

Case Studies

Case 8.1

Rulings, Responsibilities, and Consequences

During the second week of August 1995, the Canadian Little League Baseball championship tournament for 14- and 15-year-old boys was held in Port Coquitlam, B.C. The team winning the tournament would be crowned Canadian champions and, as such, would earn the right to represent Canada at the World championships in Orlando, Florida.

As hosts, the Port Coquitlam team was automatically accorded a spot in the tournament. A neighboring community, Langley, B.C., represented British Columbia and advanced to the finals against a team from Orleans, Ontario. Due to many rain delays, Orleans was scheduled to play three games in two days, one on Wednesday and two on Thursday, with the championship contest scheduled for 6:00 p.m. on that day.

Orleans won the game they played Wednesday, thus enabling them to go on to the two games on Thursday. N.W., the star pitcher for Orleans, pitched in the Wednesday game but did not toss in the first game on Thursday. In that contest Orleans beat the host team, Port Coquitlam, setting up the championship contest versus Langley, B.C.

Little League rules state that no pitcher can throw in consecutive games or on consecutive days during a tournament. Both stipulations apply before a pitcher is eligible to throw again in a game. Because the rain delays had fouled up the pitching rotations so badly, the Orleans coach and manager requested permission from the tournament director for N.W. to pitch, if needed, in the final game. Because more than 24 hours had elapsed between the end of the Wednesday game and the start of the championship game, the tournament director ruled that N.W. was eligible to pitch.

There are two versions of what happened. In one version, reported in the press, the umpires and the Langley team were informed of the ruling by the tournament director. In the second version, it seems that the umpires and the Port Coquitlam team, as tournament hosts, were told of the decision but the Langley team was not informed.

During the final game between Orleans and Langley, N.W. came in to pitch in the fifth inning, getting the final two outs to retire the side. Orleans then came to bat in the top of the sixth inning and one of their players hit a home run to make the score 8-3. At that point Langley protested N.W.'s pitching appearance, halting the game. After a 45-minute discussion, N.W. was not allowed to pitch any more. The game resumed, Orleans held on to win 8-7 and, they assumed Thursday night, the national championship and a trip to Orlando a day or two after that.

Friday morning the members of the Orleans team were informed that the protest lodged by Langley had been upheld by the president of Little League Canada and by the officials in the international Little League headquarters in Williamsport, Pennsylvania. That ruling meant Orleans forfeited the game; Langley was declared the champion and flew to Orlando to participate in the international championship tournament.

The request by the Orleans team to allow N.W. to pitch in the final game Thursday was approved by the tournament director, an adult sanctioned in that position by Little League Canada, and by logical extension, also by the international Little League organization. Although the tournament director admitted afterwards that his interpretation of more than 24 hours elapsing was incorrect—a full calendar day must pass—that did not prevent other adult officials (the president of Little League Canada and officials at the international headquarters) from ruling N.W. ineligible after his brief appearance in the final game. Approval to pitch was granted by a sanctioned official before N.W. entered the game yet the second ruling, declaring him ineligible, came after the game. The second ruling also turned victory on the field by Orleans into a loss after the game was over.

Questions to Consider for Discussion

1. Did the Orleans coach and manager act ethically when they requested permission for N.W. to pitch in the final game?
2. Did the tournament director act ethically in approving the request?
3. Did the Langley team behave ethically in lodging a protest?
4. Did the president of Little League Canada behave ethically in upholding the protest?
5. Did the international Little League office behave ethically in upholding the protest?
6. Is it ethical for youth to suffer consequences due to inappropriate behavior by adults?

Case 8.2

Challenging Authority: Who Has the Final Say?

In common with most regulating sports-governing bodies, the Illinois High School Association (IHSA), the state high school athletic association that supervises scholastic athletics in the state, sets limits regarding participation. In wrestling, schools are allowed to take part in four meets. In early February 1995, the IHSA received a report from a rival school that M.C. High, a school with a strong wrestling program, had competed in five meets, apparently violating the rules. Once the complaint was verified, the IHSA ruled that M.C. High was ineligible to compete in the state team tournament.

Bylaw 5.162 (*Sports Illustrated*, March 6, 1995, p.18-19), which governs participation, does not distinguish between varsity and junior varsity wrestlers. However, other (IHSA) "bylaws pertaining to the *minimum* number of events required to qualify for a state tournament specifically mention that those tournaments must be of varsity status" (*Sports Illustrated*, p.18). In its defense, M.C. High argued that it had sent only junior varsity wrestlers to the fifth tournament. As no varsity athlete had competed, the bylaw had not been violated since only varsity events counted.

This line of argument failed to sway the IHSA despite evidence that other schools had done the very same thing. M.C. High was banned from the state tournament; the original decision stood.

M.C. High went to circuit court, sued, and won a decision directing the IHSA to include it in the state tournament. The decision by the lowest court was taken to the Appeal court where the ruling by the circuit court was upheld. That decision, in turn, was taken to a higher tribunal, the State Supreme court, where, again, the original decision was upheld. Three courts now ordered the IHSA to include M.C. High in the state tournament.

In reaction to the rulings by the three courts, and rather than allow M.C. High to participate, the IHSA suspended, then cancelled, the tournament for that year.

Questions to Consider for Discussion

1. Was the wrestling coach of M.C. High right, and justified, in assuming that he could enter a fifth tournament using junior varsity wrestlers, although there was no specific written exemption for such behavior in wrestling?
2. How are we to categorize the behavior of the rival coach who reported M.C. High to the IHSA?
3. Was the IHSA justified in their ruling M.C. High ineligible for the

state tournament? Can that decision be sustained when we know that other schools committed the very same violations, were reported, yet went unpunished?

4. Was M.C. High justified in resorting to court action?
5. How do you categorize the behavior of the IHSA that cancelled the state tournament?

Case 8.3

Rules Are Rules: Children and Adults

Twenty tykes from Vaquero and Verdugo, communities outside Los Angeles, who were members of their respective Southern California Little League all-star teams, participated in a benefit tournament. The event was held to raise money for the community and to honor the memory of a local child who had died a year earlier (*Sports Illustrated*, July 24, 1995, Canada Edition, p.11).

Their participation violated Regulation IV-a, which stipulates that no more than six players from a Little League tournament team "may participate on another team except authorized elementary and junior high school teams" (*Sports Illustrated*, July 24, 1995, Canada Edition, p.11). As a consequence of this violation, Little League headquarters in Williamsport, Pa., ruled the players ineligible to compete in a forthcoming district tournament. An appeal, based on the fact that the players participated in an event designed to benefit the local community, failed to deter Little League headquarters officials from applying the rule as written.

In reaction to the ruling from Little League headquarters, both teams decided to forfeit their eligibility rather than replace the players who had participated in the charity event.

Questions to Consider for Discussion

From an ethical perspective the behavior of at least three groups merits assessment: (1) team organizers, (2) league officials, and (3) the players.

1. Were the adult organizers and managers of the two teams involved aware of this Little League rule? If not, on what basis could they justify assuming positions of responsibility?

There is a second event that must be scrutinized: after Little League headquarters ruled the twenty players ineligible for the district tournament, what ethical judgment is to be rendered on the decision of the team organizers to forfeit their eligibility, thereby penalizing those players who did not violate Little League rules?

2. Officials at Little League headquarters applied the letter of the law even though the event was organized to raise money for a worthy cause. Was that proper?
3. Should children, even at the Little League level, where they can be as young as 7 or 8 years, be responsible for knowledge of the rules of the game? Should that responsibility extend to regulations about participation beyond their own league or local tournament? Should these youngsters be expected to know, and therefore obey, all of the Little League eligibility and participation rules?

Based on what occurred in this case another issue emerges that merits ethical consideration. On the assumption that it was the adults involved, and not the children, who made the decision to participate in the charity event, what ethical assessment is to be made of a situation that affects the children, since they are the ones denied the opportunity to play, though they were not involved in the decision that led to the sanction imposed?

Case 8.4

Residency Requirements for Minor League Hockey

For many young Canadian boys, hockey is the most important, and in one sense, the most glamorous sport. A large, complex organization has evolved to manage the many leagues and tournaments involved. At the apex of this organization is the Canadian Hockey Association, the body that establishes national standards and formulates policies that apply to all leagues under its jurisdiction across the country. Each of the 10 provinces and two territories has a provincial association that supervises minor hockey in its own jurisdiction. Another administrative level exists, namely the organizations found locally, in cities, towns, and villages, throughout each province and territory. It is at this level that local leagues are organized, supposedly for the benefit of the children who live in these communities.

Eligibility and residency requirements are two items among the many issues these sport-governing bodies address.

A story appeared at the top of the front page of *The Toronto Star* (March 16, 1995) bearing the headline, "Private eye stalks kids in hockey league battle," and the following subheading, "Parents outraged at eligibility tactic." Oakville is a separate municipality located just west of Toronto, the largest city in Canada. Toronto, as the most populous city, has the largest minor hockey league. From the per-

spective of some viewers, Toronto is the most attractive place to play, offering a more intense level of competition and a greater potential for exposure to the scouts from the National Hockey League.

An unusual situation evolved that merits an explanation. Motivated by a desire to ensure that all the Oakville youngsters who resided and attended school in the community played in the local league, the organizers hired a private investigator to stalk certain "suspicious" youths in an attempt to quash their eligibility in Metro Toronto: "The Minor Oaks Hockey Association (MOHA) tried to prove that five players, *aged 9 to 13* (emphasis added), were ineligible to play in the Metro Toronto Hockey League (MTHL)" (*The Toronto Star*, March 16, 1995, p.A1). Videotape evidence was presented to buttress the argument that, since the boys actually lived in Oakville, the Ontario Hockey Federation (OHF), the provincial body, should compel them to play for their hometown teams.

A hearing was conducted by the OHF to allow all parties to have their say. It was at this hearing that information about the undercover surveillance was made public. The parents of the five boys involved reacted furiously when they heard what had happened, claiming that their family privacy had been violated. Furthermore, they maintained, no deceit had been used, nor had there been any attempt to hide the identity of the teams the youngsters were on or where they were attending school. All five players involved "liv[ed] in Oakville and attend[ed] school there, but [were] allowed to play hockey [in the MTHL] because their parents [had] obtained court custody orders giving them Metro-area addresses with family members or long-time friends" (p.A1). At the hearing the fathers of all five boys admitted that they had agonized over the decision to seek custody orders, which costs \$400, but justified the action on the basis that their sons really wanted to play in Metro.

Both organizations involved, the Minor Oaks Hockey Association and the Metro Toronto Hockey League, expressed sharply differing views before, during, and after the hearing. The president of the MTHL denounced the actions of the MOHA, asserting that a new low had been reached with the hiring of a private investigator to spy on children. For its part, the MOHA accused the MTHL of doing anything to ensure a position of dominance in minor hockey in the province of Ontario.

The problem of residency requirements and custody orders had arisen many times before. The Ontario Hockey Federation had prohibited the use of custody orders to meet residency requirements to comply with a recent Canadian Hockey Association rule, which states that no one can move for the sole purpose of playing hockey. At this point it seems pertinent to recall that this case involves boys aged 9 to 13.

A few days after the weekend hearing, the Ontario Hockey Federation ruled that since the custody orders had been obtained before the September 10, 1994, deadline the boys would be allowed to play in Metro—at least for the remainder of that season.

Questions to Consider for Discussion

This somewhat unusual case—a sport-governing body taking extraordinary steps to compel youngsters to play in its own league—provides us with many opportunities to engage in moral reasoning. The behavior of at least five groups merits ethical assessment: (1) the Canadian Hockey Association, (2) the Ontario Hockey Federation, (3) the Minor Oaks Hockey Association, (4) the Metro Toronto Hockey League and the parents of the five boys.

