



Ethics and Sports: Recent Developments

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by

Adam Epstein, J.D./M.B.A.

Professor

Finance and Law

Central Michigan University

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Introduction



- Legal v. Ethical
- “Must” v. “May” v. “Should”
- In these slides, many of these examples involve determinations of sportsmanship rather than a clear violation of a rule or policy.
- Others clearly violate the rules and policies.
- Focus on the last few years.



Sportsmanship

- Sportsmanship is an aspiration or ethos that a sport or activity will be enjoyed for its own sake, with proper consideration for fairness, ethics, respect, and a sense of fellowship with one's competitors.
- <https://en.wikipedia.org/wiki/Sportsmanship>





NFHS

- National Federation of State High School Associations Sportsmanship Guidelines (2016)
- “Good sportsmanship is viewed by the National Federation as a commitment to fair play, ethical behavior and integrity. In perception and practice, sportsmanship is defined as those qualities which are characterized by generosity and genuine concern for others. The ideals of sportsmanship apply equally to all activity disciplines. Individuals, regardless of their role in activities, are expected to be aware of their influence on the behavior of others and model good sportsmanship.”
- **FUNDAMENTALS OF SPORTSMANSHIP:**
- 1. Show respect for self and others at all times.
- 2. Show respect for the officials. Good sportsmanship implies the willingness to accept and abide by the decisions of the officials.
- 3. Know, understand and appreciate the rules of the contest. Good sportsmanship suggests the importance of conforming to the spirit as well as the letter of the rules.
- 4. Maintain self-control at all times. Prevent the desire to win from overcoming rational behavior.
- 5. Recognize and appreciate skill in performance regardless of team affiliation.



Introduction

- If something is not a violation of the rules, does that excuse you for your decisions?
- What if the system is the problem: for example, there is no “mercy rule” or the seeding in a tournament leads to you developing a strategy to “help” your team, known as “tanking?”
- Should the legal system get involved? Crimes? Torts?
- Has social media (YouTube, FB, Twitter) exposed the degree of unethical conduct more than ever before?
- WWUDO?

Introduction

- Are you surprised that parents and coaches are often the problem when it comes to sportsmanship?
- Coaches:
- <https://www.youtube.com/watch?v=ZVqzCfcwJXM>
- <https://www.youtube.com/watch?v=mx1AEWfPAjY>
- Parents:
- <https://www.youtube.com/watch?v=6ROOSqTe-LM>
- Parent:
- https://www.youtube.com/watch?v=cTTTUBDx_28
- Player:
- <https://www.youtube.com/watch?v=nWNfGrWBMd8>
- Do any of these cross the line from ethical issues to legal action?

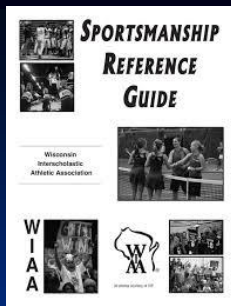
4 Categories

- Youth sport (including high school) ✓
- Intercollegiate sport (college) ✓
- Olympic sport ✓
- Professional sport ✓



Wisconsin Cheer Ban?

- Memo sent to member schools in December, 2015 sought to reinforce ban on common chants at basketball games that WIAA has deemed inappropriate. The WIAA's "Sportsmanship Reference Guide" says that chants such as "air ball" and "scoreboard" are "inappropriate" and should be discouraged:
 - Booing of any kind
 - "Over-rated" chant
 - "Scoreboard" cheer
 - "Air ball" chant
 - "Nuts n' Bolts..." chant
 - "You, You, You" chant
 - "You can't do that," "fund-a-mentals," "We can't hear you," "Warm up the bus" chants
 - "Sieve, sieve, sieve" chant
 - "Nah, nah, hah, nah...hey-eyy goodbye" song; "Season's Over" chant
 - "Push it, push it, push it" chant
 - "U-S-A, U-S-A, U-S-A" or any acronym of derogatory language or innuendo
 - Any chants/comments that are disrespectful to an opponent or official, including school mascot, school nickname, school population, opponent's town or community or that is derogatory to an individual because of race, gender, creed, body type or ability.



Wisconsin



- Holding up papers or props during opponent introductions
- Turning backs to court/ field during opponent introductions
- Dressing in attire that is not associated with school spirit or is inappropriate
- Waving arms or making movements or sudden noises in an attempt to distract an opponent
- Fan participation activities while the game is actually being played (i.e. roller coaster, the wave, etc.)
- **Competitors not shaking hands after a contest**
 - Competitors “trash-talking” before, during or after a contest
 - Competitors celebrating a play excessively by beating on chest; pointing to the crowd; dancing; or a movement perceived to be drawing attention to one’s self
 - Competitors celebrating a play by prolonged staring at an opponent, or standing over an opponent
 - Criticizing or diminishing the efforts or abilities of an opponent or official in the media before during or after a contest
 - Criticizing teammates or coaches
 - Not standing at attention during the National Anthem or excessive talking, chanting, yelling or movement during the playing/ singing of the anthem
 - Throwing of any object by fans or competitors throwing/hitting equipment (pucks, balls, bats, helmets, etc.)
 - Body passing
 - Damaging any property (bleachers, hotel rooms, locker rooms, etc.) associated with a sporting event
 - Attending an event inebriated or under the influence of mood altering substances
 - Bare-chested fans and body paint at indoor events

Wisconsin Cheer Ban?

