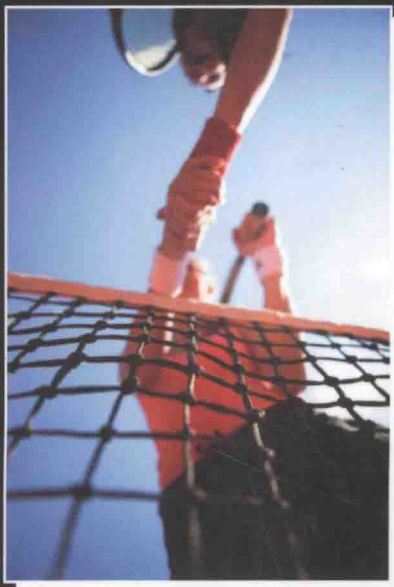
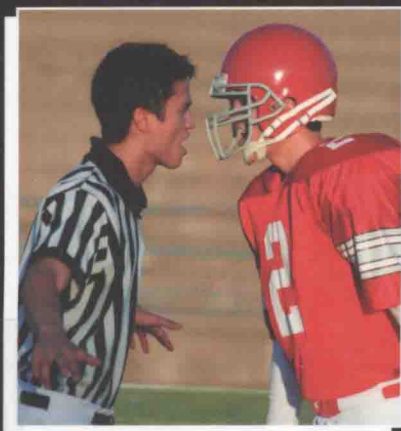
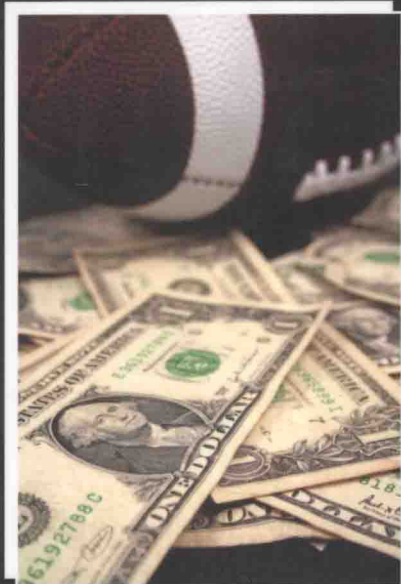


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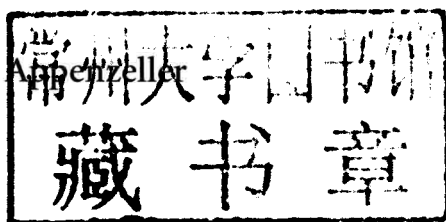
BEHAVIOR in SPORT



HERB APPENZELLER

Ethical Behavior in Sport

Herb Appenzeller



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Dedication

Every so often, a person comes along who touches the lives of countless numbers of people without fanfare or publicity. This was Jack Jensen, golf and basketball coach at Guilford College for 45 years, who was a role model for ethical behavior in life as well as sport. Jack, in a quiet, modest and humble way, exemplified all that is good in sport today.

When a local coach lost her husband to an unexpected heart attack, she took time off to take care of her duties at home. At Jack's recent memorial (having suddenly passed away in May 2010), she told me of the day she returned to school and, opening the door of her classroom, found Jack standing there with a rose in his hand and words of encouragement.

We never knew that the parents of a close friend at Wake Forest University invited Jack to live with them when he coached at the local high school. The husband died and the woman developed a serious illness. She lived a lonely life so Jack traveled 110 miles to bring her roses two or three times a month.

When one of our former basketball players died suddenly of a heart attack, Jack immediately got in his car to be with the grieving family in Atlanta. He stayed for several hours to comfort the family and then left to make the six-hour return trip home. When a former basketball player had his leg amputated after a motorcycle crash, Jack was the first to see him prior to and after surgery, and stayed in close contact in the ensuing years.

Story after story was told during the record crowd visitation in Alumni Gym (Crackerbox), where his teams played and won exciting and often nail-biting games, and took him to a NAIA National Basketball Championship in 1973, with three members later playing in the NBA.

It was after that championship that I asked Jack to take on an impossible task of reviving a defunct golf program. The rest is history: the Golf Association of America installed Jack into its Hall of Fame in January 2008 (one of six Halls of Fame) for a career that included 26 national tournament appearances and four national titles, making him the second coach in NAIA history to win two national championships in two major sports: basketball and golf. After Jack's passing, at the conclusion of the academic year, his grief-stricken golf team lost the Division III National Tournament by one stroke!

