
THE ARSHT ETHICS DEBATES AT SPORTSFEST

Cases

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**Arsht
Ethics Initiatives**

Case 1: Out of the Park

Free agent first baseman Prince Fielder recently agreed to a nine-year, \$214 million contract with the Detroit Tigers.¹ This agreement is the fourth \$200 million contract in baseball history. Alex Rodriguez signed two separate 10-year, \$200 million plus contracts in his career, one with the Texas Rangers and another with the New York Yankees. Similarly, Albert Pujols and the Los Angeles Angels signed a 10-year, \$240 million contract this past off-season. Do these salaries go too far?²

The structure of Major League Baseball (MLB) is conducive to such deals. Some sport leagues impose a salary cap, which restricts the amount of money each team can spend on player salaries. This is intended in part to prevent wealthier franchises from buying better teams. MLB does not implement a salary cap; instead, it charges a tax on teams whose payroll exceeds a certain amount. This fee fails to balance the system. Teams that can afford the “big name” players, and therefore also the tax, can offer players as much money as necessary to sign them. In essence, it has been argued, the richer franchises compete with each other to sign the marquee players, resulting in “out of the park” \$200 million deals.

Some economists argue that the infrequent occurrence of these enormous contracts recognizes a few players’ talent as an extremely scarce and therefore valuable resource. Accordingly, in their view, the contracts are well-deserved and should be evaluated much like similarly sized salaries for CEOs of Fortune 500 companies.

Others, however, point out that the trend is increasing and these contracts are no longer rare.³ They suggest these numbers fuel a dangerous drive to the big time in an “at any cost necessary” strategy, resulting in inappropriate salaries, corruption (steroid use, corked bats, etc.) and other abuses.

References

¹ http://www.mercurynews.com/other-sports/ci_19814765

² <http://www.salarycap.net/baseball>

³ http://www.isu.uzh.ch/static/ISU_WPS/91_ISU_full.pdf

Case 2: Blade Runner

Oscar Pistorius is a track athlete and the holder of several world sprinting records. He was born with no fibulas, the bones that run from below the knee to the ankle, and his legs were amputated at mid-calf when he was 11 months old.

He uses carbon-fiber blades for feet. He qualified for the 2008 Beijing Olympics for his home country of South Africa, but was not allowed to compete because of his prosthetic limbs. The Olympic committee and other runners accused him of having an unfair advantage. His prosthetics provided more spring and therefore more thrust than natural legs, they argued. Pistorius dominated the competition in the 2008 Paralympics.

Pistorius, now 24, is faster than ever and is on pace to qualify for the Olympic Games once again. A major change in the rules governing his case now makes him eligible to compete in the 2012 London Olympics.

This change has left a rift in the track community. Some are more than pleased that Pistorius, a double amputee, finally has an opportunity to prove himself against the world's best competition. After all, his current best 400m time is only 2 seconds shy of Michael Johnson's 1999 world record. Others in the track community believe strongly that Pistorius' carbon fiber limbs provide him an unfair advantage against which they simply cannot compete.

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Case 3: Toughing It Out

Shawne Merriman is an all-Pro linebacker for the San Diego Chargers. During the pre-season, Merriman seriously injured two ligaments in his knee. He has been advised by five different specialists to have immediate surgery to repair the damage, which would force him to sit out the entire season. However, Merriman is a key component to his team's success, and he has opted to forgo surgery. He will attempt to play the entire season with the injuries by wearing a protective brace.¹

Playing with injuries is not something only professional athletes must consider. At all levels of play, athletes must decide whether and when to take time away from their sport to get appropriate treatment. Many choose to push through the pain for the sake of their team.

Professional players may be pressured to do so by big salaries and national attention; high school students may be pressured to succeed by their parents or by the need/lure of lucrative college scholarships. Yet physicians often use the phrase, "When in doubt, sit them out," because playing before full recovery is achieved increases the risk of another injury by five to seven times. In the case of concussions, which are the most commonly overlooked injury, "second-impact syndrome" can result in far more serious consequences, including death.²

About 30 U.S. states have already passed the Lystedt Law, named after Zackery Lystedt, a young athlete who was permanently disabled in 2006 after suffering a concussion when he prematurely returning to a game.² Others say that these cases are rare and that most athletes can play through minor injuries.