The Misconception of Chanting "USA"

We would like to clarify that we do not think chanting "USA" is unsportsmanlike when it is intended to be "United States of America". However, it has come to our attention that this abbreviation has also been used to disguise the phrase "You Suck A**", which would be deemed unsportsmanlike.

To be clear, there has been no new directive, no new rules, no new mandates, no new enforcement expectations.



To be Clear, there has been...

NO NEW DIRECTIVE

NO NEW RULES

NO NEW MANDATES

NO NEW ENFORCEMENT EXPECTATIONS





Wisconsin



- Hilbert High School athlete April Gehl, a three-sport star and one of the top scorers for the Wolves' girls' basketball team, was informed by Hilbert athletic director that she would be suspended for five games due to a tweet that Gehl posted on Twitter concerning the Wisconsin Interscholastic Athletic Association.



Umpires?

- During a Texas high school playoff game, an umpire was investigated by The Texas Association of Sports Officials after video emerged of him kicking dirt on home plate.
- <https://www.youtube.com/watch?v=Y3Nr28Omftg>
- The play had no outcome on the series.
- “The Texas Association of Sports Officials (TASO) has been made aware of the incident involving our members during the Texas High vs. Whitehouse Baseball game this past weekend. Our organization has an established process to address serious complaints of this nature...”
- OR IS IT JUST A PRANK...and we are all too sensitive?



Youth Sport



- On September 4, 2015, Texas high school football players said their coach told them to tackle a referee.
- Assistant coach told them, “You need to hit him.”
- Victor Rojas and Michael Moreno said coach Mack Breed told them the referee “needs to pay the price” for racial slurs and making unjustified calls after a safety got injured.
- The John Jay High School students hit referee Robert Watts during the last minute of a game near San Antonio.
- Moreno and Rojas were suspended by the Northside Independent School District and ordered to complete the semester in an alternative school.
- Eligible to return to John Jay High School on January 15, 2016.
- <https://www.youtube.com/watch?v=QIuAyI8bLow>



Youth Sport



- Coach Gary Gutierrez was placed on two years probation.
- Assistant Coach Mack Breed resigned, was suspended through the 2016-17 school year, and gave him an additional two years probation, which still applies were he to get a job as a coach at another Texas school with a sports program governed by the University Interscholastic League.
- Breed pleaded guilty to misdemeanor assault charges and was sentenced to one year in jail with a \$3,500 fine, though jail was suspended under the terms of a plea agreement, and he will instead serve 18 months probation.
- Under the terms of the guilty plea, he did not admit he ordered the players to strike the official.
- Under Texas law, if a person aids, encourages or directs an individual to commit a crime, that person can also be criminally charged.



Youth



- Participation Fraud.
- “America’s team,” Jackie Robinson West (JRW) players captured the local and national media spotlight in the summer (August) of 2014 as they made their way through postseason play.
- They represented the South Side (Chicago) league.
- The team was composed of all African American youths, and won the U.S. Little League World Series title in Williamsport, Pennsylvania, before falling to South Korea in the title game.



JRW



- Problem: JRW used ineligible players.
- Only 5 of the 13 players who played in the 2014 tournament were actually eligible.
- Phony boundary maps and player address forms.
- Little League International strips team of championship in February, 2015.
- Team manager Darold Butler suspended.



JRW Lawsuit



- Parents sue the team's director, Little League Baseball and Chris Janes who alerted authorities to the boundary issues.
- Lawsuit argues JRW and Little League World Series “concealed the ineligibility of the JRW team members in order to reap the benefits of notoriety and media attention.”
- Also named in the lawsuit, filed in Cook County Circuit Court, is ESPN personality Stephen A. Smith, accusing him of defamation on an episode of “First Take” in which he “directly accused the JRW parents of perpetrating a fraud against the Little League.”



JRW Lawsuit



- Chris Janes, a Little League official from south suburban Evergreen Park, contacted Little League officials.
- The lawsuit claims Janes violated their privacy by tracing license plates to home addresses, reporting the residency issue to the Little League.
- Little League initially cleared JRW of wrongdoing in December 2014, saying they found no merit to Janes' claims.
- Two months later, the national championship was revoked.
- JRW sued to challenge the Little League's ruling and are curious whether race played a part in removal of the championship title.
- The lawsuit also claims players and their parents were not allowed due process.

Youth: Tanking

(Participation Fraud/Spirit of the Game)

- In 2015, South Snohomish, Washington (softball) intentionally lost a game against a team from Salisbury, North Carolina so they would force a three way tie and would eliminate the Polk City, Iowa team.
- Washington was already in, so it benched starters and had every batter try to bunt. Iowa was then out after Washington lost 8-0.
- Appeal made to Little League Softball World Series (it was not overturned) but then an appeal to Little League International (it was overturned).





Youth: Tanking



- One-game playoff (i.e., a “play-in” game) between Iowa and Washington.
- Iowa beats Washington 3-2 and joined North Carolina into the semi-finals. So, Washington was out!
- The team from Salisbury, North Carolina (Rowan County) wins the 2015 Little League W.S. over Warwick, R.I. 4-2.
- The teams in question were made up of 13-year-olds.
- The double-elimination format is currently used by the Little League Baseball World Series but at that time not for softball.



