinion of cause, etc. Also umpires should not distribute this to anyone beside the Local Board Chair, or the person on the board in charge of this process as indicated by the By-Laws. This is a preventative measure in the event of a lawsuit, and nothing should be done with the document in the event that a lawsuit is never brought. In the event of a lawsuit, these documents likely will be admitted as evidence. It should be as factual, brief and accurate as possible.

15. Can we get a copy of the PowerPoint?
  - a. Yes it will be posted to the Local Board Resources page.
16. Would you ever referee a game solo? What are the insurance implications?
  - a. This practice is not recommended. However in the event that an official does do this, they are insured. In the event of a lawsuit it will be noted that the rulebook recommends two USL certified officials. Your “exposure” is increased if you do not follow the recommendations in the rulebook. Local Boards need to take every measure to make single game assignments an emergency situation only. Please be sure that your game fee structures DO NOT incentivize single game officials. Local Boards are encouraged to dictate to the leagues they cover that they will not work single official games. Note that the insurance is not affected either way, although there is a greater likelihood that you could be charged with negligence for not being able to properly control the game or for not following the rules of US Lacrosse.
17. In scenario 1 could the individual or individuals who rated the umpire also be sued even if they are not part of the local board?
  - a. Yes. Every umpire with a rating needs to understand the roles and responsibilities of the rating they hold and how it pertains to rating and evaluating other officials. Many umpires rate at regional or national events, and are responsible to adhere to the standards set in the rating forms regardless of where the umpire they are rating is from.
18. If one official is a USL rated official and the other is not, is the USL official still covered?
  - a. Yes, the insurance is not impacted by whether or not an official is rated. However, Local Boards should take every step to minimize this occurrence. In the event of a lawsuit this situation will be brought to light, and non-USL officials have no way of validating the training and evaluation (if any) they have received.
19. Can inappropriate comments lead to a suspension, needing legal counsel or a lawsuit?
  - a. Yes. Umpires can avoid this kind of situation by always being aware of their surroundings and who may be listening, only using the language of the rules, and conducting themselves with the utmost professional standards on every contest.
20. How many recent suits have there been, number of claims, and is this information available online?
  - a. This information is not made public. Bollinger does collect this information and shares it with the US Lacrosse Insurance and Risk Management committees. In many instances where a lawsuit has been filed as a result of a player getting injured, the

umpire or official is named in the suit. The most common allegation against the umpire or official is failure to control the game, resulting in an injury. The most common injuries for officials are knee and back injuries. And the most potentially catastrophic incident that officials face is cardiac arrest on the field. It should be noted that this cardiac arrest is not considered an “injury” and therefore is not covered by the USL Accident policy (Cardiac arrest is considered the result of heart disease, and the policy specifically excludes coverage for illness, disease or sickness). However, if cardiac arrest results in death, the policy’s \$20,000 death benefit will be paid out.

21. What is the exposure for a hosting institution or league who accepts “known” unqualified umpires?
  - a. Greater than for those leagues or institutions that are demanding only USL certified and rated officials. From a risk management perspective, this is not recommended since you are exposing your players to potential hazards of playing in a game where the appropriate rules may not be properly enforced. You may be considered negligent for appointing an improperly trained official for your game. Another thing to consider is that having an unqualified umpire opens up your team or league to additional liability if the volunteer parent or coach is injured during the game and sues you.
22. Can a State’s Men’s and Women’s game officials organizations buy D&O insurance and dilute it between them.
  - a. Yes, but see the answer to question 13.
23. Can Chapters buy D&O insurance and dilute it through their leagues and organizations?
  - a. USL Chapters are required to purchase the D&O insurance for their operations as a chapter. If they are directly running leagues under the chapter name/entity, then the D&O coverage would extend to cover those operations as well. The chapter cannot “name” another organization or league to be included under its D&O, however.
24. The assignor is hired by the public schools and has no US Lacrosse membership, and no lacrosse background. What is the Local Board Responsibility?
  - a. The Local Board responsibility is to have a clearly defined and documented list of expectations, policies and practices by the assignor using the board’s officials. Provide it to the Assignor, including code of ethics, etc ....The assignor would have no coverage with US Lacrosse as an individual member since they are not a member of USL.
25. How do you manage compliance for background checks for the entire board?
  - a. Right now USL is not mandating that umpires complete a background check. However, it is a recommended practice, and Local Boards would have to determine for themselves how best to implement this at the local level. Please see the answer to question 1. USL will soon offer an ala carte option for officials to purchase their own background check through the National Center for Safety Initiatives. The background check will be good for two years.
26. Will High School Students who umpire be able to purchase background checks?

USL cannot legally do background checks on minors – only on adults.