Children, on the other hand, might not admit their injuries, coaches sometimes pressure them, or parents might worry about their child's place on a team.

¹ <http://everyday-ethics.org/2008/09/should-the-san-diego-chargers-allow-shawne-merriman-to-play-ethics-in-professional-sports-part-iii/>

² <http://www.montrealgazette.com/news/Teen+athlete+concussions+often+dismissed/6017525/story.html#ixzz1kbBytME2>

Case 4: Playing Well or Piling On?

In 2009, the Covenant School met Dallas Academy in a Texas high school girls basketball game. As Dallas had no wins in their last four seasons, the outcome of the matchup was hardly in doubt. Sure enough, once Covenant ended the first quarter with a 27-0 lead, it became clear that a rout was in the works. And while Covenant kept scoring on offense, their defensive press stifled the woefully outmatched Dallas team. When the final horn sounded, Covenant had trounced their opponents, 100-0. The game's result became national news, and Covenant's head coach Micah Grimes received more scorn than praise for his resounding victory.

Many in the sports community criticize coaches who “run up the score,” or widen the margin of victory in a game once a mismatch becomes obvious. This phenomenon is not new. In 1916, for instance, Georgia Tech's football team defeated Cumberland College 222-0. Nor does running up the score only occur at the amateur levels. The New Orleans Saints topped an injury-plagued Indianapolis Colts team 62-7 this season.

The practice has created a split in the sports-writing community. Johnette Howard calls running up the score a “remorseless quest for excellence that treats opponents like nameless, faceless foes rather than . . . real human beings.” Gene Wojciechowski believes it to be the “ultimate sign of strength” when a superior team pulls its punches upon attaining a sufficient lead.

Others fail to see the problem with running up the score. L.Z. Granderson argues that “point shaving to spare feelings is far more disrespectful to the losing party.” Fellow ESPN writer Patrick Hruby suggests that “the whole point of [sports] is to perform as proficiently as possible.” Furthermore, no one is “aghast when a ballet dancer is vastly superior to her peers and unafraid to show it,” so why should we hold sports teams to a different standard?

Further, some argue that we should be more tolerant of professional teams that feast on inferior opponents, while denouncing high school and college coaches who make the same choice. Some local sports leagues have attempted to address the issue at the rulemaking level, creating “mercy rules” which end the game once a team reaches a certain point margin, or even suspending coaches whose teams score too many points in a game.

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Back at Covenant School, Coach Grimes defended his hundred-point triumph: “My values and my beliefs would not allow me to run up the score on any opponent, and it [sic] will not allow me to apologize for a wide-margin victory when my girls played with honor and integrity.” Grimes further added that, during the game, he specifically instructed his players not to do “anything that would be unsportsmanlike or [be] seen as harmful or shameful to Dallas Academy.” Covenant’s headmaster did not agree, calling the blowout “shameful” and firing Grimes later that month.

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Case 5: The Booster

KEARNY, N.J. – A University of Miami booster, incarcerated for his role in a \$930 million Ponzi scheme, has told Yahoo! Sports he provided thousands of impermissible benefits to at least 72 athletes from 2002 through 2010.

In 100 hours of jailhouse interviews during Yahoo! Sports' 11-month investigation, Hurricanes booster Nevin Shapiro described a sustained, eight-year run of rampant NCAA rule-breaking, some of it with the knowledge or direct participation of at least seven coaches from the Miami football and basketball programs. At a cost that Shapiro estimates in the millions of dollars, he said his benefits to athletes included but were not limited to cash, prostitutes, entertainment in his multimillion-dollar homes and yacht, paid trips to high-end restaurants and nightclubs, jewelry, bounties for on-field play (including bounties for injuring opposing players), travel and, on one occasion, an abortion.