Tanking

- Both Riverdale High School and Smyrna High School (Rutherford County, Tennessee) girls teams tried to lose the consolation game on 2/23/15. Smyrna defeated Riverdale 55-29.
- The loser of the consolation game would be placed on the other side of the regional tournament bracket with Blackman High School (highest ranked team in the state).
- Both Riverdale and Smyrna had already lost to Blackman earlier in the season.



Tanking

- The consolation game became so bad that the referees stopped the game and pulled both coaches aside and told Riverdale coach Cory Barrett and Smyrna coach Shawn Middleton they were not going to make a mockery of the game.
- The coaches were suspended for the rest of the season for intentionally trying to lose.

Tanking



- The school district's code of ethics for coaches, states in part: “The coach must be aware that he or she occupies a position of great influence on the education of a student-athlete and therefore should never place the value of winning above the value of instilling the highest ideals of character.”
- “Coaches must uphold the honor and dignity of their position. In all contacts with student-athletes, officials, school administrators, competitors and the public, coaches shall set an example of the highest ethical and moral conduct.”



Blowouts: Mercy?

- 12/12/2012: A lopsided final score in a high school girls' basketball game sparked debate over sportsmanship and the need for a mercy rule.
- Bloomington South High School (Ind.) defeated Arlington High 107-2.
- Coach Winters, "I didn't tell my girls to stop shooting because that would have been more embarrassing [to Arlington]," he told the Indianapolis Star. "We were not trying to embarrass them or run up the score."
- Fans took to Twitter and Facebook to express their outrage that Winters allowed his players to continue to shoot.
- Still, with no mercy rule in place, it is difficult to judge what the proper course of action would be.
- The Indiana High School Athletics Association does have sportsmanship written into its code of conduct, but it is vague.

<http://www.ihsaa.org/dnn/MembershipServices/Sportsmanship/tabid/1036/Default.aspx>



Blowouts: No Mercy?



- Girls basketball: 161-2 Arroyo Valley (San Bernardino) beat Bloomington.
- Coach **suspended** for two games. The score was 104-1 at the half.
- Bloomington had already lost one game this season by 91 points and Arroyo Valley had already won games by 73, 81, 74 and 98 points.
- 100-0, coach Micah Grimes of the Dallas (Texas) Covenant School was **fired** after beating Dallas Academy in 2009. Grimes was the **WINNING** coach.
- Northeast Ohio College Preparatory School **fires** athletic director following 107-point loss to Gilmour Academy: 108-1. The A.D. was the **LOSING** A.D., Justin Shullick.
- School has only been existence for 5 years, most were freshmen and only had 8 girls on the team. They were 0-28 from the field. Coach said it was due to poor seeding.



Blowouts

- Baseball: Dallas Lake Highlands High beats Samuell 54-0. Samuell did not have a hit, as Lake Highlands went 44 for 68.
- The teams' district changed its mercy rules less than a month later.
- “The National Federation, which is the rule book we go by, says you have to play five innings before the game is considered official,” the Highlands High coach Higgins said.
- Football: 2013 Aledo football beats Ft. Worth Western Hills High 91-0. A parent files a “bullying report.”
- Principal launches a full investigation and issue a written report.



Bullying Complaint



- Aledo FOOTBALL football coach Tim Buchanan received an email about a bullying report and realized a Western Hills parent had filled out the district's online form, accusing the coaching staff of bullying thanks to the lopsided score of 91-0.
- Buchanan spent an hour in the superintendent's office and the school investigated, as mandated by the state.
- Complaint directed at the coaching staff for “not instructing our players to ease up and quit playing hard once the game was in hand.”
- Undefeated Aledo, No. 1, averaged almost 70 points per game.
- The coach put in the second- and third-team offensive line and got the backups as much time as he could, while still playing a few starters here and there at the beginning of the third quarter.
- Offense had 32 snaps. His starters began coming out in the third quarter.
- Coached was cleared in the end.



Wisconsin Mercy Rule

- Prep basketball games in Wisconsin are subject to a mercy rule starting 2014 when the point differential reaches 40.
- Under the change, a running clock will be implemented once the lead reaches 40 points at any time after the conclusion of the third quarter unless a timeout is called.
- Then in 2016, varsity boys and girls basketball games are two 18-minute halves replacing the four-quarter game format.
- The switch from quarters to halves will also change the mercy rule, which will now be applied with nine minutes left in the second half for varsity rather than at the start of the fourth quarter
- Read More: *Wisconsin To Play 18 Minutes Halves In Basketball*
<http://statelinesportshub.com/wisconsin-to-play-18-minutes-halves-in-basketball/?trackback=tsmclip>



Intentional Injury



- Cache High School (Oklahoma) girls basketball coach may have told his players to intentionally injure an opponent.
- Elgin High star Jentry Holt was hit in face and broke her nose. Her father believes Cache coach Kenny White did it on purpose and then led a cover up.
- 2 affidavits from players said the play was designed to hurt Jentry.
- Coach White was **suspended for three games.**
- OSSAA conducts investigation twice and accepts the three game punishment.
- White did not accept responsibility or show remorse.
- <https://www.youtube.com/watch?v=yV9XCVtMJNI>



