

Chapter 15

Christopher R. Deubert
I. Glenn Cohen
Holly Fernandez Lynch

Petrie-Flom Center for Health Law Policy, Biotechnology,
and Bioethics at Harvard Law School

SUMMARY: **Officials**



This document is a summary of the full chapter on officials in the Report Protecting and Promoting the Health of NFL Players: Legal and Ethical Analysis and Recommendations. The full chapter includes the following sections: (A) Background; (B) Current Legal Obligations; (C) Current Ethical Codes; (D) Current Practices; (E) Enforcement of Legal and Ethical Obligations; and, (F) Recommendations. Here, we provide our Recommendations, with only the minimum necessary background information. For more information and analysis of the role and responsibilities of officials, including relevant citations, please see the full chapter.

Officials – as the individuals responsible for enforcing the Playing Rules – have an important role in protecting player health on the field.

There are 7 officials in an NFL game: Referee; Umpire; Head Linesman; Line Judge; Field Judge; Side Judge; and, Back Judge. Each official is equally responsible for calling penalties during a game. Additionally, each official is positioned differently on the field and the Referee is in charge of the officiating crew.

There were 122 officials during the 2015 season, with a mean of 11.5 years' experience in the NFL. Most NFL officials have 10 to 20 years of experience at the high school and college levels before becoming an NFL official. The NFL typically hires its officials from the best college football conferences.

NFL officials are represented by the National Football League Referees Association (NFLRA). The NFLRA collectively bargains the terms and conditions of the officials' employment with the NFL. The NFL-NFLRA CBA does not address player health issues.

Every NFL official is also a member of the National Association of Sports Officials (NASO). NASO is a voluntary organization of approximately 22,000 member officials, ranging from the lowest levels of youth sports to the professionals. NASO provides an extensive list of services to its members, including educational programs, legal advocacy and insurance policies. NASO, however, does not certify officials. Each sports organization, whether it is a state high school athletic association, the NCAA, or the NFL, judges the qualifications of its officials during its hiring process.

Many people have argued that the Playing Rules, and thus perhaps also the officials, have become overprotective of players' health and safety, while others believe the Playing Rules should go further to protect players. While this debate is likely to continue, it is generally not a debate in which the officials have a role. Certain rules do permit the official to take into consideration the likelihood of injury in determining whether to call a penalty, including roughing the passer and roughing the holder on a place kick. Additionally, penalties such as unsportsmanlike conduct and unnecessary roughness can be applied broadly to help protect players. While the NFL consults with officials on changes to the Playing Rules, it is the officials' principal job is to enforce them. On that front, we found little criticism that officials are failing to enforce the Playing Rules as enacted by the NFL.

In addition to calling penalties, an NFL official is empowered to call an "Injury Timeout" if he or she "determines a player to be injured." In recent years, the NFL has actively encouraged officials to try and pay particular attention to see if players might be injured and to stop play accordingly. However, the Playing Rules also direct that the official "should not try to determine if [a] player is injured." There are likely concerns about officials attempting to make medical determinations. Nevertheless, these two provisions seem to contradict one another, and thus clarification seems warranted.

Players that we interviewed generally believe that officials are doing an adequate job in enforcing the current rules, but are not likely to take any other action concerning player health.

Recommendations Concerning Officials

All indications are that officials are generally performing their jobs well concerning player health and safety and thus we have no formal recommendations for them. Officials should be praised for their efforts, particularly considering the high level of scrutiny around these issues. While officials should continue their solid work, they must always be diligent and open to change for additional ways to protect player health. In particular, it has been established that players who suffer brain injuries are at risk of serious aggravation of their conditions if they are injured again shortly after the first injury. While the athletic trainers designated for spotting injuries from the press box can help, officials should exercise their discretion to stop play liberally to ensure, as much as possible, that injured athletes do not remain on the field where they can be exposed to further injury.