



ETHICS AND LEGAL ISSUES IN SPORTS

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ABSTRACT

Sport and performance psychology (SPP) professionals and students involved in teaching, research, and practice face ethical quandaries and legal restrictions that affect their work on a daily basis. This chapter provides an overview of the key ethical and legal issues affecting teaching, research, and consultation in SPP. In doing so, it discusses information about shared principles and standards found in ethics codes of sport psychology organizations and other allied psychology fields. The selected ethical and legal issues will include competence, cultural competency and scope of practice, consultant self-care, confidentiality and privacy, multiple relationships, social justice and advocacy, telepsychology, and ethical decision making in a complex environment. The chapter focuses on many of the issues that affect the work and experiences of SPP professionals and their students, clients, and research participants. Working toward excellence in sports can produce incredible gratification. But what happens when the drive to win overtakes respect for the rules of the game? In January 2020, a Major League Baseball (MLB) investigation found the Houston Astros guilty of an egregious cheating scheme suggesting that the team's desire to win at all costs had surpassed its commitment to fair play. Astros players along with the bench coach and several other baseball operations staff participated in a scheme to illegally steal signs from opposing teams. Sign stealing (observing the catcher's signals to the pitcher, then relaying that information to the batter so he knows what pitch to expect) is permitted by MLB rules, but not when it involves technology



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INTRODUCTION

Ethics is the investigation of the primary moral assumptions held by individuals, organizations, or professions that are used to help members make sound decisions about what is right and wrong. To expand on this definition, ethics refers to an organization's attempts to protect the welfare of clients by developing, adopting, and enforcing guidelines that regulate member conduct in professional and scientific settings. These ethical guidelines are essentially a set of values that have been agreed upon by the members of an organization or profession. By developing ethical guidelines, the organization or profession is protecting the welfare of those they serve but also communicating their values to society. Ethics in sport psychology have been an area of concern, as the discipline grows in research, education, and practice. While psychologists are encouraged to behave in socially acceptable ways within

their personal lives, the ethics codes are only designed to govern their actions in professional settings (research, education, and practice) in their work as psychologists. Many consistencies exist in the codes of ethics between general psychology and the field of sport and exercise psychology. In fact, as a subset of psychology, many of the sport and exercise psychology codes of ethics are closely based upon those previously written in psychology.

In its most simple form, ethics is the study of what makes a particular action in a particular situation the right thing to do. In the world of sports medicine there are unique challenges to the practice of ethics by health care professionals due to the unusual clinical environment of taking care of athletes in team scenarios with winning being the primary goal. The traditional health care professional-patient relationship is often replaced with the healthcare professional-patient-team triad and as such creates a scenario in which a team's priority can be in conflict with a health care professional's obligation to the athlete's well-being. As a result many of the ethical norms that regulate clinical practice, such as autonomy and confidentiality, are not easily translated to sports medicine.

Health care professionals in sports, such as doctors, physiotherapists, psychologists are constantly under pressure to keep athletes on the field of play and to improve performance as well as allow the athlete to return to play in the shortest possible amount of time. This pressure usually comes from team management, such as coaches, trainers, agents; the athletes themselves or even parents in the case of younger athletes. This constant pressure may compel health care professionals to rather focus on the short-term solutions to injury rather than consider the long-term effects of such solutions and decisions. In sports medicine a wide variety of ethical dilemmas may be found and unfortunately, there are no unique right answers for many of these situations. Knowledge of the principles and exposure to the practice of ethics are helpful in the decision-making process. In the Astros case, conspirators set up a camera that captured the signals and sent them to a live feed in the team's dugout. This clearly defied MLB regulations. The scandal that followed added fodder to an ongoing conversation about ethical issues in sports both on and off the playing field.

ETHICAL PROBLEMS IN SPORTS MEDICINE

The unique and dynamic relationship between the various stakeholders associated with sports franchises and even local clubs or school teams and athletes are one of the biggest causes of the many ethical issues that are encountered in the care of athletes.^[5] The stakeholders can include:^[5]

- Health care professionals (doctor, physiotherapist, athletic trainer, etc)
- The athletes themselves
- Team management (coaches, general manager)
- Team owner (in professional sport)
- Other stakeholders such as agents, family (parents), the media and the sports fans