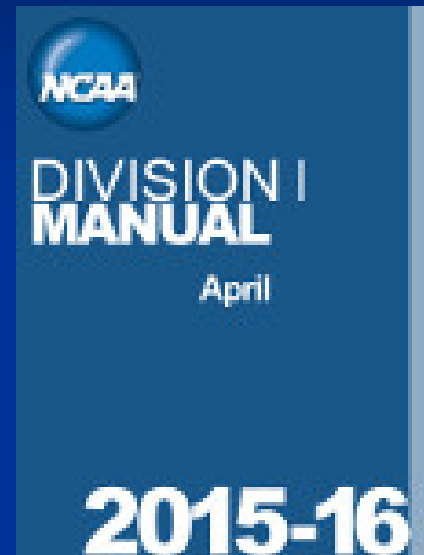
Handshakes



- October 8, 2013, the Kentucky High School Athletic Association issued a directive: **No more postgame handshakes.**
- Citing more than 20 fights and other altercations over the past three years, the KHSAA has banned handshakes after games and meets in baseball, basketball, football, soccer, softball, volleyball and wrestling.
- “It is disappointing that this action has become necessary, but enough incidents have occurred both in our state and in others that the necessity has arrived,” the KHSAA said.
- There is a bit of a loophole, though it requires everyone acting appropriately after games.
- If teams shake hands and there are no altercations, no action will be taken.

2015-2016 NCAA Manual (Descending Order)

- Student-athlete: 3,530 times.
- Violation: 343 times.
- Amateur: 197 times (amateurism)
- Compliance: 121 times.
- Standard: 110 times.
- Responsibility: 82 times.
- Penalty: 77 times.
- Policy: 74 times.
- Commitment: 63 times (to rules compliance, fair competition, integrity, sound academic standards...)
- Positive: 31 (but mostly “positive” in relation to a drug test).
- **Sportsmanship: mentioned 29 times.**
- Integrity: 21 times.



Intercollegiate Sport



NCAA Manual

- Misconduct: 19 times.
- Ethic: mentioned 25 times (ethical, unethical).
- Protect: 15 times (e.g., protect the health of, protect the integrity of)...(includes “protected”).
- Respect: 14 times (excluded “respectively”)
- Duty: 12 times.
- Honest: 11 times (honesty, dishonesty)
- Law: 10 times (not bylaw though)
- Fairness: 9 times
- Good-faith: 8 times.
- Fraud: 8 times (fraudulent, fraudulence)



NCAA Manual



- Cooperation: 7 times.
- Guilty: 7 times.
- Fair Play: 5 times.
- Dignity: 4 times.
- Criminal: 3 times (not crime).
- Police: 3 times (but 2 of the 3 are misuse/misspellings of “policies” such as “certain fundamental polices, practices and principles...”).
- Tattoo, Arrest, Jail, Mercy, Blowout, Crazy: 0.

NCAA



- 2.4 The Principle of Sportsmanship and Ethical Conduct.
- For intercollegiate athletics to promote the character development of participants, to enhance the integrity of higher education and to promote civility in society, student-athletes, coaches, and all others associated with these athletics programs and events should adhere to such fundamental values as respect, fairness, civility, honesty and responsibility. These values should be manifest not only in athletics participation, but also in the broad spectrum of activities affecting the athletics program. It is the responsibility of each institution to: (Adopted: 1/9/96)
- (a) Establish policies for sportsmanship and ethical conduct in intercollegiate athletics consistent with the educational mission and goals of the institution; and
- (b) Educate, on a continuing basis, all constituencies about the policies in Constitution 2.4-(a).



NCAA

- 10.01.1 Honesty and Sportsmanship. Individuals employed by (or associated with) a member institution to administer, conduct or coach intercollegiate athletics and all participating student-athletes shall act with honesty and sportsmanship at all times so that intercollegiate athletics as a whole, their institutions and they, as individuals, shall represent the honor and dignity of fair play and the generally recognized high standards associated with wholesome competitive sports.



NCAA



- 20.9.1.4 The Commitment to Integrity and Sportsmanship. It is the responsibility of each member institution to conduct its athletics programs and manage its staff members, representatives and student-athletes in a manner that promotes the ideals of higher education and the integrity of intercollegiate athletics. Member institutions are committed to encouraging behavior that advances the interests of the Association, its membership and the Collegiate Model of athletics. All individuals associated with intercollegiate athletics programs and events should adhere to such fundamental values as respect, fairness, civility, honesty, responsibility, academic integrity and ethical conduct. These values should be manifest not only in athletics participation, but also in the broad spectrum of activities affecting the athletics programs. (Adopted: 1/19/13 effective 8/1/13).



Intercollegiate



- Coach Donnie Tyndall penalized for cheating at the University of Southern Mississippi (USM) from 2012-2014.
- Handed Tyndall 10 year show-cause order.
- Prohibits any school from hiring during that period, matching the longest ever given to former Baylor coach Dave Bliss in 2005 (death of one of his players, who was murdered by a teammate, caused Bliss to resign in 2003).
- 3 former Tyndall USM assistants got 6-8 years as did a 2 year for a former coach who now coaches at prep-school.



Intercollegiate



- Sent assistant or graduate-assistant coaches across the country to physically complete academic work for seven junior-college prospects to become eligible at USM.
- He “also facilitated cash and pre-paid credit card payments to two prospects from former coaches.”
- Also bought pre-paid credit cards for recruits to pay for registration fees for online courses via former prep coaches and graduate assistants.
- Also deleted emails related to the investigation and lied to NCAA investigators.