1. In our society we generally accept the view that parents have full jurisdiction over their children except in cases where the courts rule otherwise. If that is an acceptable practice in society, what is the ethical basis for the CHA to restrict parental rights by legislating residency requirements or forbidding the use of custody orders, obtained legally, that determine residency in the eyes of the law?
2. Two points merit consideration. How ethical is it for the OHF to abide by the CHA's ruling on residency requirements that, in effect, restricts parental rights? It is generally well known that many youngsters registered with teams in the MTHL reside outside that territory. With that as background information, what ethical assessment is to be made of the OHF ruling in this case?
3. Two issues need to be addressed within this context. What is the ethical status of the MOHA's attempt to compel boys in Oakville to play in their own league? What ethical judgment can be rendered on the decision made to employ a private investigator to spy on 9- to 13-year-old boys?
4. Given that there is an overabundance of boys within Metro Toronto who wish to play hockey, is it right for the MTHL to register players from outside Metro even if these boys have established residency through court custody orders?
5. Since the parents of the five boys involved each applied to a judge to obtain court custody orders granting their sons Metro-area residences, it is safe to assume they knew the residency requirement rules. From an ethical perspective, what can be made of the fathers' behavior?

Case 8.5

Post-Game Handshakes

A number of high school sports leagues in Southern California have eliminated the post-game mandatory handshake, reasoning that too often these handshakes touched off fist fights. Another reason expressed in support of the decision is that the lineup, with both teams facing each other, provided many opportunities for trash-talking and uttering insults and threats. Rather than risk additional untoward incidents, with potentially negative consequences, it was decided to remove the temptation by stopping the practice.

Additional arguments have been offered in support of the decision to eliminate post-game handshakes. Shaking hands after a game is not really a gesture of good sportsmanship at all. Compelling youngsters and teenagers to do something they do not really want to do makes a mockery of the notion of sportsmanship. It is a contrived action rather than a genuine display of goodwill and respect. Rather than viewing the handshake as tangible evidence that whatever occurred in the game is now history, forgiven and forgotten, the gesture is seen as masking true feelings and thus is hypocritical.

Those who support the retention of the traditional post-game handshake view it in a much different light, one that focuses on education and the inculcation of positive values. Youth need to be taught the importance of appropriate social graces that, in turn, leads to the modification of attitudes. Shaking hands after a game teaches the participants to respect each other in both victory and defeat and transmits a tacit message that what occurred in the game is now behind all parties involved. Shaking hands is tangible evidence of the acceptance of responsibility for one's own behavior. Shaking hands is also a gesture of cooperation that counterbalances the competitive element found in the sports contest. Life has both competitive and cooperative elements in it.

Deciding to retain or eliminate the post-game handshake has enormous educational and ethical implications. Many southern California school sports leagues have opted to eliminate the post-game handshake. That decision invites ethical assessment.

Questions to Consider for Discussion

1. What responsibility do league organizers have for the moral development of athletes?
2. Are there different responsibilities depending on the age level of the athletes involved?
3. What moral benefits, if any, will be gained by the elimination of post-game handshakes?

4. Were the league organizers right in eliminating the mandatory post-game handshake?

Case 8.6

A Padded Resume

One of the most prestigious appointments in U.S. college sports is the position of coach of the Notre Dame Football Team. Five days after being named to that position, George O'Leary's tenure ended with his resignation. He admitted having lied on his resume where he claimed he had earned three letters as a college football player and had a master's degree in Education from NYU. "In fact he never played a down for New Hampshire and he took only a few courses in NYU" (Author, 2001, p.32).

At the press conference when he announced his resignation, O'Leary defended his action by calling the misrepresentation "a youthful indiscretion" (ibid.). In his younger years, he had "padded" his resume to enhance his chance of being hired to coaching positions. He admitted that these misrepresentations had never been stricken from his resume.

When personnel problems or difficulties arise at such senior levels, often the employee is given the option of resigning instead of being fired. From the reports reviewed we do not know if that is what happened in this case.

Questions to Consider for Discussion

1. If Notre Dame had practiced due diligence prior to appointing George O'Leary as head coach, the inaccuracies in his resume would have been detected. Since that, seemingly, was not done, was it right for Notre Dame to accept O'Leary's resignation?
2. From an ethical perspective, is the punishment of (forced?) resignation commensurate with the inappropriate behavior of padding the resume?
3. Since the misrepresentations referred to "non-events" many years ago that had no bearing on his track record as a football coach nor his ability to coach, how ethical was it for Notre Dame to expect and accept O'Leary's resignation?
4. Generally speaking, what harm, if any, can there be in padding one's resume in order to enhance one's chance of obtaining the position sought, particularly when it is assumed that many people resort to this tactic?

Reference

- Author. (2001). Great exaggeration. *Sports Illustrated*, December 24-31.

Case 8.7**The Quest for Records**

In 1982 Cheryl Miller established a record for girls high school basketball by scoring 105 points in one game. Early in 1990, breaking that record was the aim of Lisa Leslie, a senior at Morningside High in Inglewood, Calif., and, at 6'5" tall, its star player (*Sports Illustrated*, Feb. 19, 1990, p.30-31). Lisa Leslie was considered by many observers to be the best female high school basketball player in the United States.

On February 7, 1990, in a game against an injured, overmatched squad from South Torrance High, the score at the end of the first quarter was 49-6. All 49 Morningside points had been scored by Lisa Leslie. At the end of the first half the score was 102-24, with Lisa tallying 101 points, just four short of equaling the existing record.

During the halftime intermission Gilbert Ramirez, coach of the South Torrance squad, met with his players. Two girls had already fouled out and another was injured, leaving only four healthy players available to start the second half. A vote was taken by the team in favor of forfeiting the game. Coach Ramirez then informed the referees and the opposing team.

That news upset Lisa Leslie. She approached Coach Ramirez with a request for his team to continue playing until she had scored three more baskets. This would give her sufficient points to become the new record holder. Immediately after establishing the new record, the South Torrance team could forfeit the game. They refused to comply with her request.

The referees allowed Lisa to shoot four technical foul shots, which were awarded for delay of game, at the start of what should have been the third quarter. Although she scored on all four attempts, giving her 105 points and ostensibly tying the record, league officials nullified those points, ruling that the game had ended officially at halftime.

Coach Ramirez was suspended by League officials for one game for forfeiting but that ruling was revoked. He was reinstated before his team's next game.

The behavior of at least four people merits ethical review: (1) the coach of the Morningside High basketball team; (2) Lisa Leslie, the scoring machine; (3) the referees at the game; and, (4) Coach Ramirez.

Questions to Consider for Discussion

1. Since one player scored 101 of the team's 102 points in the first half, it appears that the game plan devised by the coach was to feed the star player, making her the only one allowed to score in order to break the record. Is this ethical behavior on the part of the coach?
2. What is the ethical status of Lisa Leslie's request to Coach Ramirez to continue the game until she had broken the record?
3. What ethical judgment can be rendered on the decision made by referees to allow Lisa Leslie to shoot four technical foul shots?
4. Did Coach Ramirez act properly in allowing his team to vote to forfeit the game?
5. From an ethical perspective, is it ever right to run up the score against a weaker team?

Case 8.8**Is Lying Always Lying?**

University of Michigan Booster, E.M., was indicted by the U.S. attorney's office in Detroit, which accused him of laundering \$616,000 dollars from illegal gambling operations. He did this by lending money to basketball player Chris Webber and other stars (known as the Fab Five) on the 1992 and 1993 Wolverine Teams that made it to the NCAA final tour. Three investigations by the University, including a 1997 probe that banned E.M. from association with Michigan Athletic Programs, "uncovered little wrongdoing because players denied taking money or wouldn't talk" (Dohrmann, 2002, p.26).

However, when a grand jury investigated, some of the players admitted they took money from E.M., in effect, recanting earlier denials, according to their lawyer, Steve Fishman. "Lying to the NCAA is one thing," says Fishman. "Lying to a grand jury is another. That's perjury" (ibid.). According to sources Webber often complained during his college days that he didn't have enough money to buy dinner while Michigan made millions off him.

Questions to Consider for Discussion

1. From an ethical perspective, is it fair to offer "student-athletes" athletic scholarships that may be worth \$20,000-\$40,000 per year maximum, when the institution, as Webber claims, "makes millions off them"?

2. Since it is the college athletes whose performance spectators and the media pay to see, from a fairness perspective, what portion of the income, if any, should be allotted to them?
3. According to lawyer Steve Fishman, lying to the NCAA is one thing, but lying to a grand jury is another. One plausible interpretation of this comment is that it is morally defensible to lie to the NCAA because it is not perjury, but you had better not lie to a grand jury because the potential penalty is far more severe.
Is it morally acceptable to lie to the NCAA? It is morally acceptable to lie to a grand jury? Can lying ever be justified?

Reference

- Dohrmann, G. (2002). A tangled Webber. *Sports Illustrated*, April 1, p.26.

Case 8.9

Unethical (?) Ethical Advice

A column, "The Ethicist," written by Randy Cohen, appears in the magazine section of the Sunday New York Times. Readers are invited to write to him with ethical issues, which he then addresses. An explanation and rationale are provided for the stand he takes so that readers can comprehend how he arrived at the judgment rendered.

On April 28, 2002, the following question appeared: "Preparing for softball season, I read a book on hitting that said batters can maximize their averages by aiming line drives right between the pitcher's eyeballs. I tried it and hit nine singles in a row but nearly hit the pitcher in the face every time. Is it ethical to aim at the pitcher?" (Cohen, 2002, n.p.)

This question was answered in a way that is open to debate. Here is part of Mr. Cohen's reply: "To hit a line drive deliberately at the pitcher's face is morally acceptable to the extent that it's physically unlikely. And that is a great extent indeed" (p.?) He then avows that hitting a pitched ball is the single most difficult thing to do in sport. "To place your hits precisely is still harder. Thus, by aiming at the pitcher, you have no intent and little likelihood of doing harm; you are simply employing a visualization technique to improve your batting. And nothing in softball forbids hitting one up the middle" (p.?).

Additional elaboration is provided. Players entering a sport contest implicitly accept a degree of risk (supposedly mitigating the deliberate intent to aim at the pitcher's face). Various tactics used in other sports serve as examples of the range of risks. He then notes that in tennis it is legitimate to hit a ball directly at your opponent to

win a point. Mr. Cohen draws a moral distinction between being hit by a tennis ball and a softball due to the damage that can be inflicted. "By you becoming [*sic*] so good at placing your hits that you could knock one into the pitcher's face on command, you would have to forswear this tactic. The moral stricture against doing harm would supersede the rules of the game" (n.p.). In another words, if you are a poor hitter, it is morally acceptable to aim for the pitcher's face, but if you are an excellent batter," if you really can hit with such precision, aim a little higher physically and ethically: place your hits just over the pitcher's head and swing for the fences" (n.p.).

Questions to Consider for Discussion

1. Is it ethical for the author of the book on hitting to advise readers to aim for the pitcher's faces?
2. Is it ethical for any batter to aim for the pitcher's face?
3. If it is ethical to advise a batter to aim for the pitcher's face, and the advice is heeded, how can the intent to harm not be present?
4. How valid is the argument that it is highly unlikely to occur in maintaining it is ethical to aim for the pitcher's face?
5. How valid is the final position taken by the ethical advisor that, if you are a poor hitter, it is ethical to aim at the pitcher's face, but if you are an excellent batter and can hit with precision, it is unethical to do so?

Reference

- Cohen, R. (2002). The ethicist: Swing away. *New York Times*, Magazine section, April 28.

Case 8.10

Health Risk and Sport Participation

A.B., the star linebacker at BTU, who has established records for the most single-season and career tackles for linebackers, is about to enter his senior year. There are questions about his health status; serious concerns have been raised about his continued participation in football due to the potential risk involved.

During spring training following his junior year he lay paralyzed on the turf after a tackle but recovered shortly afterwards. On many prior occasions following tackles he has felt numbness in both arms and hands. That feeling was much different from a stinger, or burner, which creates a tingling sensation in one arm or the other due to ex-

treme pressure on a nerve. To determine the cause of the numbness, A.B. was referred to a neurosurgeon.

Following a thorough examination involving X-ray and magnetic resonance imaging (MRI), which produces an image of bone and soft tissue such as muscles and nerves, the assessment made was that of spinal stenosis, a narrower than normal spinal canal. Based on that assessment the neurosurgeon recommended that A.B. not play football due to the increased risk involved. Aware of the disappointment his recommendation caused, the neurosurgeon suggested obtaining a second opinion. Another neurosurgeon, in a city some distance away, was consulted. This physician confirmed the assessment and concurred with the recommendation to stop playing football. At that point it appeared that A.B.'s football career was finished.

