

Arsht Ethics Debates at SportsFest 2014

UNIVERSITY
OF MIAMI
ETHICS PROGRAMS



**Arsht
Ethics Initiatives**

Case Packet

Case 1: Reputation and Rewards

On August 22, 2013, Aaron Hernandez, a tight end for the New England Patriots, was indicted by a grand jury for the murder of Odin Lloyd. Although this was the first time he had been arrested, Hernandez allegedly had been involved in illegal activities dating back to his pre-NFL days at the University of Florida. However, even with all the pre-draft scrutiny, Hernandez was selected by the Patriots in the fourth round of the 2010 draft; by his second season, Hernandez had become a focal point of their offense. The following offseason, Hernandez was rewarded with a five year, \$40 million contract.

During the 2013 NCAA football season, local authorities opened an investigation into an allegation of rape against FSU's star quarterback Jameis Winston. The charges were dropped in December of 2013 after the investigation resulted in no conclusive evidence of wrongdoing. Nevertheless, there is talk of a civil lawsuit being filed against not only Winston, but also the Tallahassee police department for conducting an investigation in which police neither interviewed Winston nor collected his DNA until eight months after the complaint was filed. One might assume that, despite winning the Heisman trophy, Winston now has a blemish on resume that could impact his draft value.

Professional athletes are paid a significant amount of money because of their talent and the entertainment they provide. Not surprisingly, athletes with character issues are still signed to major contracts because of their prized ability. Some of these individuals, like Aaron Hernandez, do not know how to handle fame and wealth and their contracts backfire on the team that signed them.

Question: Should teams sign professional athletes who have a record of questionable decisions or is the risk of betting on these players too great to be ignored?

Case 2: What's in a name?

One of the oldest teams in the league and winners of three Superbowls, the Washington Redskins have a broad fan following. Although they have their own great history, their team name comes with its own baggage. Named after the Native Americans that originally lived on the land, the term Redskins used to be a derogatory term.

In recent years, there has been pressure from different groups to change the name to be more racially and culturally sensitive. These groups argue that the Washington Redskins is equivalent to naming a team the Washington Negroes or the Washington Jews. However, in a 2013 US poll, 79% of participants believed the name should be retained. The Redskins even received a letter from 10 senators asking them to change their name. However, after consultation with one Oneida chief, Dan Snyder, the team owner declared that the Redskins would “never change the name...It's that simple. NEVER- you can use caps.”¹

Question: Is it ethical for a professional team to maintain a name when a few certain groups, including fans of the team, are offended by the historical connotations surrounding the name?

¹ Dan Steinberg, *Redskins lawyer says 'put it in caps' language will never change*, Washington Post (Oct. 9, 2013), <http://www.washingtonpost.com/blogs/dc-sports-bog/wp/2013/10/09/snyder-lawyer-says-put-it-in-caps-language-will-change/>

Case 3: Enhancing the Game

It seems that every year another major player is busted for performance enhancing drugs (PED). Early in 2013, Lance Armstrong publicly admitted that he had been using banned substances during his multi-year reign as the winner of the Tour de France. As a result, he was stripped of all of his titles and banned from competing in related activities for life.

Very recently, Alex Rodriguez was found to have taken PEDs during his tenure with the New York Yankees, substances he acquired through Biogenesis, a company located across the street from UM. Interestingly enough, Rodriguez never once tested positive for taking the banned drugs. However, his appeal of a 211 game suspension was rejected in part by the arbitrator, who decided to reduce his penalty to a maximum of 181 games, the entire 2014 season including playoff games. The arbitrator was persuaded by evidence provided by Anthony Bausch, president of Genesis, who testified against Rodriguez and provided hundreds of text conversations with a phone allegedly used by Rodriguez.

In an era where legal decisions are usually backed by scientific proof, this case has turned into a he said-she said type of argument. Even after the MLB reduced Rodriguez's suspension to a minimum of 162 games, Rodriguez has said he plans to sue the MLB for defamation. Although the drug tests may not be able to prove any instances of wrongdoing, one thing is for sure, neither side is backing down.

Question: Given that players purposely try to find new ways to prevent themselves from testing positive to drug tests, to what extent are conclusive scientific tests necessary to indict a professional athlete for using performance enhancing drugs?

Case 4: Pros and Cons of “Going Pro”

Depending upon their age and experience, athletes can participate in competitive basketball at several levels. Often, the goal is to be a successful player on one of the thirty National Basketball Association (NBA) teams; one of the most common methods of joining these teams is through the NBA Draft. All U.S. basketball players are automatically eligible to participate in the NBA Draft at the end of college. Through 2005, U.S. players were also allowed to declare eligibility for the draft at any time between high school graduation and completing college. International players could declare eligibility in the calendar year of their 18th birthday, or at any time after that.

Eligibility rules changed with the 2006 NBA Draft. Now, all players must be at least 19 years old during the calendar year of the draft, regardless of whether they are U.S. or international players. In addition, all U.S. players must be at least one year away from high school graduation before becoming eligible for the draft. Accordingly, a player can no longer be drafted directly to the NBA after graduating from high school.