Intercollegiate



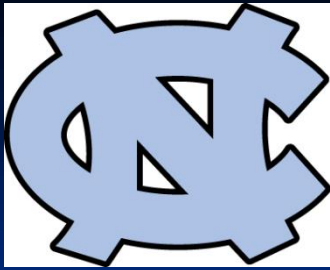
- Tyndall left USM for Tennessee in 2014.
- UT fires Tyndall after one season due to his involvement in the violations at USM.
- NCAA approves USM's own 2 year post-season ban and a 3 year probation sentence starting January 2017.
- Similar incident happened at Univ. of Louisiana Lafayette involving falsifying ACT scores of players and recruits from a Mississippi testing center.



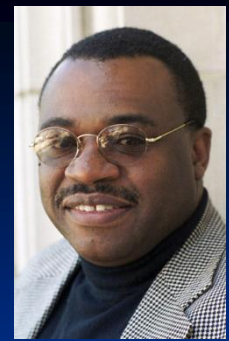
FSU



- Florida State's student government passed a resolution banning all Native American headdresses from Florida State athletic events.
- The resolution was passed on April 20, 2016
- Resolution 15 stated: "the wearing of any Native American headdresses shall no longer be permitted into athletic arenas at FSU...".
- The resolution passed 27-4. Five members abstained.
- **The Native American head dresses that are worn at Florida State sporting events have been a constant source of debate.**
- <https://www.youtube.com/watch?v=6XiK6ioThDk>
- Some contend they look more like the ones worn by Plains region tribes, such as the Sioux, rather than the Seminole Tribe.



Academic Fraud



- An internal investigation into University of North Carolina (UNC) Chapel Hill's Department of African and Afro-American Studies found evidence of academic fraud involving more than 50 classes that range from no-show professors to unauthorized grade changes for students.
- The investigation found many of the suspect classes were taught in the summer by former department chairman Julius Nyang'oro, who resigned from that post.
- Baker Tilly, a management consulting firm, reported that more than 200 classes had little or no instruction and 560 grade changes that lacked proper authorization.
- Michael McAdoo, a former basketball player, said he was steered to the bogus classes which led to his dismissal (ineligible).



UNC: Academic Fraud

- For 18 years, thousands of students at UNC took fake “paper classes,” and advisers funneled athletes into the program to keep them eligible, according to a scathing independent report.
- “These counselors saw the paper classes and the artificially high grades they yielded as key to helping some student-athletes remain eligible,” Kenneth Wainstein wrote in his report. He conducted an eight-month investigation into the scandal.
- Four employees fired and five more disciplined.
- One other former employee had honorary status removed.

UNC: Key Findings in 2014



Active participants in academic fraud



Deborah Crowder, manager of the department of African and Afro-American studies at the time, masterminded the classes. She enrolled students, graded the papers, and forged signatures.



Julius Nyang'oro, the department's chairman at the time, had a hands-off management approach and let Ms. Crowder run the classes.

Knew classes were fake



Cynthia Reynolds, who led academic counseling for football, utilized the system, populating the phony classes with players who were at risk of losing their athletic eligibility.



Butch Davis, football coach at the time, heard a presentation in 2009 stating that Ms. Crowder's impending retirement threatened some athletes' eligibility. He says he doesn't recall the meeting.



Jan Boxill, who later became chair of the faculty, steered women's basketball players to Ms. Crowder and suggested grades.



Tim McMillan, a senior lecturer in the department, "effectively knew what was happening," the report says.

Knew classes were irregular



Wayne Walden, an academic counselor closely tied to the men's basketball coach, Roy Williams, knew about the classes' existence but said he thought they were approved.



Bobbi Owen, a senior associate dean at the time, complained to Mr. Nyang'oro about the high number of independent-study courses he was overseeing.

Knew classes were easy, popular with athletes



Roy Williams, the head basketball coach, maintains that he knew nothing about the scheme.



Holden Thorp, chancellor at the time, is also exonerated in the report, although Mr. Nyang'oro has said Mr. Thorp told him that he approved of the department's handling of athletes.



UNC 2015



- UNC at Chapel Hill “lacked institutional control” over athletics, according to the NCAA’s notice of allegations. The “lack of institutional control” allegation is the NCAA’s most severe charge, often leading to postseason bans, the vacating of wins, and scholarship penalties.
- In its allegations, the NCAA focused most prominently on Jan Boxill, a former chair of the faculty whose participation in the fake-classes scheme shocked fellow faculty members when it was made public in the Wainstein report. Ms. Boxill, an ethics expert, resigned from her position as a lecturer in philosophy.
- The NCAA makes five claims:
- The university gave impermissible benefits to athletes through its fake-classes scheme.
- Ms. Jan Boxill gave impermissible benefits to athletes.
- Deborah Crowder, a former manager of the department of African and Afro-American studies and the engineer of the fake-classes scheme, violated NCAA ethical standards by refusing interviews with NCAA investigators.
- Julius Nyang’oro, the former chair, violated NCAA ethical standards for the same reason.
- Because it did not monitor Ms. Boxill and other counselors providing benefits to athletes, the university lacked institutional control.