Also among the revelations were damning details of Shapiro's co-ownership of a sports agency – Access Sports & Entertainment – for nearly his entire tenure as a Hurricanes booster....

... Ultimately, what documents show is a booster who broke NCAA rules while simultaneously making tens of thousands of dollars in annual contributions to Miami's athletic program. All while incurring massive bills aligning himself socially with a stable of Miami players....

Charles Robinson, Yahoo! Sports
August 16, 2011

http://sports.yahoo.com/investigations/news?slug=cr-renegade_miami_booster_details_illicit_benefits_081611



To the University Community:

Since its founding more than 85 years ago, the University of Miami has stood for excellence in higher education in every endeavor, every degree, and every student. Our more than 15,000 students, on three campuses in 11 schools and colleges, and over 150,000 alumni expect our core values to remain steadfast and true in times of extraordinary achievement as well as those rare times when those values are called into question.

As a member of the University family, I am upset, disheartened, and saddened by the recent allegations leveled against some current and past student-athletes and members of our Athletic Department. Make no mistake—I regard these allegations with the utmost of seriousness and understand the concern of so many of you. We will vigorously pursue the truth, wherever that path may lead, and I have insisted upon complete, honest, and

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transparent cooperation with the NCAA from our staff and students. Our counsel is working jointly with the NCAA Enforcement Division in a thorough and meticulous investigation, which will require our patience.

To our students, parents, faculty, alumni, and supporters—I encourage you to have patience as the process progresses; to have confidence in knowing that we are doing everything possible to discover the truth; to have faith in the many outstanding student-athletes and coaches who represent the University; and to have pride in what our University has accomplished and aspires to be.

UM President Donna Shalala

August 17, 2011

http://www.miami.edu/index.php/ncaa_investigation#8



The Nevin Shapiro case is a watershed in the University of Miami's work to foster leading sports programs. The case has led to bitter criticism and steps to reform, to public recrimination and public apology, to self-imposed sanctions and externally enforced penalties.

It is also a source of lessons and, indeed, no few "teaching moments." Among these:

- What is the proper role of athletics in university life?
- How should institutions balance academic and athletic missions?
- What steps should institutions take to ensure adequate oversight of programs and players?

Case 6: A Life's Work

Joe Paterno coached the Pennsylvania State University football team for 46 years. He led Penn State to two national championships and 37 bowl games, holding the record for the most games won by any Division 1 football coach. In 2007, Paterno was inducted into the College Football Hall of Fame. During his tenure at Penn State, he became a beloved figure on campus and in the community, committed to “winning with honor” and to graduating his athletes; his generous donation to the campus library reflected his emphasis on learning.

In November 2011, Joe Paterno’s close friend and long-time defensive assistant coach, Jerry Sandusky, was arrested and charged with 40 counts of sexual abuse of young boys over a 15-year period. According to the indictment, “in 2002 assistant coach Mike McQueary said he walked in on Sandusky anally raping a ten-year-old boy.”

According to McQueary’s testimony, he reported the incident the next day to Paterno, who informed Athletic Director Tim Curley. Allegedly, “the only action Curley took was to bar him from bringing children to the football building, and taking away his keys to the locker room.” These actions were allegedly approved by the university’s president, Graham Spanier.

In addition to Sandusky’s behavior, the case involves a failure of Penn State officials – including Paterno – to report McQueary’s story to the police. Athletic Director Curley was indicted for perjury. Within days of the indictment becoming public, the Penn State Board of Trustees announced that Spanier had resigned and Joe Paterno would be fired, effective immediately. Thousands of students publicly protested his firing for days. Paterno, 85, died on January 22, 2012, of lung cancer.

A letter to the editor of the *Chicago Tribune* opines: “We all have the moral obligation to never stand by in the face of abuse and to speak up until we are assured the abuse is exposed and the victim is safe. Abuse happens whenever and wherever there is the intersection of power, vulnerability, sickness, and secrecy. Breaking the silence and the secrecy stops abuse and is each of our responsibility. Joe Paterno leaves many wonderful legacies to students, but also the most challenging legacy left to us all.”

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