Going directly to the NBA from high school is appealing to many high school players because they eliminate the “unnecessary” step of playing college or league basketball for at least a year after graduation. In addition, there is a significant financial incentive: men who were the second and third lottery picks in 2006 are making more than \$4 million and \$3.6 million, respectively. “I’m a little disappointed,” ESPN NBA Analyst Greg Anthony said, echoing the sentiments of many current and hopeful NBA players. “If you go back in the draft, the high schoolers have more of an impact than the foreign players,” he said. “If you are an international (player) you can pursue your goals and dreams and turn professional at an early age.”² LeBron James famously went pro straight from high school as the first pick of the 2003 draft.

However, many players and coaches endorse requiring a year of experience before “going pro.” When Kevin Durant was a freshman player at the University of Texas, he acknowledged he benefited greatly by the rule change and required college experience. “I’d have struggled, man,” he says. “I would have wanted to spend all my money on stupid stuff. I’d have wanted to buy everybody else everything. It would have been a disaster, I think.” Although Durant did go pro as soon as he became eligible, Joel Embiid of Kansas and Duke forward Jabari Parker may be returning to school in the fall of 2014. According to Embiid, “All of the great big men went to college at least two or three years...I think it’s the best choice.”³

Question: Is it proper to require young players to attend a year of college before allowing them to become professional athletes?

² http://usatoday30.usatoday.com/sports/basketball/draft/2005-06-29-prep-last-year_x.htm

³ http://www.nj.com/sixers/index.ssf/2014/01/jabari_parker_joel_embiid_may.html

Case 5: League of Denial

The National Football League (NFL) has been the focus of controversy regarding the negative effects of concussions. Recent research has demonstrated a connection between repeated blows to players' heads and later onset of neurodegenerative diseases like amyotrophic lateral sclerosis, Alzheimer's disease, Parkinson's disease, dementia, or severe cognitive impairment.⁴ The burden of traumatic brain injury has even led some retired players to commit suicide. The first case against the N.F.L and Riddell (the helmet manufacturer) was filed over two years ago. Last August, the NFL settled the lawsuit for \$765 million;⁵ a federal judge recently rejected it and questioned whether the sum is sufficient to address the needs of the plaintiffs.⁶

Roger Goodell became Commissioner of the NFL in 2006 and has made efforts to increase player safety through a variety of measures.⁷ Players are now penalized for helmet-to-helmet hits as well as contact with head and neck regions of "defenseless" players. Medical procedure now requires that players suspected of sustaining a concussion must undergo a checklist of tests on the sideline before they are allowed to re-enter the game.

Despite all these precautions, the violent nature of the game is alluring for many fans.⁸ Short of banning the sport outright, significant risks will always be involved. While the research is clear, the answers to these questions are not: Who is responsible for these negative consequences and should such contact be permitted to continue at all?

Question: Is it morally acceptable to allow consenting individuals to compete in contact sports with obvious and irreversible physical harms?

⁴ http://espn.go.com/nfl/story/_/id/9755850/new-book-reveals-moment-nfl-no-longer-ignore-concussion-science-espn-magazine

⁵ <http://www.nytimes.com/2013/08/30/sports/football/judge-announces-settlement-in-nfl-concussion-suit.html>

⁶ http://www.nytimes.com/2014/01/15/sports/football/judge-questions-whether-sum-of-nfl-settlement-is-enough.html?hpw&rref=sports&_r=0

⁷ <http://www.nfl.com/news/story/0ap2000000253716/article/nfls-2013-protocol-for-players-with-concussions>

⁸ <http://www.forbes.com/sites/prishe/2012/08/08/the-nfls-concussion-crisis-will-fan-interest-in-football-eventually-diminish/>

Case 6: Betting on Sports

Gambling is often considered just another form of entertainment and many Americans illegally bet on sports. While gambling is legal at certain institutions, betting on sports is prohibited at many legal casinos. As a result, Americans sometimes turn to gambling websites based outside of the United States.⁹

Many states have outlawed sports betting, but some have official state lotteries. Some argue that gambling is gambling, and that the position of the federal and many state governments is hypocritical.¹⁰ Others counter that the stakes in these types of bets are much higher. Illegal sports betting often takes place outside of brick and mortar establishments where it could otherwise be monitored. Officials are also concerned that high-stakes betting might affect the outcome of games. Accusations about athletes deliberately throwing or otherwise manipulating games were made when betting on sports was legal.

Gambling addiction hotlines are expecting a high volume of callers before the Super Bowl. Gamblers have the potential to lose their life savings on a single bet. The poor may be especially vulnerable to the false promise of victory. Gambling losses might threaten the stability of families, as betting decisions are usually made unilaterally and not as a family. That said, in a free market society some people expect to do what they want with their money. Regulations of market practices are often considered an unacceptable restriction of individual or personal autonomy. Proponents of sports betting contend that it can be regulated and taxed. Opponents argue that no amount of regulation can effectively protect desperate gamblers or their families.

Question:

⁹ http://www.usatoday.com/sports/2003-08-21-online-betting_x.htm

¹⁰ <http://www.openmarket.org/2011/01/19/stossel-and-oreilly-on-sports-betting/>