

Zero Tolerance – Abuse Must End – An Opinion

by

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For over 20 years I have been writing about the legal and economic issues of college coaching on such issues as reassignment, termination for cause, mitigation of damages, liquidated damages, due process, coaching free agency, and salary explosion. See Greenberg's Coaching Corner:

<http://www.law.marquette.edu/national-sports-law-institute/greenbergs-coaching-corner>

However, over the last several years my efforts have been focused on coaches' misconduct. College coaches, administrators and conferences are struggling with the boundaries on what exactly crosses the line in reprimanding, chastising, disciplining, or dishing out what's known as "tough love" to student athletes.

The American public was exposed to the antics of Rutgers Coach Mike Rice ("Rice") on ESPN Outside the Lines. On April 2, 2013, ESPN aired video clips showing Rice shoving his players, throwing basketballs at their heads, violently grabbing and kicking them, berating them and calling them an assortment of names and utilizing homophobic slurs. Rice's grossly demeaning behavior created a public outrage.

In most work places this conduct would be grounds for immediate dismissal or maybe even prosecution. However, Rice was terminated by Rutgers without cause and given a severance package of approximately \$475,000. The Rutgers' Administration was accused of ignoring, tolerating, and concealing Rice's activities and taking a "slow play" approach due to Rutgers' prospective admission into the Big Ten Conference,

which would have raised Rutgers' athletic and academic profile and generated increased revenues.

In December of 2013, Derrick Randall, one of Rice's former players, filed a lawsuit against Rice, Rutgers, and various administrators claiming assault and battery, negligence, breach of fiduciary duty, and violation of civil rights and the Americans with Disabilities Act. In March 2014, former Rutgers players Jerome Seagears and Robert Lumpkins, also filed a lawsuit against Rice claiming they suffered physical, emotional, and mental abuse. The lawsuit also accuses Rice and others of neglect, civil conspiracy, and violation of Rutgers' Anti-Bullying policies. Those lawsuits are currently pending.

Shortly after the Rice episode, Oakland University's women's basketball coach Beckie Francis ("Francis") was terminated for cause on June 21, 2013. Francis was allegedly accused of trying to impose her religious belief on players, creating an environment of intimidation and emotional head games, and operating her program on a "pray-to-play" basis and a "no fat sluts" rule. All of this alleged conduct was occurring under the rule of her husband who was president of Oakland.

Holy Cross women's basketball coach Bill Gibbons ("Gibbons"), a 29-year veteran of the game, was sued in October of 2013, along with the University and administrators, by Ashley Cooper, who alleged physical and verbal abuse by her coach, causing Gibbons to be temporarily side-lined. A confidential settlement and voluntary dismissal of the case was announced in August of 2014.

Kelly Greenberg ("Greenberg") was Boston University's Head Women's Basketball Coach from 2004-2013. Greenberg resigned in 2014 amid charges of

mentally abusing players. Allegations of mistreatment first surfaced in 2007, when Greenberg admitted she made some serious mistakes that she deeply regretted. However, when four players left the team and relinquished their \$60,000 per year scholarships in 2014, an internal investigation undertaken by Boston University concluded that “the manner in which Coach Greenberg interacted with many of the players was incompatible with the expectations and standards of University employees, including coaches.”

Former College of Charleston basketball player Trevonte Dixon (“Dixon”) claimed he was physically assaulted by College of Charleston head coach Doug Wojcik (“Wojcik”) twice during the 2012-13 season. Dixon also alleges that Wojcik threw basketballs at players during several practices.

Dixon’s allegations of physical abuse prompted new College of Charleston president Glenn McConnell to launch a second investigation into Wojcik less than a month after the college completed an earlier probe that concluded with a 50-page report that exposed dozens of allegations of Wojcik lashing out at players with obscenities, personal attacks and physical threats. Wojcik was suspended without pay for one month as a result of the first investigation. On August 5, 2014, President McConnell announced that he had made the decision to terminate Wojcik’s employment at College of Charleston for “just cause” pursuant to the terms of his contract effective immediately. To avoid a lawsuit and potentially the responsibility for the three years remaining on Wojcik’s contract, the College settled with Wojcik for and in consideration of a payment of \$400,000.00 and a release.

The coach-athlete relationship involves an inherent imbalance of power. The sports establishment is well aware of the alleged conduct and abuses undertaken by such sports legends as Woody Hayes and Bobby Knight. Maybe this form of conduct has been ongoing for a long time, but it has been just recently exposed. Abuse may not be isolated in college sports. While abuse is inexcusable, it is certainly understandable why a coach could cross the lines in college athletics, with its “win now” culture, with a premium on chasing the revenues and star system recruits, with the coaching carousel and security of the job, and with the expectations of job performance and the stress that goes with it.

Rice's public disgrace offers a fair warning to the coaching fraternity, from NCAA down to sandlot coaches, that coaching buffoonery will no longer be allowed. Coaching techniques characterized by “in your face,” “dominate your enemy,” and “win at all costs” are probably from a past era. Physical and verbal abuse and bullying should be grounds for immediate termination with cause. Every university needs to adopt a zero-tolerance policy. Abusive behavior by high-profile university employees toward student-athletes doesn't merely merit a time-out and second chance, it merits dismissal.

The NCAA must take a stronger stance and provide rules sanctions for such kinds of conduct. NCAA student-athletes subject to an abusive coach should be allowed to immediately transfer without loss of eligibility. Coaching contracts should include specific language making physical and verbal abuse and bullying a basis for termination for cause. “It is unjust for coaches to be fired, for true cause, and then have the ability to collect money for the remainder of their contract term due to poor contract drafting — especially in cases where abuse is the foundation for the termination.”

Abusive coaching may have worked for another generation, but not now. Administrators who tolerate, are indifferent to, or who conceal this type of behavior must face the firing squad. Every time a university looks the other way or issues a dismissive punishment, it's like dispatching an abuser back into the home of a domestic violence victim.

Whistle blowing must be encouraged, not discouraged. Abuse and anti-bullying laws must include coaches at all levels, with stiffened penalties for apathy, concealment, or non-reporting.

Finally, not only are the allegations of an abusive coach a public embarrassment, but also costly. Abusive coach scandals involve crisis communication expenses, investigation expenses, attorney fees, buyouts for the coach, and settlements for the student-athletes, which can become extremely expensive for the university.

“The difference between a demanding coach and an abusive coach is not a thin line that someone can drift over if he or she loses focus for a second before peeling back to the other side. It's a wide gap -- a mile wide -- and it takes a long time for a coach to get from one side to the other and back again.”

“Good coaches are like magicians, turning self-doubt into confidence. They don't try to separate and chase away those perceived as weak -- because dividing the weak from the strong is herding, not coaching.”

“Good coaches shoot arrows around the feet of their players, keeping them on edge while teaching them how to dance.”

Universities need be more concerned with protecting their athletes from an abusive coach than protecting themselves from legal action. Abuse is not good

coaching, even when it results in winning. Placing winning games or revenues above sportsmanship, decency, fairness, and ethics is out of the question.

Coaches can make or break the student-athletes' college experience. Stop screaming and start teaching. Our athletes deserve a healthy environment to learn and grow.