All who knew Jack Jensen feel that they are better today because he touched their lives and made a difference. *Atque in perpetuum, frater, ave atque et vale!* Until eternity, Jack Jensen, hail and farewell, and thanks for a life well-lived!

Acknowledgments

Ethical Behavior in Sport has been a “labor of love” because it has given me the opportunity to relive 70 years of memorable events in my long involvement in sport, first as a participant in football and track from junior high school to high school and then college. I then had the wonderful opportunity to coach four years in high school, five years at a junior college and six years at a small, liberal arts college with high academic standards and Quaker values. I also had administrative duties for 39 years with an opportunity to teach and initiate a sport management program that received national attention. For 46 years, I had “hands-on” experience in every aspect of academics and athletics.

Guilford College gave me the opportunity to speak on the local, state and national levels. The institution supported my publishing in athletics and sport and risk management during my long tenure at this special place. Much of the material in this book uses my personal experiences to explain the various ethical situations that confronted me throughout my career.

I thank the students at Rolesville High School, Wakelon High School, Chowan Junior College (Chowan University) and, for 37 years, Guilford College students. In these four schools, the students performed in the classroom and on the athletic fields with determination, integrity, dignity and a spirit of cooperation.

I invited only one author to write a chapter in the book, Colleen McGlone, professor of sport administration at Coastal Carolina University, who is one of the experts in the country on hazing. Her chapter is one of the most informative and well-written on the topic and I am grateful for her willingness to share her expertise for the good of our readers.

I want to thank Linda Lacy and Keith Sipe at Carolina Academic Press for encouraging me to write a very informative book on ethics in sport. Because of their vision and dedication, their series on sport and risk management, and sports in general, has been an important asset to the coaching and teaching profession. Their consistent assistance has been rewarding and appreciated. I also appreciate their willingness to let me use material from many of my previous books that add to the present book.

To my wife, Ann Terrill Appenzeller, I want to express my deep appreciation for her willingness to go beyond the call of duty to be a part of every phase of the book. Her suggestions, guidance, encouragement and outstanding ability have hopefully made a good book even better. On a personal note, Ann saved my life on several occasions and then made life worth living.

Appreciation is due several people who gave permission to include valuable material to this book. They are as follows:

- Dr. Tom Appenzeller “A New Crisis in Youth Sport”
- Paul Batista “Balancing the Establishment Clause v. the Free Exercise Clause”
- Wilt Browning “Chicken Little: The Sky is Falling”
- Michael Carroll and Daniel P. Connaughton “Review of *Patterson v. Hudson Area Schools and Malnar: 10 Tips to Prevent Hazing*”
- Chicken Soup for the Teacher’s Soul “Roses in December”
- Linda Carpenter and Vivian Acosta “Title IX in Nutshell”
- Gil Fried “Can Sports Kill?”
- Dennis Haglan “A Letter to the Washington Post”
- Bill Martin “Sports Kids Play” Article by Dr. Kendall
- Dr. Robert Malekoff “Agents Aren’t the Only Threat to College Sports”
- Dr. Frederick O. Mueller “Heat Stress and Athletic Participation”
- James Schmutz “Testimony on Concussions before the U.S. House of Representatives”

Prologue

*“The most personal experiences are the most universal.”—David Bills,
Pastor, New Garden Friends Meeting*

After seven decades as a teacher, coach, administrator and author, R.H. Jordan put the role of sports in its correct position in 1928 when he wrote:

If one wishes to know the soundness or weakness of a school, he or she should examine the athletic program of the school. This is the touchstone. No other will do as well. If there is dishonesty, weakness, selfishness, hypocrisy, the story will be told in athletics. If there is truth, honor, courage, self-control, these will be manifested in the games.

It has been written that “ethics in sport” has seen the most growth and activity of any area today. There are numerous research studies in philosophy and social science that deal with ethical behavior in sport. Philosophers and social scientists produce a wealth of material on the topic. Some writers point out that ethics is the study of human conduct with an emphasis on what is right and wrong. In many texts, the words fair play and morality stand out and references are made to morality, justice, righteousness and virtue. Emphasis on ethical behavior in sport evolves around basic principles of right action in a particular profession.