UNC

- Julius Nyang'oro and Debby Crowder were not charged with unethical conduct under NCAA bylaw 10.1-(b), which covers “fraudulent academic credit.”
- They were charged under 10.1-(a), which covers failure to cooperate with the NCAA.
- Jan Boxill was not charged under 10.1-(b). She was charged under 10.1-(c), which covers impermissible benefits.
- <http://www.newsobserver.com/sports/spt-columns-blogs/luke-decock/article78881417.html>

UNC: Academic Fraud (2015)

- ALSO, Two former athletes at the University of North Carolina have filed a lawsuit against their UNC and the National Collegiate Athletic Association, accusing them of academic fraud. College athletes who sue for compensation is an old story.
- In this instance, Rashanda McCants, a former women's basketball player, and Devon Ramsay, who played football, are suing because, they say, they did not receive a meaningful education. They are seeking class-action status, damages for some athletes and changes in academic oversight.



Intercollegiate



- As a result, NCAA recently developed the term “impermissible academic assistance” into its bylaws.
- Broadens the scope of “academic fraud”
- 1) “Substantial assistance” that is not generally available to the university’s student body and helps an athlete become eligible to play, receive financial aid or earn an APR point.
OR
- 2) Academic exception resulting in grade change, academic credit or fulfillment of a graduation requirement when it does not exist for the rest of the student body.

NCAA

- 16.01.1.1.1 Application to Impermissible Academic Assistance.
[A] The restitution provisions of Bylaw 16 do not apply to an extra benefit violation in which a student-athlete receives an impermissible academic arrangement or assistance from an institutional staff member or representative of an institution's athletics interests. In such a situation, reinstatement of the involved student-athlete's eligibility for competition is required.
(Adopted: 1/29/15)



Handshakes (again)



- 2014, Maryland's three captains refuse to shake hands with Penn State football players.
- Team earns 15 yard unsportsmanlike conduct penalty on the kickoff.
- Prior to the failed handshakes, there was a pregame shoving match.
- https://www.youtube.com/watch?v=JbF_iHcnXe8



Rutgers 2013

- Eric Murdock filed a wrongful termination suit against Rutgers over his dismissal from the men's basketball program.
- Murdock, the team's former director of player development who blew the whistle on fired coach Mike Rice, said in the complaint that athletic director Tim Perneti disregarded video evidence that showed Rice abusing the players, calling them derogatory names, kicking and shoving them, and throwing basketballs at them.
- <https://www.youtube.com/watch?v=Mtf6eWtGWh0>
- Rutgers is accused of six counts of wrongdoing, seeking unspecified damages.



Rutgers 2013



- Rice was fired and Pernetti stepped down after protests over his handling of the situation. Murdock's suit alleged he was terminated from his job by the university on July 2, 2012.
- The school contended his contract was not renewed. "The termination was the direct result of Mr. Murdock's complaints and report of Defendant Rice's unlawful conduct," the complaint stated.
- Jimmy Martelli, a Rutgers assistant men's basketball coach, also resigned. Martelli was seen in a portion of the video that was not broadcast on television shoving a player during a practice.
- John B. Wolf, Rutgers University's former interim senior vice president and general counsel, also resigned.
- Former player Derrick Randall receives \$300,000 in a settlement with the university over a different 2013 lawsuit. Randall claimed he was "chronically and heinously targeted and abused, both physically and psychologically."



Others



- University of Mississippi: Ole Miss announced that it had self-imposed the loss of 11 total scholarships in football over a four-year period from 2015-18. Accused of 28 NCAA rules violations in football, women's basketball and track and field, including 16 that were determined to be Level I. This included falsifying ACT scores.
- Penn State University: Jerry Sandusky child-molestation scandal.
- University of Louisville: strippers in recruiting...also, alleged misconduct by women's lacrosse coach Kellie Young: abusive language and tactics with players.
- Baylor University: Repeated cover ups of sexual assault.





Others



- Florida State University: Florida State University agreed to pay \$950,000 to settle a lawsuit filed by a former student who accused the former Seminoles football star Jameis Winston of raping her in 2012.
- The settlement also commits Florida State to five years of sexual assault awareness programs and to the publishing of annual reports on those programs, although the university did not admit liability. Winston was never criminally charged. The local prosecutor acknowledged a number of shortcomings in the police investigation.
- University of Tennessee: Do coaches and university officials create a culture of sexual violence at on- and off-campus parties and in athlete dorms, in which UT officials were aware of underage drinking, drug use, and alleged assaults?



Others



- Ohio State strongly encouraged student athletes to obtain bank accounts with the help of school officials, who set budgets and would keep an eye on spending.
- OSU increased its annual athletic department compliance budget to more than \$1 million and upped the size of its corresponding department to 14 full-time employees.
- Hired a former NCAA investigator whose job, according to the New York Times, is to “educate local businesses -- like barbershops, nightclubs and tattoo parlors -- on NCAA rules.”
- More than a dozen schools -- including North Carolina, Ole Miss, Texas Tech and Auburn -- have hired independent watchdog companies such as UDiligence to provide and maintain software that spies on athletes’ social media accounts.



IU Bill of Rights

- Indiana University announced its own student-athlete bill of rights in 2014, a 10-point document that outlines new and current reforms, such as a lifetime degree guarantee and the use of the career placement center after graduation.
- The main feature is a lifetime degree guarantee, allowing former student-athletes to finish their degrees if they left school early, so long as they were eligible for two seasons. Comprehensive medical examinations that were once freely available to only incoming scholarship athletes are now also open to walk-ons, and every student-athlete will receive an iPad and a blazer.
- <http://sidearm.sites.s3.amazonaws.com/iuhoosiers.com/documents/2015/3/20/Bill-of-Rights.pdf>

Olympics



- Technology Fraud
- Russian Doping (PEDs)
- Inappropriate Tweets
- Tanking





Technological Fraud



- Cycling officials detained a bicycle ridden during the cyclocross world championships in Zolder, Belgium, in January, 2016, to investigate “technological fraud,” and they confirmed the bike had a concealed motor in the frame.
- The International Cycling Union said the bike belonged to 19-year-old Belgian Femke Van den Driessche.
- It is the first official case of “mechanical doping” or “bike doping” at cycling’s highest level.