Shortly after that, the head football trainer attended a meeting of the National Athletic Trainers Association. There he heard a presentation by an orthopaedic surgeon, an expert on cervical spinal stenosis, who claimed that men with that condition were not necessarily in any more danger of paralysis than those with normal spinal columns. Some medical research was cited to support his position along with the explanation that paralysis due to football injury was caused by improper tackling technique, head first (now penalized as spearing), and when that happened the diameter of the spinal column was irrelevant. This information was conveyed to A.B., who now had some basis for a possible return to the football team for his senior year.

As the season approached, A.B. started leaning more towards playing. He had maintained game level fitness by training in the gym with his teammates. Head coach J.M., who obviously would welcome him back, exerted no pressure, stating he would accept the decision made by A.B. and his parents. N.P., the director of athletics, became involved as well because the school has certain responsibilities in such cases and the legal liability aspect merited consideration. After discussing the matter with A.B., the director of athletics concurred with the stand taken by the head coach.

Another doctor, one of the BTU's team physicians, considered forbidding A.B. to play but ultimately left the decision to the athlete himself.

A.B., a young man of 23, discussed the matter with his parents who agreed with his decision to play in his senior year. His love of the game was the deciding factor. When the season started A.B. was at his usual linebacker position. In the third-to-last game of the season, he made a tackle, fell to the turf, and lay still, paralyzed. He was transported to the hospital where he spent three days. During this time both sensation and movement returned. A.B. decided to forego the final two games in the schedule.

Questions to Consider for Discussion

Every football player, indeed every athlete, accepts some risk when entering the sports contest. When does that risk become unacceptable? This basic query provokes a series of additional questions.

1. Who should make the decision that the level of risk is unacceptable? In this case, should the decision have been left to the student?
2. From a broader perspective the question can be posed: What rights does a student-athlete have?
3. Who should be authorized to forbid a student to play because of health risks? Should it be the physician? If yes, what happens if there is a divergence of opinions? Should it be the coach? Can a coach make an unbiased decision? Should it be the director of athletics?
4. Can a young man, one who has played football for more than half his life in an environment where football is exalted, make an "unbiased" decision?

Case 8.11**Acts of Commission, Acts of Omission**

Thousands of spectators sitting in the aquatic stadium in Seoul, South Korea, and countless millions around the world watching on television gasped collectively as U.S. Olympic diver, Greg Louganis, hit his head on the diving board while attempting a reverse two-and-a-half pike during the 1988 Olympic Games. Louganis, a double gold medal winner at both the 1984 and 1988 Olympic Games, split his head open enough to require stitches. As he plunged into the water his blood dripped into the pool.

After he climbed out of the pool, Louganis said nothing as his bleeding wound was stitched up by a U.S. team physician who was not wearing latex gloves. Neither did he say anything to the organizers of the meet. It was only seven years later, during an interview on a U.S. national television network, that this silence assumed ominous significance. Louganis, who was on television to promote his soon-to-be-released autobiography, admitted that he had AIDS. He also admitted that at the time of his ill-fated dive he knew he was HIV positive.

Louganis recounted how he had been paralyzed with fear after the accident, aware that the blood he shed into the pool contained the virus. His failure to speak up might readily be regarded as an act of

omission. His silence potentially put the health of the physician who stitched him up and the health of all other divers in the competition at risk. Further, any other person who might have entered the pool was also put at risk.

Questions to Consider for Discussion

1. From an ethical perspective, in terms of an act of omission—the silence of Greg Louganis—how do we assess his behavior
 - a) in actually competing in the Olympics while knowing he was HIV positive, thus posing a risk to others?
 - b) in not informing the U.S. team physician about to stitch his bleeding wound without wearing latex gloves?
 - c) in not informing the organizers of the competition?
2. After these issues have been addressed, it would be worthwhile to extend the moral discourse one step further to examine the existing situation. Now, in Canada, athletes are asked, but not compelled, to provide medical information to sports officials. Would it be ethical to compel athletes to reveal personal medical information? Should there be one set of rules for the disclosure of non-communicable diseases and another set of rules for the disclosure of communicable diseases? What ethical rationale can be presented to support your stand?

Case 8.12

Medical Care, Medical Business, and the NFL

Medical care in the United States is regarded, in many ways, as just another business, where services are rendered for a fee and profit is expected. While it is true that most of the American population, but not all, has medical insurance that remunerates physicians and surgeons and pays for hospital care, the realm of medicine operates as much by a business ethos as by appropriate medical treatment. Fee-for-service is the usual arrangement. Physicians and surgeons are paid based on each procedure performed.

Since physicians and surgeons earn their income based on the services they render, it follows that those who render more services will generate greater incomes. Continuing in a business vein, physicians and surgeons “compete” for patients; those who attract the most patients have the busiest practices resulting in the highest incomes. A similar scenario applies to hospitals. Other than referrals from other physicians and surgeons, or recommendations from patients who tell their friends and neighbors about a particular medical practitioner,

the number of avenues available to attract new patients is limited.

One way of attracting new patients is through media exposure, in particular through unpaid media appearances. Each professional sport team has at least one physician attending at all games. Whenever there is an injury to an athlete the person most often interviewed is the team physician. It is the physician who explains the nature and extent of the injury, and who predicts a date of return to action by the player. Due to the intense publicity that accompanies the appointment of the team physician "doctors and hospitals are willing to pay handsomely to become a team's official health-care provider" (Author, 1995, p.12).

There are reports that both NFL 1995 expansion teams, the Carolina Panthers and the Jacksonville Jaguars, have encouraged a bidding war among medical professionals interested in working for their respective teams. In their solicitation of proposals the teams invited the prospective bidders to state what funds they would make available for the purchase of such things as executive suites, radio and television commercials, advertising signs in the stadium and program ads (Author, 1995, p.12). It appears that the qualifications and experience of the medical practitioners who would attend the injured players are relegated to a secondary position.

It is reported by *Sports Illustrated* (Author, 1995, p.12) that the group that won the Panthers' contract was committed to donating medical supplies and X-ray equipment worth some \$400,000 to the team beyond providing medical services at a predetermined (managed-care) rate. Winning the contract must produce lucrative results if the magnitude of another bid is calculated. "In Jacksonville one medical group's bid of \$4.8 million over five years—and its commitment to pay the salaries of the three Jaguar trainers and to buy at least \$500,000 a year in advertising—wasn't deemed good enough" (ibid.). Imagine how much that medical group expected to garner in fees and hospital charges—from the team and from other patients in the wider community who would be drawn to them due to the publicity—if they were willing to spend more than \$2,000,000 per year during the life of the contract.

With the focus almost entirely on the business side, questions must be raised about the attention devoted to the medical side. Football is a violent game, more so at the level of the NFL where all the players are big, strong, and fast. Injuries occur frequently since there is considerable body contact on every play. Where business factors appear to outweigh the qualifications of the medical practitioners and the proximity of the hospital one can safely assert that the priorities are skewed.

Questions to Consider for Discussion

1. Should the same procedure be used, that is, open tendering, to acquire medical services as the process used for the acquisition of all other goods and services (e.g., team uniforms, travel agency service and hotel accommodations in cities where away games are scheduled)?
2. At least three groups merit having their behavior examined from an ethical perspective: (1) NFL teams, (2) medical groups, and (3) the NFL.
 - a) Is it proper for NFL teams (or any other teams) to invite bids from medical and hospital groups who want to provide these services to the team? What is the ethical status of the team when it stipulates that the proposal must include a declaration of funds committed to sponsorships?
 - b) Should medical groups (physicians and hospitals) become involved in bidding to provide services to NFL teams? Donating medical equipment, paying trainers' salaries, and purchasing advertising adds to the overhead of running a medical practice and operating a hospital. Since most hospitals in the U.S.A. are privately owned, the costs just cited must be recouped by charging all patients higher fees. Is this fair?
 - c) Does the NFL have a moral responsibility to regulate these matters?

Reference

- Author. (1995). Scorecard. *Sports Illustrated*, May 8.

Case 8.13**Professional Tennis Age Restrictions**

In September 1994, the Women's Tennis Association (WTA), the organizing and ruling body for women's professional tennis, announced new age restrictions, effective January 1, 1995. These new rules prevent girls under 18 years of age from becoming full-time professionals. Fourteen-year-old girls will be prohibited from regular participation in tour events, while players aged 15 to 17 will be phased in on a gradual basis.

These rules were enacted because of many unhappy events in the recent past and the presence of two young players, both only 14 years old, about to turn pro. There are sufficient cases of young girls who turned pro and then suffered serious injuries (Tracy Austin and Andrea Jaeger) or encountered serious psychological problems

(Jennifer Capriati) for the WTA to take action. In effect, the new rules, hopefully, will prevent future problems of this nature.

Not everyone agrees with these new rules. The International Management Group (IMG) signed Martina Hingis to a five-year contract when she was only 12 years old. IMG has already obtained endorsement contracts for her with a sporting goods manufacturer, a designer clothing line, and an automobile maker. A considerable amount of money is involved, not only for Martina Hingis but also, obviously, for IMG. Furthermore, if a player is good enough to compete at a higher level, despite being younger, why should she be prevented from doing so? It is only by testing oneself against better players that an athlete will improve. Competing against those who are better helps an athlete really develop her potential.

Questions to Consider for Discussion

1. Is it ethical for the Women's Tennis Association to have age-limiting rules that prevent players from competing in tournaments where they can earn considerable money? If a player has the ability to beat other players on the tour, why should she be prevented from playing, improving her game, and earning money simply because she has not yet reached a certain age?
2. Is it ethical for the IMG to sign a contract with an athlete who is only 12 years old?

Case 8.14

Employees, Unions, Sponsors, and Sport Teams

Employees, whether blue-collar or white-collar workers, professionals, or athletes in major league sports such as baseball, hockey, basketball, and football, form unions. The formation of unions protects individual employees and enhances their bargaining power. Unions, as a group, are better able to deal with management than individual employees regarding many aspects of employment.

Cheer leaders are, in one sense, only an adjunct to the actual sports contest, yet in another sense they are an integral part of the sport event itself. Cheer leaders add color and excitement, promote more spirit, and, in general, help make the game a more enjoyable experience for the spectators. Cheer leaders are often seen at basketball and football games. Very often the cheer-leading squad is sponsored by some business group other than the team.

"The Buffalo Bills, the cheer-leading squad allied with the NFL's Buffalo Bills, voted to unionize in their blue-collar hometown" (Author, 1995, p.16). In response to that decision, the local fast-food

company refused to renew its sponsorship of the squad. That did not necessarily mean the end of cheer leaders at Buffalo Bills home games. Very shortly after that, in a second move, the Buffalo Bills announced the signing of a three-year contract with two other companies who will be sponsoring an all-new cheer-leading team. In effect, the members of the cheer-leading team who unionized were fired for their effort.

Questions to Consider for Discussion

1. Was the fast-food company justified in its refusal to renew its sponsorship of the Buffalo Bills simply because they had formed a union?
2. Did the management of the Buffalo Bills behave ethically when they signed a deal with two other companies as sponsors of an all-new cheer leading group?

Reference

- Author. (1995). Shop stewardess. *Sports Illustrated*, August 14.

Case 8.15

To Bet or Not To Bet on Track and Field

Track and field meets are often very exciting spectacles featuring a variety of demanding events requiring, at various times, speed, endurance, strength, skill, and strategy. Many would argue that track and field is the foundational sport since its events encompass the basic skills found in most of the other sports.

From the competitive aspect, according to *Sports Illustrated*, "the U.S. remains the most powerful track and field nation in the world" (Author, 1995, p.13). Despite that distinction attendance at meets has been declining, sometimes so precipitously that some longstanding events have been cancelled. Commensurate with declining attendance at meets has been a decrease in television coverage.

Spurred by these sad developments, the U.S.A. Track & Field (USATF), the sport's national governing body, secured sponsorship from three major corporations for a series of five indoor meets to be held on consecutive weekends during the months of February and March of 1995. Along with the sponsorships was a contract from a major American television network to broadcast the meets. To this point matters are routine and follow a generally accepted pattern, and therefore provoke almost no interest in the ethics involved.