As a participant in sport on the high school and collegiate level, a coach on both levels, a sport administrator for 40 years, and an author on sport management and law, I have a special purpose for *Ethical Behavior in Sport*. Quintilian, a Roman educator, wrote centuries ago that “education is not what you are able to remember, but the things you cannot forget.” This book is about the things I cannot forget after 70 years in the sport industry.

The book is different from other books that deal with the important issues of ethics in sport. It was designed that way and uses meaningful experiences from the on-the-job experiences of the author starting with my first varsity high school football game in which I was a part of bigotry and harassment

never before experienced. The book uses anecdotes and personal stories that fill the pages. Thomas Peters and Nancy Austin note in their best seller *A Passion for Excellence* that stories, as nothing else, reveal what is important to an institution. They believe, as do I, that stories convey to the reader the mistakes and successes of the past so that others can profit from them. Bob Gingher, a book editor for the *Greensboro News & Record*, writes that “no one develops learning tools by rote, but again by examples and by the story.” He concludes “stories are the indispensable tools of teachers and students, without them there is no such thing as moral imagination.”

It is my hope that the stories recalled that raise ethical questions will enable the reader to relate to moral dilemmas and ethical questions encountered in his or her life. I hope the reader will form opinions on the decisions made and profit from the experiences presented in the book.

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Ethical Behavior in Sport

Chapter 1

The Sport Administrator

“The Ole Coach cannot take over as AD as was once the case.”—Tom Gleason, National Association of Collegiate Directors of Athletics (NACDA)

Michael Blackburn, Associate Executive Director of the National Interscholastic Athletic Administrators Association (NIAAA), described athletic administrators:

Their dedication to school, community, patrons and athletes is unparalleled in any other field of endeavor. The countless hours spent away from family while serving the needs of others often go unnoticed. But the results in human terms cannot be questioned. The life lessons taught to young people in athletics can never be duplicated in the classroom. Leadership shown to young people is often returned by the formation of future leaders as a result of what they learned during athletic competition. (*Interscholastic Athletic Administration*, 2009)

Until the late 1970s, most National Collegiate Athletic Association (NCAA) and National Association of Intercollegiate Athletics (NAIA) athletics directors were former head coaches in football and basketball (and occasionally baseball) promoted on the basis of service and merit. In some instances, however, this hiring method was an attempt to assign administrative responsibilities to a coach whose teams could not win (Appenzeller, 2003).

On the secondary level, most athletics directors also coached and taught in addition to administrative duties. In some instances, colleges assigned dual roles to the athletics director who coached a sport. The late Paul “Bear” Bryant held a dual position at the University of Alabama, as did the late Jim Valvano at North Carolina State University. In 1991, George Perles held a dual position as head football coach and athletics director at Michigan State University. Trustees, unhappy with Perles’ record as the football coach, developed criteria to end dual appointments. Former MSU President John DiBaggio argued that holding a dual position as athletics director and football coach led to “insufficient oversight of the football program.” When Perles was retained after the 1991 season to coach football but not administer the athletics program,

DiBaggio commented that “the jobs are separate and distinct and a mistake was made when they were joined over my objections” (Appenzeller, 2003). The Board of Governors of the University System of North Carolina adopted a policy prohibiting dual roles for athletics directors. Valvano and others, like Clarence “Big House” Gaines of Winston-Salem State University and Jeff Mullin of UNC Charlotte, elected to coach rather than remain as athletics directors. Dual positions were eliminated in state universities and many private schools in North Carolina in the 1990s. Today, dual positions on the major college level are a rarity and practically no athletics director is expected to teach and coach (Appenzeller, 2003).

The Changing Role of the Sport Administrator

Today in the 21st Century, sport administration has changed so dramatically that I would be fortunate to be hired for the same position I held years ago. I accepted my first job in a small rural high school totally unaware that I lacked experience and knowledge to administer the tasks at hand. The positives that enabled me to survive and succeed in my work were energy, enthusiasm and love for students. I taught six different classes, coached basketball and baseball and was the athletics director for the sport program. My duties as athletics director were limited to scheduling, purchasing and maintaining equipment. There were no formal requirements for administering a sport program, no methodology to guide me. I, like most athletics directors in those days, followed John Dewey’s education theory of “learn by doing.”