Russian Doping



- Vitaly Stepanov, who along with his wife, Yulia Stepanova, exposed systemic doping in Russia.
- Said about 80 percent of coaches in Russian track used doping to prepare athletes for London's Olympics.
- Stepanov reveals that four Russian gold-medal winners at the Sochi Games were using performance-enhancing drugs.
- WADA and track's governing body, the IAAF, have taken a number of steps, including:



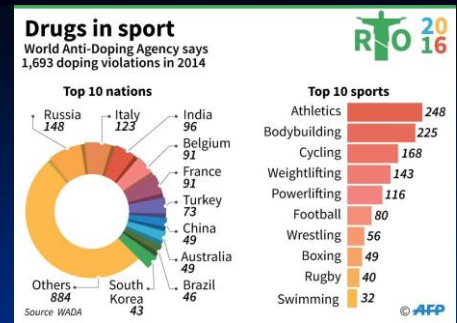
Russian Doping



- Suspending the Russian track team and declaring both Russia's anti-doping agency and the Moscow testing lab out of compliance.
- Putting the British anti-doping agency in charge of testing in Russia.
- Naming international experts to help rebuild Russia's anti-doping agency.
- Proposing that TV networks pay a portion of their Olympic rights fees into an anti-doping fund, in part to improve WADA's ability to conduct investigations.
- Naming an independent commission that set a comprehensive list of milestones the Russian track team must meet to have its suspension lifted.



Russian Doping



- Grigory Rodchenkov, the director of Russia’s anti-doping laboratory at the time, detailed how Russia’s state-run program was able to swap out dirty urine samples with clean ones to assure the eligibility of dozens of Russian athletes.
- “In a dark-of-night operation,” the New York Times wrote, “Russian anti-doping experts and members of the intelligence services surreptitiously replaced urine samples tainted by performance-enhancing drugs with clean urine collected months earlier, somehow breaking into the supposedly tamper-proof bottles that are the standard at international competitions, Dr. Rodchenkov said.
- For hours each night, they worked in a shadow laboratory lit by a single lamp, passing bottles of urine through a hand-size hole in the wall, to be ready for testing the next day, he said.”
- <http://www.nytimes.com/2016/05/13/sports/russia-doping-sochi-olympics-2014.html>



Russian Doping



- Not a single Russian athlete was caught doping.
- Russia won the most medals, 33, and most golds, 13.
- “To speed up absorption of the steroids and shorten the detection window, he dissolved the drugs in alcohol – Chivas whiskey for men, Martini vermouth for women.”
- Post-Olympics, Putin awarded Dr. Rodchenkov with the Order of Friendship, a prestigious award in that country.
- In 2015, WADA concluded an investigation that placed the blame for an extensive cheating operation on Rodchenkov.
- Rodchenkov was forced to resign. He quickly fled to America, claiming he feared for his safety. Two of his Russian cohorts in the anti-doping system turned up dead.



Olympics: Tweets



- In 2012: Michel Morganella, a defender on the Swiss Olympic soccer squad, was kicked off the team from the London Olympics for an offensive tweet about South Koreans, hours after losing to the country's team. "I want to beat up all South Koreans! Bunch of mentally handicapped retards! ("Je les tous Defonce Coréens, allez vous tous Bruler, bande de trisos!"). They lost to South Korea 2-1.
- <http://www.101greatgoals.com/blog/switzerlands-michel-morganella-has-a-meltdown-on-twitter-after-losing-to-south-korea-at-the-olympics/>
- Voula Papachristou, Greece's triple-jump champion, was kicked off her team for an offensive tweet, "With so many Africans in Greece... the West Nile mosquitoes will at least eat homemade food!!!"



Professional



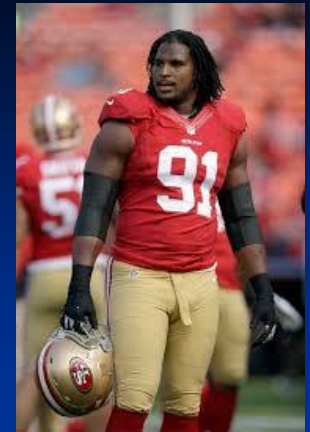
- Bullying in the workplace
- Washington Redskins
- FIFA Scandal
- Tennis players match-fixing
- Deflategate
- Hackgate (MLB)
- NFL Draft hacking incident with Laremy Tunsil
- NFL gets hacked.
- Consider “morals clauses” in contracts.



Domestic Violence and Abuse



- Adrian Peterson
- Johnathan Dwyer
- Greg Hardy
- Ray Rice
- Ray McDonald
- Procter & Gamble Co.'s Crest has canceled a Breast Cancer Awareness event with the NFL amid growing controversy over how the league deals with domestic violence.