A subsequent step was taken, however, one that certainly invokes the need for ethical assessment. Just before the second event in the

series, a meet to be held in Reno, Nevada, where gambling and bookmaking is legal, the USTFA announced "that it had persuaded the Eldorado Race and Sports Book in Reno to take action on the meet" (Editorial, 1995, p.13). A line was set on 8 of the 16 events. Betting on the outcome of various events, be it the sprints, middle- or long-distance races or the jumps, was not only allowed but, in effect, encouraged. The introduction of betting was justified based on the need to make track and field more entertaining, thereby attracting more fans.

As a precautionary measure, to protect the integrity of the meet, "the USATF required all athletes to sign a statement saying they would not place any bets, even on themselves" (Editorial, 1995, p.13).

All major sports leagues, including the NBA, NHL, NFL, and Major League Baseball (MLB), have clear, strong, explicit statements forbidding their athletes from betting on games. None of these leagues would agree to have authorized bookies, such as those found in Nevada, become involved in their games. While it is accurate to say that various Sports Book operations in Nevada set the odds for games played in the NBA, NHL, NFL and MLB, it is done without the consent or cooperation of the leagues.

Questions to Consider for Discussion

1. From an ethical perspective what assessment is to be made of the behavior of the USATF in persuading the Eldorado Race and Sports Book to handicap various events in the Reno meet?
2. What ethical assessment is to be made of the USATF action that has the effect of encouraging betting on events in track and field meets?

Reference

- Editorial. (1995). On track betting. *Sports Illustrated*, February 20.

Case 8.16

Division I-A Football on Campus

In U.S. college athletics Division I-A is regarded by many as the top of the pyramid, the highest level of intercollegiate sport. Universities who participate in Division I intercollegiate sports are allowed a prescribed number of athletic scholarships according to National Collegiate Athletic Association (NCAA) rules. Colleges who can offer athletic scholarship are, obviously, in a position to entice more highly skilled high school athletes to enrol at their institutions compared to Division II and Division III schools, where no scholarships are of-

fered. Recruitment of better athletes usually results in more highly skilled teams. Better teams, the logic continues, attract more spectators and generate more publicity for the institution.

Branches of state universities can now be found in various cities in that particular state. There is a campus of the University of Alabama (UAB) in Birmingham. In December 1994, the city council "voted to give the University of Alabama at Birmingham \$2.2 million in public funds to start a Division I-A football program" (Editorial, 1994, p.8). Funding for state universities is the responsibility of the state government; municipal governments usually do not provide funds for these institutions of higher education.

Question to Consider for Discussion

1. In Birmingham 25% of the population lives in poverty and 11% has less than a Grade 8 education. Given the extent of poverty present and the low level of education among its population, what is the ethical status of the city council's decision to allocate \$2.2 million to UAB to start a Division I-A football program?

Reference

- Editorial. (1994). Scorecard. *Sports Illustrated*, December 12.

Case 8.17

Home Exercise Videos

Home exercise videos are among the hottest selling items wherever videos are sold. Some surveys suggest that 8 out of the 10 best-selling videos are devoted to some general or specific aspect of physical fitness. Very often media celebrities or movie or television stars are featured. When such is the case, that video is usually named after the featured star. Featuring celebrities as fitness instructors or fitness gurus apparently guarantees increased sales.

Many claims are made on the package. Basically they all say the same thing: follow the exercise program in the video and you will attain various health and fitness benefits. All too often the unstated, but intended nevertheless, message being delivered is "just follow this videotape and you, too, will have this svelte, fabulous body and super good looks." What is never stated, nor explained, is the amount of money these celebrities spend on personal trainers, personal chefs, personal managers, and makeup artists. With rare exception, none of these celebrities tells the viewers (or the general audience) what the plastic surgeon has contributed to slimming, nipping, tucking or re-configuring various body parts. One exception

is Cher, who has publicly acknowledged countless operations, undergoing plastic surgery on just about every part of her body.

Occasionally supposed fitness experts have been consulted to advise on the formulation of the fitness program presented in the video. Research conducted in the School of Human Kinetics at the University of Ottawa seriously calls into question the fitness claims made and the purported health benefits advertised on the video package. Indeed, there are indications that some video fitness programs may be contributing to the onset of certain medical problems.

Even those home exercise videos that are based on sound exercise principles cannot, by their very nature, address one important feature of all proper fitness programs, namely, increased resistance. What appears on the video is repeated every time the person who owns that video inserts it into the VCR and sets about following the exercises. Repeated sessions produce no advancement or gains since the level of exercise remains the same. On this count alone, fitness claims made on the labels of home exercise videos need to be challenged.

The celebrities who perform in these exercise videos earn large sums of money, as do the producers, distributors and retailers. Production costs are high and the money must be recouped to pay back the investors. Increased sales provide more profits for the companies involved.

Caveat emptor: buyer beware. This warning to purchasers is based on common sense since individuals are expected to exercise good judgment when it comes to spending their own money. In the marketplace many products come with certain warranties or money-back guarantees if the item does not live up to the buyer's expectation. Some products are sanctioned by a national body, such as the Canadian Standards Association, while other products, pharmaceuticals, for example, are subject to rigorous governmental scrutiny such as the FDA in the U.S.A. No guarantee, warranty, government scrutiny, or official sanction is applied to home exercise videos with one minor exception. A professional association, based in California, offers their seal of approval if the exercise program in the video closely follows the organization's safety guidelines and standards. While the seal of approval has been awarded to about a dozen exercise tapes put out by professional trainers, only one celebrity video has earned the association's approval.

Questions to Consider for Discussion

1. What is the ethical status of the celebrities who assume the role of fitness instructors when they have no professional or scientific basis for what they are doing? Is it ethical for these celebrities, aware

as they are of the benefits and discipline they have received from personal trainers, personal chefs, full-time, highly paid managers, and plastic surgeons, to pitch the benefits of exercise when they know, full well, that the goals they are espousing are beyond most of the purchasers?

2. What is the ethical status of the professionals in the field of Human Kinetics (Physical Education, Kinesiology), the professors of exercise physiology, biomechanics, biochemistry of exercise, and fitness training who remain silent (act of omission), considering the false or misleading claims made in these home exercise videos and the potential risks to the health of those who actually follow the programs?

Case 8.18

Winning and Job Tenure

D.S. was born and brought up in Toledo, Ohio, attending elementary and high school there. He then went on to attend the University of Toledo, where he was the starting quarterback in 1963 and 1964. After graduation he stayed in his hometown, married a local girl, and started his career by coaching at two high schools. In 1971 he was hired as an assistant coach by the university and was promoted to the position of head coach in 1982. This is a story of a local boy succeeding. Throughout his tenure as head coach, D.S. was very well liked and respected by his players and assistant coaches. Coach D.S. stressed the importance of academics to his players. Graduation rates for athletes on football scholarship exceeded the graduation rate for the entire student population. All the National College Athletic Association (NCAA) rules were followed scrupulously; there was no hint of any wrongdoing at any time. In many respects D.S. could serve as a model for other young coaches to emulate.

In 1989, with a victory in the final game of the season, Coach D.S. became the "winningest" coach in the history of the school. Then, four days later, he was fired. That action enraged the local community who showed their resentment by wearing large buttons and T-shirts supporting the fired coach. Petitions for his reinstatement were circulated and within five days some 20,000 people had signed on. These petitions were delivered to F.H., the president of the university, but he ignored the plea. The dismissal was final. F.H. had recently been appointed to his present position after spending 1985 to 1988 as the president of a large southwestern university with a strong winning tradition in football. That school was a perennial contender for the "mythical" national collegiate championship.

A.B., the person who made the decision to fire the coach, had been appointed director of athletics in July 1987. He had left his position as an assistant director of athletics at the Ohio State University, the large state university and a major national football power, to assume full control of the athletic program at this smaller, lower-scale, lower-key institution.

Before the start of the season, A.B., in his capacity as director of athletics, gave coach D.S. an ultimate bottom line: a 7-4 season or be fired. Based on the record achieved by the football team over the past few seasons, which had not measured up to the level expected by the director of athletics, and based on the 6-5 record in 1988, one victory short of the 7-4 season demanded, A.B. avowed that firing the coach was fully justified.

Coach D.S. had a 49-38-2 record over a period of eight years. In six of his eight years, he had had a winning season. Even the year just completed, a 6-5 season, put his team on the winning side of the ledger. Before the start of the season, the pundits predicted a sixth place finish for his team, but they actually finished tied for second place. Included in the season was a victory over the eventual conference champion. The reason given for his firing was that he did not win enough games.

A.B., the director of athletics, vigorously defended his decision to fire the coach. Despite D.S. holding the record as the "winningest" coach in the history of the school, his overall record was mediocre. That record was simply not good enough for him to retain the position of head coach. A.B. had higher aspirations: the school's football team should set the benchmark for victories in the conference. A clear target existed: win the championship about half the time, and for the other half, the other schools should need to beat them to win the championship. A record of 6-5 is just not good enough; it is not a mark of distinction nor is it a mark of excellence. Won-lost records no worse than 9-2 were expected, but since that was not in the offing, the director of athletics felt fully justified in terminating the coach's contract.

Questions to Consider for Discussion

1. From an ethical perspective, was the director of athletics justified in firing the coach?
2. Was a 6-5 record, instead of the targeted 7-4 goal, sufficient grounds for dismissal? (Model II can be applied here to account for the wide range of factors that need to be included in the discussion.)
3. In an institution of higher education, how ethical is it to base a personnel decision on the won-lost record?

Reference

- Looney, D.S. (1989/90). The axe falls at Toledo. *Sports Illustrated*, December 25-January 1, Double Edition, pp.32-33.

Case 8.19**Competition, Cooperation, and Revenue**

As with all sports leagues, the National Football League (NFL) is an organization that features and promotes competition among its member teams. Although competition appears to be the prime feature, there are many facets of the league where cooperation predominates. For example, the owners cooperate in drawing up schedules that are to their respective benefit, have agreed upon and implemented a system for drafting players into the league and have worked together to negotiate a collective agreement with the players' union.

Another area where cooperation existed was in the creation of a corporate entity called NFL Properties. This corporation has a responsibility to recruit corporate sponsors. Those companies who sign up are entitled to call themselves an "official supplier" of (type of product) to the NFL. In addition, NFL Properties is also responsible for marketing a wide array of products (such as caps, sweaters, jackets, and so on) bearing the NFL logo or the logo/crest of all the teams. Revenue derived from the sale of these properties is shared equally among the teams in the league.

In 1993, Cola company A paid the league \$250 million for a five-year deal for the exclusive right to be named the official cola drink of the NFL (Editorial, 1995, p.66). In August of 1995, Jerry Jones, owner of the Dallas Cowboys, announced the signing of a 10-year, \$40 million deal with Cola company B for the Texas Stadium. This deal, legal and permissible (Editorial, 1995, p.B1), circumvents the spirit of the league contract with Cola company A for exclusive marketing and promotional rights. This new deal is a contract between a soft drink company and the Dallas Cowboys; it is not a deal with NFL Properties. As a result all the revenue from the contract goes to the Dallas Cowboys; none of the money derived is shared with the other owners.

Dallas Cowboys owner Jerry Jones is a businessperson. His goal, in this regard, is to maximize the income and profits gained from his team. His move, to sign a separate contract with a competing soft drink company, is legal but it obviously conflicts with the contract signed by NFL Properties with the other soft drink company. Furthermore, signing a separate deal runs contrary to the notions of cooperation and partnership, requisite features that allow both the league and NFL Properties to function well.

Question to Consider for Discussion

1. From an ethical perspective, was Jerry Jones justified in signing a separate, exclusive deal for Texas Stadium with Cola company B?

References

- Editorial. (1995). *Sports Illustrated*, Canadian Edition, September 4.
- Editorial. (1995). *The Toronto Star*, August 13.

Case 8.20**College Sport or Business**

Head football coach Lou Saban of L.S.U. (Louisiana State University) has a clause in his contract that stipulates he will be paid \$1 million "above the highest paid football coach in U.S. college ranks should the Tigers win the National Championship" (Editorial, 2002, p.28).