The role of the athletics director has changed at many colleges and universities, and men, and in some instances women, now enter the field with a background in sport administration and a master’s degree in business administration. In 1967, James Mason developed a sport administration program at Ohio University and other institutions followed suit. In 2003, there were nearly 200 institutions with sport administration programs that provide training for the sport administrator. John Swofford, a graduate of the University of North Carolina, was one of the first graduates from the Ohio University sport administration program. Swofford represents a new breed of sport administrators schooled in finance, marketing, time management, personnel management, fundraising, promotion, legal affairs and other areas previously neglected in sport administration. After a very successful tenure at his *alma mater*, the University of North Carolina at Chapel Hill, Swofford was chosen to be Commissioner of the powerful Atlantic Coast Conference (ACC). His skills as an athletics director made him a viable candidate for the position (Appenzeller, 2003).

Muddy Boot Soldiers

In a profession that is changing rapidly, one thing remains constant. Most athletics directors on the secondary and collegiate level still remain in the background, leaving the spotlight for coaches. My goal as a college administrator was to perform administrative duties, allowing time for coaches to coach. I have always believed that the best administrators do not care who gets the credit when their programs achieve success. These administrators work behind the scenes to ensure a smooth operation for coaches and athletes alike. When General Norman Swazkopf, Jr. was asked to name his heroes, he named his father (who was also a general), Civil War generals Ulysses S. Grant and William Tecumseh Sherman, and World War II and Vietnam General Creighton Abrams. His reason: all were “muddy-boot soldiers” and “none of them ever worried about who got the credit. They just worried about getting the job done” (Appenzeller, 2003).

Going back to the sport administrator as a “behind the scenes operator,” consider this for a minute. Can you name the renowned basketball coaches at Duke University, Temple University or the University of Arizona? Can you name the football coaches at Penn State University or the University of South Carolina? Now, can you name the athletics directors or the presidents of those schools? I routinely pose this question to my students and the results are always the same. They name Duke’s Mike Krzyzewski, Temple’s former coach John Chaney and Arizona’s former coach Lute Olsen. They respond quickly with Joe Paterno at Penn State and Steve Spurrier at South Carolina, but draw a blank on the athletics directors or presidents at these universities.

It is apparent that the “Ole Coach” will not be hired or promoted to administer an athletics program in the new century. More and more, dual positions of athletics director and coach will be relics of the past. A new breed of sport administrator has emerged since 1967, when James Mason, with the help of Los Angeles Dodger Walter O’Malley, started the sport administration program at Ohio University. The present-day administrators, however, will still remain in the background as they let the spotlight shine on the coaches and athletes in their programs.

Status of Sports Today

Dr. William Friday, a member of the Knight Commission, commented on his view of the current “big-time college athletics these days.” Friday said, “I think a judgment, if I may put it that way, is approaching because of the excessive

costs of the whole business right now.” He then alluded to the problem today’s escalating costs of athletics when he said:

I think the difficulty lies in the fact that trustees and administrators have lost control. Too often, the demands are dictated by television—playing any night of the week. They’re in complete control of when games are played. (*News & Record*, 2010)

Knight Commission

The National Collegiate Athletic Association (NCAA), at its 2010 Convention in Atlanta, called for “a national overhaul in athletics that would include transparency on program budgets,” as described in the Knight Commission’s 2010 Report, *Restoring the Balance: Dollars, Values, and the Future of College Sports*. The Knight Commission based that call on the concerns of 95 university presidents who “blamed most of the economic challenges on excessive salaries for football and basketball coaches.” The Report expressed concerns that the solution to the financial crisis may be to eliminate sports. The presidents want to make changes themselves, but feel that “some oversight and authority is needed to address the challenges of the influences of alumni, boosters, politicians, and commercial entities” (Knight Commission on Intercollegiate Athletics, 2010).

Nancy Hogshead Maker, Director of the Legal Advocacy Center for Women in Sports, cautioned that sustaining football and basketball could lead to dropping other sports. She also believes that blaming Title IX and women’s sports for the escalating costs of all college athletics is a mistake (Knight Commission on Intercollegiate Athletics 2010).

USA Today (2010) recently conducted a survey of 120 coaches in NCAA Division I athletics and found that 25 of the coaches surveyed made \$2 million or more during the 2010 season and that nine earned \$3 million or more. It noted that an exhaustive analysis of athletics department budgets would be required to begin to understand both income and expenses generated by college athletics.