Lance Armstrong



- Nike Inc. announced in October, 2012, it would end its contract with Lance Armstrong.
- The move came a week after the U.S. Anti-Doping Agency released reports that outlined the extent of doping allegations made against Armstrong when he won the Tour de France seven years in a row from 1999 to 2005.
- USADA banned Armstrong from cycling for life and stripped him of the titles he earned during his 14-year career, including those Tour wins.
- Other sponsorships lost included: Anheuser-Busch; Trek; RadioShack; FRS (energy drink maker); Honey Stinger (energy foods maker); Easton-Bell (Giro helmet maker); Oakley



Lance Armstrong



- The Justice Department sued Lance Armstrong in April, 2013, saying the cyclist violated his contract with the U.S. Postal Service and was “unjustly enriched” while cheating to win the Tour de France.
- The Postal Service paid about \$40 million to be the title sponsor of Armstrong’s teams for six of his seven Tour de France victories.
- The filing in U.S. district court in Washington, D.C., said that USPS paid Armstrong \$17 million from 1998-2004.



Maria Sharapova



- Maria Sharapova's sponsors quickly distanced themselves from the tennis star after she said she tested positive for the recently banned drug Meldonium.
- Nike was first to suspend its deal with the Russian athlete.
- The Swiss watchmaker TAG Heuer announced it would not renew its deal with the 28-year-old.
- Porsche announced it was also suspending its deal.



“Bullying”



- In October 2013, Dolphins tackle Jonathan Martin left the team due to emotional distress. He never returned.
- Martin’s distress was related veteran teammate Richie Incognito. Reports surfaced that Incognito texted Martin racist comments, made physically-threatening remarks and forced Martin to pay five-figure team dinner tabs.
- The Dolphins suspended Incognito indefinitely for “conduct detrimental to the team.”
- Despite being reinstated by the NFL, the 32-year-old Incognito went unsigned last year before the Bills picked him up in February, 2015.
- Martin joined the 49ers, but was later cut by San Francisco. The former Stanford star was claimed by the Panthers, but suffered a back injury during the offseason.



Hackgate



- Hack Gate: FBI and DOJ investigate front office of St. Louis Cardinals hacking into the network of the Houston Astros.
- Chris Correa, 35, pleaded guilty in a Houston federal court to five counts of unauthorized access to a protected computer. Correa was fired by the Cardinals in July after details of the hacking emerged.
- Jeff Luhnow was, at one time, a Cardinals executive who handled scouting and player development.
- Luhnow built a computer network called Redbird: had scouting reports and player personnel information.



Hackgate



- Astros hire him as GM in December, 2011.
- Develops “Ground Control” at the Astros. Proprietary information.
- Cardinals used stored passwords Luhnow had created when at the Cardinals.
- Cyber criminals.
- MLB notifies FBI.
- Correa sentenced in June, 2016.





Deflategate

- On September 3, 2015, Judge Richard M. Berman of the United States District Court for the Southern District of New York has ruled in favor of Tom Brady and the NFLPA in its case against the NFL, overturning Brady's four-game suspension for his alleged role in Deflategate.
- In essence, he vacated the arbitration decision against NFL Commissioner Roger Goodell's July 28, 2015 arbitration award, "...thereby vacating the four-game suspension of Tom Brady, effective immediately."
- The investigation was conducted by Ted Wells after it was alleged that the Patriots intentionally deflated footballs during the 2015 AFC title game against the Indianapolis Colts.
- Berman stated, "The Court is fully aware of the deference afforded to arbitral decisions, but, nevertheless, concludes that the Award should be vacated. The Award is premised upon several significant legal deficiencies, including (A) inadequate notice to Brady of both his potential discipline (four-game suspension) and his alleged misconduct; (B) denial of the opportunity for Brady to examine one of two lead investigators, namely NFL Executive Vice President and General Counsel Jeff Pash; and (C) denial of equal access to investigative files, including witness interview notes."
- In other words, Berman did not give deference to the arbitration.



Deflategate



- Then, in 2016, a federal appeals court ruled in favor of the NFL, reinstating New England Patriots quarterback Tom Brady's original four-game suspension imposed by NFL Commissioner Roger Goodell. Judges Denny Chin and Barrington D. Parker ruled for the NFL, while Chief Judge Robert A. Katzmann ruled for Brady.
- The ruling reversed federal judge, Richard M. Berman, who had nullified Brady's four-game suspension in September because of "several significant legal deficiencies" in how Goodell investigated accusations that footballs were below league-mandated minimum pressure levels at the AFC Championship Game in January 2015.
- In the decision, the majority of the panel said it believed that Goodell "properly exercised his broad discretion under the collective bargaining agreement and that his procedural rulings were properly grounded in that agreement and did not deprive Brady of fundamental fairness."
- In May 2015, the NFL imposed the suspension on Brady after an independent investigator found it "more probable than not" that the Patriots quarterback was involved with locker room attendant Jim McNally and equipment assistant John Jastremski in the AFC Championship Game in a scheme to take air out of the footballs New England would use.
- The presumed advantage of an underinflated football is that it is easier to catch.
- The Patriots defeated the Indianapolis Colts 45-7 and went on to win the Super Bowl that season. Brady has denied wrongdoing.
- Chief Judge Katzmann, who was the lone judge to dissent, said that Goodell "exceeded his authority, to Brady's detriment, by resting Brady's discipline on factual findings not made in the Wells Report."

Conclusion

- “Should” v. “Must”
- Private v. Public Justice
- WWUDO?
- Thank you!
- Best of success!
- adamepstein@outlook.com

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