Since he is not the highest paid coach, the actual amount of money he would receive should his team win the National Championship would be much more than \$1 million. How much more pressure does this put on the coach to win at any cost?

Question to Consider for Discussion

1. Given that the notion of the student-athlete relationship implies total human development rather than a narrow focus on winning, what ethical justification is there for such an incentive clause?

Reference

- Editorial. (2002). Go figure. *Sports Illustrated*, February 25.

Case 8.21**NFL Expansion Draft**

Both the Jacksonville Jaguars and the Carolina Panthers paid \$140 million U.S. in expansion fees to join the National Football League (NFL) and would begin play in the fall of 1995. As part of the deal, both teams would participate in a special expansion draft held on February 15, 1995, to select players made available by the existing 28 teams in the league. Each of the 28 teams was required to contribute six signed players, thus making 168 players available. From this pool the two new teams would choose the 30 to 40 players who would constitute the core of their first season's roster. No other restrictions

were placed on the existing 28 teams regarding which signed players they could make available. No directives were issued regarding positions or number of years experience in the league. In effect, each of the existing 28 teams had free rein in deciding which signed players would be made available to the expansion teams. When the list of names was published, an assessment of the talent available was made: "Many of the unprotected are aging players with \$2 million-plus salaries" (Editorial, 1995, p.9) and many others are backup players or second stringers whose inflated salaries were much too high compared to their relative worth to their respective existing teams.

Although Jacksonville and Carolina had each paid \$140 million in expansion fees they had no say in deciding the criteria established for the special expansion draft player pool. From the perspective of *Sports Illustrated*, "this all looks like another case of the NFL's established franchises gouging the new kids on the block" (Editorial, 1995, p.9). Ideally, for interest in the league to remain at a high level, which in tangible terms translates into high attendance, parity among the teams is a desirable goal. Based on the assessment made of the talent in the expansion draft pool—overpriced, over-the-hill, second stringers—it appeared that many years would have to pass before the expansion teams reached parity with the existing teams.

Since the expansion teams paid such a large entry fee would it not have been fairer to (1) grant them some say in deciding the criteria established for making players available from the existing teams, and (2) have some first string players allocated to them so that the goal of parity could be attained more quickly? It would be worthwhile to assess the behavior of the league itself and the actions of the 28 member teams.

Questions to Consider for Discussion

1. Did the NFL behave ethically in setting the entry fee at \$140 million U.S.?
2. What procedure would you recommend be established to ensure a fair entry fee?
3. Was the player distribution procedure established by the NFL really fair?
4. What procedure would you recommend to ensure fairness in the player distribution process?

Reference

- Editorial. (1995). *Sports Illustrated*, Canadian Edition, January 30.

Case 8.22

Female Participation in Sport

Issues about female participation in sport have a long history. Basically, sport has been seen as a male preserve. Furthermore, women are often viewed in a stereotypical manner. This is what is often identified as femininity. As more and more women and women's events have been admitted to international sport competitions, these factors have led to some questionable practices by those organizing sport. The following cases provide some data on how sport leaders have sought to control women's entry into sport in the face of equal opportunity and of questionable medical evidence and practices. It is argued by administrators that their decisions are necessary for the continuation of fairness in sport.

Soon after the former Soviet Union (USSR) was admitted to the international Olympic movement in 1951, Soviet athletes began to win many medals and top the "unofficial" standings. A large part of this success came through the triumphs of Soviet female athletes. The USSR had a highly formalized sport system where scientific methods and early identification of athletes were key elements. With this rationalized program, Soviet women were selected for different sport events based on size, musculature, mental ability, and skill. Towards this end, many of the women did not represent idealized stereotypes of women and of femininity, but they were highly successful in Olympic and world competitions.

The result of strict and rigorous training made many women appear more "masculine." As their achievements grew, especially when nearing men's records, they were labeled and their sex was questioned by many officials, journalists, and athletes. The questions started in Tokyo in 1964.

A chromosome test (Barr test, 1949) had been developed. At the 1968 Mexico Games the International Olympic Committee (IOC) initiated a program of gender verification. This meant that "female" athletes would have to submit themselves to an inspection process to establish their sex and their qualification to compete in women's events. In the early days of the gender verification process this meant presenting themselves naked to a panel of doctors who would do an internal evaluation of their reproductive organs to compliment the external visual inspection. At the 1968 Games and at future Olympic Games this testing would take on a more scientific guise as the women would have cells scraped from the inside of their mouths (buccal smear), which would then be analyzed genetically through the Barr test.

In this process the women would have to have a XX sex gene

configuration to be allowed to compete. Geneticists know that humans do not only carry XX and XY (male) sex genes. There are several inter-sex configurations—XXY, XYY, and XO. Some women were banned from competition because their external genitalia or the sex chromosomes were not as they “should be.” In some cases this had a devastating effect on the women that had been raised as females and viewed themselves as nothing less. There were cases of suicide, psychological trauma, and overt discrimination.

In 1986 a geneticist wrote in the *Journal of the American Medical Association* that this form of testing was inaccurate and discriminatory as it excluded women (e.g., those with the XXY chromosome configuration) who should in fact be allowed into the Games. This report did not, however, do away with the testing. A new test was developed in the early 1990s (Dingeon, 1994). This test also uses a buccal smear for analysis. The test is based upon “the principle of gene amplification (PCR polymerase chain reaction), automated in 1987 by Mullis (1993 Nobel Laureate biochemistry), which enables the prime masculinization gene, the SRY gene described in 1991 to be isolated” (p.65). The argument here is that a cheaper, more reliable, more convenient biochemical technique is available as “gender verification tests are still necessary. As organized by the IOC they are very safe in their execution, and achieve their fundamental ethical objective: to be a deterrent” (p.68).

Men undergo no such testing. It is assumed that “men are men” (simply by the genitalia they possess). Here the premise is that all male athletes have the same basic characteristics and that any qualities that could be classed as “female” or “feminine” would not benefit them in competition. This argument, however, has caused considerable debate around sports that have some aesthetic elements (e.g., gymnastics, diving).

Many women, and men, argue that this test is demeaning and should be abandoned. It appears that as women become better trained and continue to set records closer to those of men, men in positions of power initiate guidelines and rules to put these women “in their place.”

Questions to Consider for Discussion

1. There are several very large issues in this situation. Using a two-column format, identify the positive and negative bases of the reason the administrators of sport make this an issue. Next to those columns, compare these reasons to the consequences for female athletes. Comment and discuss the various moral bases for each of the items identified.

2. What is the moral position of the sport administrators in the case? Debate their position and discuss the style of leadership actually evidenced.
3. What are the rights of female athletes in this situation? Debate the issue from their position.
4. As many experts argue that these tests are not conclusive, why do the administrators continue to demand such tests?
5. Who are the people behind the new gender testing and what benefits do they potentially garner from their new improved sex test?
6. Why, with so few real examples of fraud, do the IOC and other global sport bodies continue to seek and carry out such tests?

References

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- Dineen, B. (1994). Gene biochemistry and gender testing. *Olympic Message*, 40:65-68.

Case 8.23

Becoming A Boy

One part of the socialization into private boys' schools was to complete a set of initiation rituals. In most cases these were demeaning, dangerous, and disgusting. They were established to ensure that the individuals would become honorable members of the group and would learn their place in the group. When the boys left these schools, they would take many of these activities with them to other parts of their lives. As sport was a central element of these schools, it was often in sport that the tradition of initiation and hazing continued. This case deals with this age-old form of socialization and the ethics of its existence and its excess.

Most sports have these activities; they are particular in sports where team loyalty and rank are maintained, and also where toughness and courage are necessary. They seem to be part of the process of being an athlete in that sport. In many cases they are seen as good, clean fun, a part of the tradition of the sport. In other cases they have led to injury and death. In certain cases they have met with public outcry for their abandonment.

In one club a particular group of new, young members completed certain of these rituals on "rookies' night." The members of this young group of athletes were talented and exuberant. In fact, they took the initiation rituals to a higher level and identified themselves as unique in the club. Following this first ritual, they formed their own sub-group and held their own annual ceremonies.

Their status rose in the club, mainly based upon their playing ability, but also because of their uniqueness in the club's culture. They carried out their own ceremony for a number of years without major incident. One year, however, a journalist friend of one member was invited. It turned out that the "performance" that evening included a mock rape of a woman that mimicked a recent real-life situation. The performance was in bad taste but was a private matter, or that was the perception of the club and its members. A second performance had strong racial overtones. This combination of sexist and racist material was made public by the journalist who witnessed the activities.

When the group's activities "hit the press," there was a huge public outcry. The overall achievements of the club and its illustrious history of sporting achievement were reduced or ignored in the scandal. Several city groups demanded that the club be disbanded, while other groups demanded public apologies and the prosecution of the offending members. City hall became involved as the club and clubhouse occupied city park property. In the end the club was able to "ride out the storm." Certain members of the offending sub-group were singled out for punishment. The sub-group was disbanded.

A serious rift within the club resulted from the club executive's actions. Many solid, long-term members quit the club over its handling of the affair. Others lost their interest and attachment to the club, becoming silent and limiting their participation in the wider club activities. It did not make sense to them that these activities, which had been present from the club's origins (in some similar form), were now being attacked. The club lost much of its original prestige, both inside and outside of the club.

Question to Consider for Discussion

1. In this day and age, is hazing really necessary? What could be the benefit of this ritual?
2. Is there a time or place for this activity?
3. When does it *cross the ethical line*? Why?

Case 8.24

Musical Parents

The extent to which parents will go to ensure their children's success often reaches rather dramatic levels in many professions—not the least of which is sport. This case is included here to foster discussion regarding what is reasonable support and what is potentially damaging for children and families alike.

Particular clubs, teams, schools, and leagues have histories of success. This success is based on a number of factors, with the quality of

the individuals and organizations involved being key. This success can be seen in the production of elite athletes, coaches, and administrators. These successes attract more strong and talented athletes, coaches, and members. Success breeds success. In a number of the more established sports, geographic boundaries are clearly established and strictly enforced. This occurs at both the club or community level of sport and in school sport.

Athletes, and their parents, seek to work with or compete in the strongest competitive situations so that they may develop as far as possible. In order to be part of these strong clubs, teams, schools, and leagues, they must, most often, reside in the area in which that unit exists. That is, the right to register for particular teams or clubs is based upon the athlete's place of residence. Because these situations exist, athletes and their parents seek different ways to establish a place of residence whereby the athlete will be allowed to play in the local league.

One well-known example of how athletes and their parents circumvent this guideline is that of Wayne Gretzky. The original purpose in having the 14-year-old Gretzky go to Toronto was to play in the Metro Toronto Minor Hockey League, a league seen as a premier competitive situation that had fostered several top professional players. According to information in biographies of Gretzky, the parents of his teammates were also making life unbearable for him. They were constantly abusive and sought to make his life miserable. Toronto would, in fact, provide a refuge as well as a higher level of competition.

As the Gretzky family lived outside of the boundaries for this league, Gretzky's parents had to "legally give their fourteen-year-old son away" (MacGregor, 1995, p.75). A couple by the name of Cornish became the legal guardians of Wayne, which allowed him to play in the Metro league. With the adoption, Wayne Gretzky was able to play in this premier league, and in fact he played at a higher age category (Junior B) because of his talent. As a result of this ruse, a court challenge was launched by the Canadian Amateur Hockey Association (now the Canadian Hockey Association [CHA]) to bar Gretzky from playing outside of his minor hockey association. In the end Wayne Gretzky continued to play in the Metro Toronto league until he was drafted by the Sault St. Marie junior hockey club after he turned 16. The irony of the situation is that the Gretzky family tried to convince the Sault St. Marie team not to draft Wayne so that he might play with a junior team closer to his parents' home. The guideline stated that at 14, Wayne should not be outside of his home association, yet at 16, he could go hundreds of miles away. The hypocrisy of the situation continues as young players are forced to leave home to follow their dream of elite competition and development.