Technology for the Sport Administrator

Authorities in the field of sport administration observe that the job of today’s sport administrator is complex because of expanding sport programs, but decreasing budgets. They predict that technology will play a major role in the

sport industry in the new century and help the administrator manage a successful program (Appenzeller & Appenzeller, 2008).

Dr. Todd Seidler and Dr. David Scott, professors of sport administration at the University of New Mexico, predict that “new procedures, design ideas, or tools that may allow for an increase in efficiency or productivity of staff can be invaluable and may prove to be the difference between success and failure.” Seidler and Scott identify trends and innovations that are available for the sport administrator, such as “ticketing technology, conjoint analysis, data mining, virtual signage, access control, building controls, energy efficiency, on-line video conferencing, and high tech applications in planning for the future” (Appenzeller & Appenzeller 2008).

The late Mark McCormack, CEO of International Management Group (IMG), agreed that technology is important in today’s world of e-mail, Palm Pilots, laptops, digital communicators, World Wide Web and cell phones. McCormack also cautioned the new century sport administrator that “technology is wonderful and seductive. But it is also insidious, especially if it chips away at our appreciation of the value of constant human contact—because without these moments of face-to-face exchanges, we lose a vital regulator in our lives.” He added, “Remember this ... no matter how tempting it is to hide behind technology, there’s more to be gained by looking into another person’s face than staring at a screen” (McCormack, 2000).

Regulating Sports Agents: A Problem

Atlantic Coast Conference Commissioner John Swofford commented on the problem of improper conduct by sports agents. Swofford said:

As an [athletics director] for years, it is something I know you feel vulnerable to, because it’s a very difficult thing to control. You have to do everything you can do, in terms of knowing what’s going on in your program and educating your student athletes ... and yet it still happens on occasion. (*News & Record*, 2010)

Swofford continued when he remarked:

The NCAA rules are clear enough, but the risk associated with agent contact isn’t shared equally. The athletes have a lot to lose. The people who don’t have a lot to lose are the ones instigating and creating the problem in the first place. That’s the agents and their runners. We

need to push harder to develop more cooperation from places like the NFL, or the NFL Players Association, who have the capacity to sanction agents and suspend agents, which hits them right in the pocket-books. (*News & Record*, 2010)

Swofford concluded that “in reality, it’s like a lot of things. It gets down to individual ethics. It’s people’s individual behavior and the choices they make. That’s always a difficult thing to legislate” (*News & Record*, 2010).

Josh Adams, a star running back at Wake Forest University, told reporters that his football coach, Jim Grobe, constantly talks to his players about unethical agents. Adams said that Grobe tells all of his players to not accept a Snickers bar or candy from anyone (*News & Record*, 2010).

In 2010, the top wide receiver, A.J. Green, sold his 2009 Independence Bowl Jersey to an agent for \$1,000. As a result, the NCAA punished him by ruling him ineligible for the first four Georgia games. Marcell Dareus, an Alabama star, accepted \$1,787 for improper trips to Miami and received a two-game suspension from the NCAA. The defensive end is expected to pay \$1,787 to a charity of his choice. The NCAA “has also been looking into possible agent-related violations at Florida, North Carolina, South Carolina and Georgia” (*The Associated Press*, 2010).

Deborah Yow Issues Warning to Agents

Just as she did when she was Athletics Director at the University of Maryland, Dr. Deborah Yow, now Athletics Director at North Carolina State University, issued a warning to any sports agent who gets their athletics program in trouble.

In a conversation with the *Raleigh News & Observer*, Yow said, “I’m going to protect NC State University from any agent abuse.” As a deterrent against agent abuse, Yow has written to agents, who are required to register with the NC State Department, to discourage agents from offering prospective high draft choices any promise of value to them. In North Carolina and Maryland, the Uniform Athletic Agents Act specifically mentions that an educational institution can seek damages, including lawyers’ fees, from an agent or former athlete who injures the school.

Yow emphasizes that the loss of a Bowl game can cost a school more than \$1 million in revenue. Besides agent abuse, a lack of institutional control can be costly when dealing with the NCAA. Sending a letter to sport agents shows that the institution cares (*News & Record*, 2010).