The Gretzky case is not unique. There are likely hundreds of stories such as this. One other case that MacGregor (1995) mentions in his book *The Home Team: Fathers, Sons, and Hockey* is that of Jason Boudrias. The young Boudrias, from Quebec, had at one point sought better competition in Ontario. Jason had crossed over into Ontario when he had a chance to play for the Gloucester Rangers in the lesser junior leagues, and to allow this to happen his father and mother, H  l  ne, "doctored it" to make his dream possible. The father laughs. "We had him adopted." Working with a lawyer and an agreeable family, they signed the legal papers and Jason Boudrias became someone else's child while he played in Ontario. When Laval (a Quebec major junior team) drafted him in 1992, Andrew (Jason's father) says, "we had the deal reversed." Jason was re-adopted by his blood mother and father. The Boudrias family all moved to Montreal to be closer to their son and his new team (MacGregor, 1995, p.31).

In both cases the biological parents gave up their legal relationship with their son, giving him an opportunity to play hockey in a higher caliber league. These situations involve a great deal more legal and logistical effort than having a daughter or son move in with an aunt or uncle across the city to be within the boundaries of a particular high school. Likewise, it has different parameters than "red-shirting" (holding a youth back a school year to retain a year of eligibility and to be bigger and stronger than others on the team and in the league) a youth.

In these situations the leagues or organizations are most often acting to maintain equality among the clubs or schools. This blocks some schools, especially those with more resources, from raiding players from other towns, communities, or neighborhoods. On the other hand, a series of bureaucratic regulations ("red-tape") result, often removing individual freedom. The above situations must be observed from several positions: that of the athlete, the parent, the coaches, the administrators, the clubs (and club executives), the schools and school boards, and local and national sport-governing bodies. One may ask: What about the athlete and the maximum possible development of that athlete? There are many other such situations in which parents and other individuals operate for reasons other than that of the athletes. All of these elements of the sport system must be included in the discussion of this matter.

Questions to Consider for Discussion

1. Would you have your child adopted in order to play elite sport in another city or town? Why?
2. Is the possibility of fame worth the price of the loss of a *normal* experience of family?

3. What does this behavior say about the world of sport and the sanctity of parental obligation? How can this behavior be justified?

Reference

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Case 8.25

Changing Medals

The Salt Lake City 2002 Winter Olympic Games (WOGs) will go down in history as a watershed Games. The bid scandal crisis of late 1999 and early 2002 led to a number of reactions from the IOC as to how it operates (not to mention the post 9/11 issues) and to its attempts to be more transparent and equitable in the competitions. It was with some relief that the 2002 WOGs opened and the athletes began to compete.

Olympic historians have documented the issues that occurred at previous Olympic games. It is a history rife with wrangling and posturing. This Olympics was to be no different. Of the many issues that arose in the 2002 WOGs, the gold medal for pairs figure skating gained worldwide attention.

Canadian pairs figure skaters Jamie Sale and David Pelletier had, according to all accounts, skated a flawless, technically sound program. It was a gold medal skate. It was, however, the Russian pair of Yelana Berezhnaya and Anton Sikharulidze who were awarded the gold. There was considerable shock over the decision. Sale and Pelletier, while disappointed, accepted their fate with humility. They were in fact feted widely and invited onto many television programs.

Shortly after the event more details of the judging became known. A French judge for the pairs competition openly admitted that she had traded points for the Russian pairs skaters in return for additional points being awarded to the French ice dance pair. This was a pre-arranged vote-swapping arrangement.

Later the French judge recanted her admission of vote swapping. She said she had been put under pressure by the president of the French figure skating union to vote in this manner. In the end an investigation was held to try to sort the whole mess out. With the irregularity in voting fully in public view, the IOC decided to award the Canadian pair a gold medal and thereby a share in the win. From media reports and general conversation, this seemed just for all concerned. The furore, however, did not subside. Nor did the questioning of how subjectively judged competitions are held.

Questions to Consider for Discuss

1. Sport is seen to have elements of equality, egalitarianism, and fair play. What does this case indicate about sport in general and sports such as figure skating in particular?
2. Why is sport law a growing discipline in sport? What implications for sport are there when legal issues grow unabated and demand tribunals and specialized legal advice?
3. There are many historical issues with sports that are subjectively judged. Identify some of these issues by researching sport history journals and books. Analyze past judging issues in light of this case. Are there common human behaviors and outcomes for each case? How might international sport-governing bodies and the IOC deal with such issues?
4. Evaluate the actions of the French judge and skating union president in this case.
5. Was the IOC correct in its decision to award the Canadian figure skating pair an equal gold medal? Provide moral and ethical standards for your response.
6. What would your actions have been if you were the Canadian *chef de mission* at these games? What ethical principles would you have espoused?

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- For a general overview of stories and timeline for this scandal go to <http://www.usatoday.com/olympics/saltlake/figure/index.htm>.

Case 8.26**Never! In Hockey!**

After several months of investigation a widely known and successful ice hockey coach and administrator was charged with sexual assault and sentenced to three and a half years in jail. The available details of the situation indicate that he had systematically used his power of

influence over the careers of several male ice hockey players to sexual abuse them.

As success in major junior ice hockey is central to a player's prospect of being drafted by a professional club, ice time and achievements at the junior level are imperative to career development. Clearly, the coaches, managers, administrators, boards of directors, and league officials have considerable power over the players and are able to influence their behavior in many ways.

In the case under discussion, the coach of a major junior club had used his position to literally obtain control of young male hockey players from their parents. This control extended to the minds, bodies, and souls of the young men involved. The coach was able to have the players' rights traded to his club. The player who publicly acknowledged the abuse had endured over 300 episodes of sexual abuse, starting with a visit to this coach's home when the player was 14 years old.

The abuse continued until this player was drafted by a National Hockey League team. Although there were attempts to deal with the abuse and attention focused on particular players, much of the issue was suppressed. It was not until the players collectively complained about the increasing odd behavior of the coach (including some odd behaviors during hockey games) that they were able to force the club to deal with their concerns.

The coach resigned from this particular major junior club but went on to another city where he was part owner and managing director of the club. It was during his time with this club that the legal proceedings against him were initiated, after more than ten years of his controlling impressionable young men. As a result of this coach's abuse the identified player went through serious emotional problems that led to alcohol and substance abuse as well as his seeking psychiatric and psychological counseling to deal with his suffering. Clearly the emotional, psychological, and personal suffering of the player cannot be rectified. The player stated that he felt his youth had been robbed by the coach's abuse.

What made this case of coach-athlete sexual abuse so alarming and difficult to believe was its occurrence in the macho world of men's ice hockey. The tough, heterosexual image of ice hockey was disturbed by the circumstances of this case. Disbelief that such a thing could happen in this sport denied the fact that it did occur and likely occurs much more frequently than is believed.

Questions to Consider for Discussion

1. What are the external moderators operating in the public's mind over this case? How can one rectify this in terms of the evidence of this case?

2. Discuss the situational modifiers that were likely a part of the players decision making to seek the dismissal of the coach with the first club.
3. Put yourself in the place of the abused player. Identify and discuss a possible decision-making process he went through to have the coach charged and to disclose the abuse that he had endured.
4. As an administrator with the ice hockey club that employed this coach, work through a decision-making process in terms of dismissing the coach. Remember that this coach had led the team to a Memorial Cup Championship (champions of major junior hockey in North America).

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Case 8.27

Sweatshop Shoes and Global Icons

Many major companies have moved the manufacture of their products to Third World countries, especially those in Southeast Asia, so that they can avoid the higher labor and benefits costs that unionized workers in North America and Europe obtain. The companies are also able to avoid stringent workers' compensation rules and costs, and are able to find governments that will support their production demands. This is achieved by setting very low minimum wages, not allowing unions, not having labor laws to protect wages or hours of work, by using child labor, and by giving tax breaks and government money to establish the manufacturing enterprise. As a result of this arrangement many major sporting good manufacturers have closed plants in North America and Europe, throwing many people out of work.

Ballanger (1992) provided information about how this process works. Nike has not had a plant in North America since the early 1980s. This well-known company has a shoe manufacturing plant in

Indonesia, one of five in Asia. The plant discussed produces a mid-range shoe that sells for approximately \$80 U.S. It is estimated that twelve cents is spent in labor costs to manufacture a pair of these shoes.

A woman working in this Indonesia plant earns \$1.03 U.S. per day. She works ten and a half hours a day, six days a week. Her monthly pay totals \$37.46 U.S. This includes 63 hours of overtime for which she is paid only a few extra cents per hour. She is expected to manufacture 13 to 14 pairs of shoes per day. This woman is barely able to make enough to survive in poverty conditions marked by malnourishment, shanty housing, no running water, no power, and poor sanitation.

Nike's revenues are in the billions of dollars each year. This results in profits in the hundreds of millions each year. The company has one sports person, among many other athletes, endorsing their products who receives \$20 U.S. million for his efforts. It would take a female worker over 44,000 years to earn the one-year endorsement fee paid to this athlete.

Questions to Consider for Discussion

1. What is social responsibility? Who can afford it?
2. What obligation, if any, does Nike have to its Third World workers? What is the rationale for this obligation or the lack of obligation?
3. Will you continue to wear Nike apparel? Why?

Reference

- Ballinger, J. (1992). The new free-trade heel: Nike's profits jump on the backs of Asian workers. *Harper's Magazine*, August, pp.46-47.

Case 8.28

Cybersport

This case deals with the obvious as well as the subtle. It concerns individual responsibility and systemic (political and economic) encouragement to act unethically. It forces the reader to consider the relativity and universality of rules and the underlying rationale for these rules.

In 1988, during the Seoul Olympic Games, many Canadians were focused on their television during the men's 100m final. The race itself represents the "citius" of the Olympic motto; the fastest or swiftest human on earth in a footrace. Canada was particularly interested as Ben Johnson was in this final. He was currently the world record

holder in this event. It was anticipated that he would win and likely set an Olympic record. The media and national interest had been piqued for months before this race. Much was at stake.

Johnson did not disappoint. He destroyed the competition, looking back as he approached the tape. He had won the gold medal and set a world and Olympic record in the race. All of Canada rejoiced. The prime minister is said to have used this moment to call a federal election as nationalistic pride was high and other matters would be shadowed by the ongoing focus on Johnson's feat. In victory, Johnson carried the Canadian flag around the stadium, proclaiming his country.

Subsequent to the medal ceremony, another moment of supreme pride, it was found that Johnson had an illegal (under the regulations of the IOC's drug commission) amount of a banned substance in his urine. The Canadian *chef de mission* had a duty to retrieve the medal and inform Johnson that he had been disqualified. From the height of nationalistic fervor and pride, this represented a moment of national disgrace. Johnson was denounced in the media.

In an attempt to implement a damage control program, the federal government, the national sport federation, and the athletics national sport-governing body began what some perceived to be a "witch-hunt." A federal government commission was established to investigate the nature and degree of the use of banned substances in Canadian sport.

Known as the Dubin Inquiry, after the judge appointed to head the commission, the "dirty laundry" of international sport was aired. This became a standard item in newspapers, daily television news coverage, general public discussion, academic study, and (much like the OJ Simpson trial) a form of real "soap opera."

A lengthy report published by the inquiry contained revelations of rampant illegal practices in sport. These practices were part of sport at all levels, but particularly at the elite international level. The guilty parties were identified, suspended, and demeaned. The adage of "hero to zero" came to be part of the general vocabulary. What seemed lost in this soul searching was the fact that the practices were rampant, well beyond what the Canadian cases revealed.

There is no question that the culture of elite sport fosters the philosophy of "winning at all cost" (cf. Hoberman, 1992; Zakus, 1992). This culture was clearly seen after the fall of the Berlin Wall and German re-unification. When the East German sport system was exposed, the degree of the use of banned substances and practices was startling, but not unexpected. While not condoning the use of drugs, the situation presents a plethora of ethical issues—not the least of which is individual responsibility and that of the sport delivery system that fosters winning at all costs.

Questions to Consider for Discussion

1. Was Ben Johnson responsible for his fate? Why? To what extent?
2. Is the system of corporate-sponsored sport responsible? Why? To what extent?
3. Is there any "fair sport" being played at the elite level?
4. Is the "winning at all cost" philosophy unique to sport?

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Case 8.29**Sportsmanship and Football/Soccer: The Letter of the Law and the Spirit of the Law?**

In February 1999 a football match was played between Arsenal and Sheffield United with the first outcome being a 2-1 victory for Arsenal. However, this score was not upheld, for the winning goal was scored in a manner that was contrary to the *informal* rules of the game.

This is what happened. In the game a Sheffield player went down with an injury, and the Sheffield goalkeeper immediately kicked the ball out of bounds—a standard yet informal play. Once the injured player was removed and replaced, the *understood* next play for the Arsenal player would be to throw the ball back to Sheffield and play would commence. However, when the ball was thrown in to Sheffield, it was intercepted by a young Arsenal player (a Nigerian who was not aware of the informal "culture" of English football) who proceeded to kick the ball to another player on his team. This player then instinctively fired it into the Sheffield goal.

Both teams were in shock that this unwritten yet deeply held rule had been violated. The referee chose to uphold the goal despite the arguments from both sides that it should be disallowed. According to the official rules, it was a "legal" goal. Immediately after the match the Arsenal coach declined the victory and stated that he "offered the replay because it wasn't right to win that way—it wasn't Arsenal." The game was replayed, fans were offered tickets at half the normal price and Arsenal won the game 2-1 for the *second* time.

The English referees were outraged because they felt that the game was being taken out of the proper context of the rule book.

David Bowen of the Irish Football Association stated: "I believe this could open a can of worms. The English FA [Football Association] may be hanging its hat on the fact that both teams agreed but we would have said tough, these things happen in football. There is no way we would have interfered with the laws of the game." The famous German player Beckenbauer suggested that the decision was "populist." There was no reason to replay the game.

Questions to Consider for Discussion

1. What ethical approaches are at odds in this case?
2. How would you characterize the comment by Beckenbauer?
3. Should this informal rule be formalized?
4. Discuss the ethics of informal and formal cultures. How are they relevant to each other?
5. What do the terms "the spirit of the law" and "the letter of the law" mean? How does this case relate to these terms?

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Case 8.30

Positions of Trust—Coaches

A 1993 study carried out in Quebec indicated that 96% of athletes "absolutely trusted" their coaches (versus their teachers at 62% and their parents at 55%). The study was reported in the April 24, 1993, edition of *The Globe and Mail* (April 24, 1993) under the heading, "Quebec acts to wipe out sexual abuse in sports." In these positions of trust, coaches are given a tremendous amount of power to control the lives of their athletes. Athletes, parents, administrators, sport organization boards of directors, and the public assume that coaches act morally in their interaction with athletes. The following two cases provide information about two incidents that received considerable mass media attention. It must be remembered that many such situations exist and are not reported (and therefore not sensationalized).

Shortly after the newspaper report of the Quebec study, an investigative piece of television journalism outlined several incidents of systematic sexual misconduct and abuse by coaches. Male coaches of

female athletes in the sports of rowing, swimming, and volleyball were exposed as being sexual abusers in their positions of trust. A newspaper article commenting on the television program stated that the "report on harassment said to be 'tip of iceberg'" (Jollimore, 1993, p.A19).

The television program reported that male coaches had carried out practices in which the female athletes had to appear naked in front of the coach, be measured while naked, were inappropriately (sexually) touched, and had direct sexual relationships with the coaches. The coaches used their power to maintain the silence of the female athletes. This power is rooted in the coach's decision to play or sit an athlete, to select or drop an athlete, or to control the amount of playing time the athlete receives. The coaches were also able to set the athletes against each other and "divide and conquer."

As the athletes were serious and longed to compete they were easily pressured. It took a great deal of strength to raise the abuse issue. Many suffered for years until they had the strength to expose the abuse. In only one case was the coach charged. In court, however, the judge ruled that, while he believed the girl, there was still reasonable doubt and thus dropped the charge. In two other cases the coaches were allowed to resign and thus avoid overt damage to their lives and careers. Simply stated, the system covered up the abuse and allowed the guilty to escape formal punishment for their misdeeds. It is assumed that their reputations have been damaged and that the informal network will ensure that they are not in such positions of power again.

This line of thinking, however, does not work. Two of the coaches are currently in direct contact with female athletes. A third attempted to coach, but was blocked; he has a non-coaching position with the national sport organization in the same sport in which he abused athletes. While the coaches may have suffered some private punishment, the victims remain aggrieved. Their lives and their enjoyment of sport has been damaged. The system of justice has apparently left them to their own devices.

Many have argued that this is somewhat natural. It is a female/male thing, a natural occurrence when members of the opposite sex spend considerable time together in close relationship. In two cases the coaches were married, so they were adulterers as well. Can the argument be made that this is just something that males do? Is it, as is so often argued, something to do with male hormones and primal behavior? Is it, as is also so often argued, the female's fault in that they somehow cause their own abuse by being young, attractive, and available? Overall, does this mean that this sort of behavior is acceptable in society? If the official legal system does not punish the coaches, what solution is there to this type of behavior?

At the time that this issue became public there were few, if any, ethical codes of conduct for coaches. Many sport organizations began to review their guidelines. The ruling body of sport demanded that sport organizations have such codes and that they be fully implemented. Still the question of punishment remains. How does one deal with abuse of trust wherever it occurs in sport?

Questions to Consider for Discussion

1. Although the coaches were not charged under the laws of the land, many did move to other positions (often in the same sport). Some continue to deny their actions or to show remorse for the suffering they caused their athletes. What morality directed their behavior?
2. How were the athletes in these situations responding to the coaches' unethical behavior?
3. During the interviews in the television program, several sport administrators supported the coaches accused of such aberrant behavior. What is their source of decision making and what reasons were likely given to justify their decision (or lack of action)?
4. Will codes of conduct alleviate these situations? Why or why not? What ideas are behind your decision?

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Case 8.31

Conflict of Cultures: Snowboarders and the IOC

With the commercialization of the International Olympic Committee (IOC), its Games, and sport generally, new products are required to enhance revenue generation. As the IOC seeks to expand its control over sport and broader commercial revenues, inclusion of the more trendy, youth-oriented, and media-friendly sports in the Olympic Games is sought.

As a result, freestyle skiing, short course speed skating, and snowboarding are now on the Winter Olympic Games schedule. These sports represent future commercial and media possibilities. Each of these sports, however, has its own sub-culture; that is, values, beliefs, behaviors, and shared understandings. They differ considerably from the traditional winter sports of luge, bobsleigh, biathlon, and skating. They also vary in culture from the mainstream of the

IOC and other members of the Olympic "family."

This clash of cultures became overt when the first gold medal for the new Olympic sport of snowboarding was awarded to Canadian Ross Rebagliati in the giant slalom event. In a press release the IOC Executive Board decided to disqualify with immediate effect athlete Ross Rebagliati (snowboarding) of the Canadian delegation of the XVIII Olympic Winter Games in Nagano for testing positive in a doping control (Carrard, 1998, n.p.). This decision was immediately appealed to the Court of Arbitration for Sport (CAS), set up as an ad-hoc division (of the CAS in Lausanne, Switzerland) in Nagano. Reeb (1998, np) wrote of this arbitration in the *Olympic Review*:

In its award, the CAS noted that the IOC's decision to penalize the athlete was based on article III-B ... of the Medical Code: "In agreement with the International Sports federations and the responsible authorities, tests may be conducted for cannabinoids (e.g., marijuana, hashish). The results may lead to sanctions." During the hearing, it was clearly established that there was no such agreement between the International Ski Federation and the International Olympic Committee. Moreover, the Drug Formulary Guide published for athletes' information by the Nagano Olympic organizing committee did not include marijuana in the list of banned substances. Consequently, the panel of arbitrators in charge of the case concluded that there was no valid legal basis for imposing sanctions on Ross Rebagliati, and overturned the decision of the IOC Executive Board. The discussions therefore focused on the legal problems, and the CAS did not enter into the ethical issues raised by the case.

As the policy and the agreements between elements of the Olympic family were unclear and unwritten, the IOC formed a working group to deal with the issue of marijuana (Meeting of the IOC, and International Olympic Committee). This group was established to clearly delineate a policy on this particular drug issue and to exhibit some action by the IOC executive for having their legally suspect decision overturned. It was partly to save face and partly to continue the IOC's self-proclaimed war on drugs in sport.

In the press coverage of this issue, it was noted that Rebagliati had used marijuana prior to April 1997 but had only encountered "second-hand smoke" since that time. His flat-mates and other associates were regular users (Hughes, 1998a, 1998b). He had, in fact, been exposed to second-hand smoke just prior to his departure for Nagano (Goodbody, 1998, n.p.). The medical community argues that the metabolites can remain in the body for up to four weeks after exposure. The initial decision apparently also floundered as the IOC Executive Board did not consider or verify Rebagliati's claim of non-use; that is his claim of innocence. Their decision was in camera and without due process.

When looked at in its entirety, the Rebagliati expulsion points to several issues with the substance and form with which the IOC regulates sport and its business. By attempting to portray itself with a

sport with good "potential television ratings and the fan excitement that it creates" (Bryant, 1998) the IOC erred. While the commercial possibilities appeared great, and it appeared that the Olympic movement was moving with the times by making snowboarding part of the Games program, the IOC failed to consider the nature of the sport. That is, the IOC and FIS failed to understand this sport fully and perhaps embraced it without full forethought. Or, perhaps, the IOC felt that snowboarding athletes would conform in order to be part of the Olympic aura. Or, failing that, the IOC would be able to exert control. All of this adds to the difficulty evident in the arbitration decision.

Perhaps more poignant is the apparent lack of accord between the IOC and its list of banned substances and the wider community, as well as between elements of the Olympic family. Part of the CAS's decision is that, while not condoning the use of marijuana by Regabilati, the IOC has not made explicit its guidelines. As Hughes (1998a, n.p.) wrote, "If sport authorities wish to add their own sanctions to those edicted by public authorities, they must do so in an explicit fashion. That has not been done here." The CAS also found that the Games organizing committee had not listed certain recreational drugs such as marijuana on their list of banned substances. Finally, it seems that the FIS and the IOC do not have complete agreement over the list of banned substances. Clearly the accords between elements of the Olympic family are not explicit or aligned. Overall, there are several gaps in the case that was brought against Regabilati that point to the IOC Executive Board's decision being in error, even if it was morally sound.

Questions to Consider for Discussion

1. Does the IOC have the legal right to control athletes in terms of their private habits? How far does this control go? In terms of the behavior of IOC members, do they have the moral right to dictate athlete behavior?
2. If you were appointed to an IOC commission that was to develop an athlete's code of conduct during the Olympic Games what considerations would you include in the philosophical basis of the code and what sanctions would be included?
3. The FIS and IOC seem to have by organizational fiat made snowboarding part of the sport federations purview and then part of the Winter Olympic Games. Identify, from an ethical perspective, the rationales for this and then comment on the rationality and morality of this process.
4. Can the IOC actual fulfil its role as the vanguard in the war on drugs in sport? In this discussion include the moral and ethical position of the IOC in this role.

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Case 8.32

Corporate Ethics: Is the IOC Different from Other Organizations?

The International Olympic Committee has long held itself as the morally sound leadership group of a movement based on the historic precepts of its foundation. Most of these ideas originate from IOC founder Pierre de Coubertin. The IOC holds itself as the "supreme authority of the Olympic Movement," in that its leadership role emanates from Olympism, the foundational philosophy of the movement.

Looking into the Olympic Charter we find elements of this guiding moral framework. The second, third, sixth and seventh of these fundamental principles provide further elements of the concept of Olympism (these can be found on the IOC's web page—www.olympic.org). We see the overall pattern of the philosophy. The ideas of overall human development, education, and peace are repeated. What we do not see, however, are the high moral principles that are to guide the action of the actual IOC membership.

While most organizations of this size, wealth, and international stature have developed or have been forced to instigate codes of conduct, this organization has seen itself as above such matters and done nothing in this regard. The Olympic Charter has some guidelines that sanction members. In chapter two of the charter, sections 1.3, 1.4, 1.6, all of 2, and all of 3 delineate the obligations and responsibilities of members. Most are, however, open to broad interpretation and are not based on a clear code of conduct.

In late 1998 serious allegations surrounding the Salt Lake City bidding process were exposed. IOC president Juan Samaranch was informed of the allegations in early December 1998. An ad hoc commission was proposed towards meeting in late January 1999 on these allegations. The IOC moved into damage control over the allegations.

In early 1999 the president and his deputy of the Salt Lake Organizing Committee (SLOC) resigned over the "bribery scandal." The Federal Bureau of Investigation (FBI) also began investigations into this scandal. In early February 1999, the Board of Ethics of SLOC presented a "report to the board of trustees." Among the allegations were that IOC members or their family received: consultancies (and fees); education, medical, or direct monies; funds to support athletes and scholarships; extensive trips, gifts, and entertainment; and the opportunity to play with the Utah Symphony. The report runs to 59 pages.

The matter also led to an inquiry in the U.S. Senate, a potential U.S. Justice Department investigation of criminal activity by IOC members, as well as a widespread, severe media critique of IOC operations. In all of this Samaranch claimed his innocence while 25 other IOC members (according to a newspaper chronology of this scandal) were placed under suspicion. Samaranch announced the finding of the first ad hoc commission report in December 1998 and the second meeting report in March 1999. In the extraordinary IOC session in March, and for the first time in its history, the IOC membership voted to expel 6 members, warn another 10, and accept 4 resignations (one member died before being expelled).

From this an IOC Ethics Commission was formed. This commission met in early May 1999. According to IOC press releases, "the IOC Code of Conduct will govern the actions of IOC members and that of officials of candidate cities for the Olympic Games and Organizing Committees of the Games (OCOGs) as they interact with IOC members" (May 3, 1999). The mission of this commission was identified: "The mission of the IOC Ethics Commission is to provide advice and guidance on how the IOC operates in accordance with the best practices of international business and government" (*ibid.*). All of this will, it is stated:

bear in mind the Olympic Charter as they [the commission] build on the Olympic Movement to promote positive ethics and ensure transparency and accountability. The commission will also establish standards and rules that are understandable and applicable in the forthcoming IOC Code of Conduct, as well as verify that the response to ethical issues is active, comprehensive, and effective (ibid.).

The commission of eight persons (five external to the IOC) began by discussing several of the issues arising from the Salt Lake and then the Sydney bidding processes.

After 105 years the IOC has expelled members, admitted it requires reform, that it has been tarnished, and is responsible to the public. All of this is a result of practices that existed for much of the Olympic movement's post-World War II history (Simson & Jennings, 1992).

Questions to Consider for Discussion

1. What would you suggest that the IOC's Code of Conduct contain? What rationales are basic to this code? What ethical principles are central to this code?
2. Due to the lack of transparency, the nature of the IOC's structure and operations, the IOC's ability to rebuke journalistic critiques of its accepted behaviors (e.g., Simson and Jennings revelations), and a history of condoning the actions of its members as identified in the SLOC report, is it justifiable that some members were expelled while others were merely warned? What ethical elements form the bases of your decision?
3. Can the IOC overcome the long-term behavior of its members through a Code of Conduct? Why or why not?
4. If Samaranch is implicated in the bribery scandal, or at least, has accepted expensive gifts (against the IOC's own guidelines), what and how should he be dealt with generally (following what ethical principles)? Or under a code of conduct?

References

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Case 8.33

Moral Character in Professional Sport

The eve of the 1999 Super Bowl saw the arrest of one of the NFL's supposed icons of moral character. Eugene Robinson, the defensive back for the Atlanta Falcons, was arrested on charges of soliciting oral sex from an undercover police officer. The star player had received the Bart Starr Award for moral character the morning of the incident. After his arrest, the player said that he would return the award. He made the following public statement of apology:

What I want to do now is apologize first to my lord Jesus Christ, secondly to my wife and kids, and thirdly to my teammates and the entire Atlanta Falcons organization for the distraction that I may have caused them. And I say that sincerely, I really say that sincerely. (Associated Press, 1999)

Interestingly, another player was arrested on a similar charge five days after the Robinson episode.

At a superficial level, these cases are more or less simple to assess—a crime was committed, charges were laid, and the guilty party will suffer the consequences that the laws of the land deem necessary. However, we need to probe what lies beneath these charges and other legal and ethical transgression that well-known sport figures have committed (e.g., the IOC scandal, Mike Tyson). Is it the case that some of these individuals perceive their status as famous and rich professional athletes as the go-ahead for any kind of behavior? Do they suffer from what Ludwig and Longenecker (1993) termed the “Bathsheba Syndrome,” in which those that wield power become blind to their responsibilities as professionals and members of the community?

Questions to Consider for Discussion

1. How much credit should be given to Robinson's gesture to in returning the Bart Starr Award?
2. How would you describe the ethical culture of professional sport?
3. To what extent are players to blame for their behavior in this environment?
4. What punishment, in addition to legal sanctions, should be given to these players? Why?
5. To what extent are “elite” athletes obligated to be role models? Why?

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Case 8.34

Violence in Hockey: When Is It "Part of the Game"? When Is It a Crime?

In a minor league game in Fresno California, Dean Trbojevich, a defenseman for the Anchorage Aces, cross-checked an opposition player. This action triggered a bench-clearing brawl that resulted in 11 players being ejected and Trbojevich receiving a major penalty for high sticking and an additional penalty for attempting to injure the opposition player, Jacques Mailhot. Mailhot was not injured in the incident and, in fact, went on to score his first goal of the season. The penalties handed out by the referee were not the end of Trbojevich's problems. He was later charged by the Fresno police with using his stick as a deadly weapon and, in addition to being fined and suspended from further league play, he faces a possible four-year jail sentence.

To someone who has never watched the game of hockey, the charge of assault-with-a-deadly-weapon would be expected, for a violent act *is* a violent act whether it occurs on the ice or in the parking lot. However, to the "knowledgeable" hockey fan, such behavior is typically perceived as "part of the game," as is the penchant for hockey players to fight on the ice when tempers flare.

Questions to Consider for Discussion

1. Can violent behavior ever be justified in sport?
2. Why is there a "double standard" in hockey?
3. Who benefits from this double standard?
4. What could be done to eliminate violence from hockey?
5. What effect would this have upon the various stakeholders (e.g., fans—children and adults, players—children and adults, owners, other business stakeholders)?

Reference

- The Associated Press. (1999). Hockey player suspended, fined. *The Ottawa Citizen*, February 6, p.B2.

Case 8.35

Ethical Consistency

In 1999 Czech tennis star Petr Korda tested positive for steroid use at the prestigious Wimbledon Tournament. His punishment from the Czech Tennis Association involved his being banned from playing tennis in his home country for one year—but only in his home country. In addition, the International Tennis Association (ITA) punished him by taking away the ranking points accrued as a result of his playing in the quarter finals and his forfeiture of \$94,529 in Wimbledon prize money. The International Tennis Federation (ITF) found the player guilty. However, it took no action to ban him from play as they accepted his explanation that he had no idea how the drug Nandrolone had entered his system.

Other tennis players reacted negatively to what they perceived as the unjust non-punishment of Korda. For example, Jonas Bjorkman of Sweden demanded the suspension of Korda and criticized the ITF. He stated that “we’ve heard so many things that guys are positive and they just cover it over—they are just so scared of putting it out.... I think it’s the worst decision the ITF could have made. It is totally the worst that could happen to tennis, I hope all the players in Australia [the current tournament] will go together and really put pressure on the ITF and the ATP (Association of Tennis Professionals).” Further, Bjorkman suggested that “if you cheat, you should be suspended for two, three, four, five years.... Why be tested 15 times a year when we are still not going to be really hard on the guys who are cheating.”

Questions to Consider for Discussion

1. Does the ITF have a vested interest in accepting Korda’s rationalization?
2. Does the Czech Tennis Association have a vested interest in charging him?
3. What external factors could be influencing the decision-making processes at the Czech national level and the international level?
4. To what extent is Korda responsible for what he ingests? What is the ethical basis of his defense? What other drug charges in sport do you know of in which the athlete claimed ignorance or blamed their trainer/physician? Is this acceptable? What does this tell you about the moral and social development of elite athletes?
5. What kind of pressure should the other players place on the ITF or the ATP?

References

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Case 8.36**IOC Ethics and the Drugs in Sport War**

A Foxsportsnet sport journalist program, "GoinDeep" (November 11, 1998) featured a piece on drugs in sport. In that television journalism piece evidence indicated that the IOC has been implicated in covering up positive drug tests. These revelations come from scientists, medical practitioners, and other informed individuals. They support the claims made by Simson and Jennings (1992) and Jennings (1996). Clearly there is a contradiction here.

The eighth purpose of the IOC, as defined in Chapter 1 of the Olympic Charter, is to lead the fight against doping in sport. At the IOC sponsored and led World Conference on Doping in Sport (3-4 February 1999 in Lausanne, Switzerland) the IOC proposed the formation of a global anti-doping agency (Olympic Movement Anti-Doping Agency), setting a uniform set of drug use penalties across all sports, and placing IOC President Samaranch as chair of this agency. In the end the IOC had to back down over its leadership and centralized control of such an agency. The involvement, policy reviewing, and investigation by the European Council and the United States government, and the intransigence of several international sport federations for input and power over this agency, met with incredulosity and fear by the IOC.

A new agency (the International Anti-Doping Agency) will operate with a \$25 million U.S. input from the IOC but will be independent from the IOC. The uniform penalties were fought by certain large sport organizations (e.g., cycling, soccer, and tennis) and ultimately were watered down. The legal implications and possible further court actions, focused mainly on the restraint of athletes' right to obtain a livelihood, were seen to be difficult and costly. In the end, the six-point "Lausanne Declaration" (see appendix below, pp.203-204) resulted from this conference that outlined the "global fight against drugs." Samaranch declared this a "great victory for clean sport." The agency will have representatives from the Olympic family, government, and intergovernmental organizations. Rather

than centrally locate the IOC in this agency, it has been relegated to a coordinating role, although it will still have a central functional role.

If we return to the televised and written accusations of the IOC, we can observe why this occurred. Jennings (1996) wrote, "When the Games were last in America a dozen years ago [1984], the Olympic committee hid the true number of dopers they caught" (p.7). Further in this book Jennings (1996) notes that there was a general clamoring within sport (i.e., by athletes, coaches, administrators) about the hypocrisy of the doping issue. He wrote, "Samaranch is feeling the heat. In December 1995, speaking in Berlin, he asserted that 'In Atlanta, there will be very few cases of doping or none.' That's what the sponsors want to hear but many athletes have had enough; they know doping is rampant and despise the Olympic committee for the cover-up" (Jennings, 1996, p.299).

Foxsports investigative sport journalist Diana Nyan interviewed a number of people in the segment "Blood Feud" that corroborate Jennings accusations. Among those interviewed were Dr. Don Catlin and Dr. Robert Voy. The former is director of the Los Angeles IOC-accredited drug lab. He confirmed that nine positive sample B tests were found during the 1984 Games that the IOC did not announce (that is, no action was taken on them). Catlin reported nine positive tests to the IOC, but the IOC had the codes that identify the athletes with the samples.

Dr. Voy resigned from the USOC's medical commission over the lack of integrity in dealing with drugs in sport. He finds that the IOC does not match their philosophy against drugs with action. New tests based on research were needed, but the funding was limited even though the IOC has a billion-dollar budget. Voy is a highly regarded expert on drugs in sport and has published many works on the subject.

Clearly there is considerable confusion and contradiction in all of this. On the one hand, the lack of transparency of the IOC conflicts with the reality of its practices. Whether the truth will prevail, and whose truth it will be, is questionable. If the IOC does further its current, meager attempts to be more transparent, it may be some time before deep, ongoing issues are resolved.

Questions to Consider for Discussion

1. If we assume that the accusations are correct from the Foxsport investigative report, how would you identify and explain the words and actions of the IOC?
2. Journalists are often accused of being smut mongers and of low moral standing. Considering the corroboration of the information

from a variety of sources (including trained scientists and medical practitioners), how would you make sense of the allegations of an IOC cover-up of positive drug tests?

3. Identify and discuss the moral and resultant ethical action of each side of this debate.
4. Is the war on drugs being won? Who is winning it? What in the end should be done about the issue?
5. Should Ben Johnson's gold medal and record (only equaled in June, 1999) be restored? What are the moral aspects of your decision?

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