Components of Codes of Ethics

It is common for ethical codes to have several sections to them, each serving its own purpose. These sections often include an introduction, preamble, principles, and standards. The purpose of an introduction is to discuss issues such as the intent of the code of ethics, as well as to provide procedural and organizational clarity about the codes and their use. The purpose of a preamble is to outline the value structure of the organization and to encourage practitioners to meet the highest possible ideals set by the organization and outlined within the code. Principles are commonly seen as general statements about the codes of ethics that give background context into the rationale for the development of the specific standards and guide practitioners toward the highest ideals for practice. In essence, the principles are aspiration and unenforceable value-driven statements designed to provide guidance to individuals who are faced with ethical decisions. While principles may change from ethics code to ethics code, the most common psychology based principles involve such things as

Role of Ethics Codes

Students and professionals generally understand and appreciate the usefulness of codes of ethics, but that is not always sufficient to keep individuals behaving ethically. To consistently behave in an ethical manner requires practitioners to possess a number of skills and attributes. While knowledge of and familiarity with the appropriate codes of ethics and a sincere desire to act ethically are a good starting point to help people behave ethically, this step in and of itself is not enough to ensure that professionals will behave ethically when faced with challenging and complicated scenarios. Other factors that help practitioners behave ethically include the following:

- Being able to recognize when challenging ethical situations arise
- Having and using maturity, judgment, discretion, and wisdom in one's decision making
- Understanding the competing influences affecting one's judgment
- Thoroughly considering the consequences of one's actions
- Having a clear understanding of the principles behind the code and using them during the decision-making process
- Understanding and utilizing problem-solving models
- Developing and using a professional consultation network
- important Ethical Issues in Sport and Exercise Psychology

While many codes of ethics for sport and exercise psychology organizations may closely resemble codes of ethics from general psychology organizations, differences do exist. These differences, some stated and some implied, are important to consider, as they are often created or maintained to help deal with the unique field and setting of competitive sport. Further, there are many ethical situations or dilemmas that are unique to specific sport and exercise psychology settings.

Multiple Roles

A multiple-role relationship can be described as having a professional relationship with a client and at the same time interacting with the client or a close friend or family member of the client in another role. Multiple-role relationships are not necessarily unethical if handled properly. However, practitioners should avoid entering into multiple-role relationships that could cause harm to the consulting process by affecting objectivity or causing exploitation. If a multiple-role relationship is entered into, the consultant needs to be mindful of the potential problems and be willing to stop the consultation process if any are perceived. Multiple-role relationships may be more common within the field of sport and psychology than in the general psychology. This may be due to the limited number of sport and exercise psychology practitioners. For instance, on many college campuses, sport and exercise psychology professionals often serve in other roles. A practitioner may consult with individuals and teams as well as teach classes and advise students. With such a multitude of responsibilities, practitioners are likely to have contact with clients in more than one setting. Therefore, it is essential that practitioners discuss possible multiple-role relationships with athletes at the outset of services. Sports are often perceived by people and the public at large as very prestigious, and thus many wish to be associated with it. As such, it is not uncommon for individuals with only a peripheral connection to teams, to identify themselves closely with those teams. This is also true of practitioners who consult with teams. While overidentification with a team does not always cause problems, it has the potential to cause bias and the loss of objectivity in the practitioner.

Ethical Decision Making

The principles and standards identified within an organization's code of ethics are intended to support and guide professionals in the process of making ethical decisions. However, making sound ethical decisions can be complicated since ethical principles and standards oftentimes contain gaps, contradictions, and grey areas because of the multiple considerations that must be addressed. To help combat these concerns, ethical decisionmaking models can serve as a practical framework that professionals can use to resolve these situations. Theoretical perspectives serve as the foundation for ethical conduct in

each of us and influence how we interpret situations and potential outcomes, as well as how we use the decision-making models.

Ethics in Sport Management

If you enter the field of sport management, a range of ethical dilemmas related to players and game play will present themselves. Some of the most pressing ethical issues facing sport managers and others in the industry include:

- **Diversity.** From drafting athletes to hiring coaches and front and back office personnel, it's increasingly important to be aware of unequal treatment in employment in the field, particularly regarding race, ethnicity and gender
- **Salaries.** From college to the professional level, the sports industry has been called out for not paying certain athletes equitable salaries (particularly female athletes) and not paying college athletes salaries in addition to college scholarships
- **Athlete behavior.** The sport management industry has had to develop policies for ethical athlete behavior, addressing such issues as how to handle drug use or athlete altercations during, and outside of, game play

The Code of Ethics promoted by the North American Society for Sport Management is a set of guidelines that many managers throughout varying levels of athletics management follow.⁴ Some standards include: promoting the safety and health of all athletes, issuing public statements in an objective and truthful manner, respecting privacy of athletes and clients, and treating colleagues with respect and courtesy.

The Future of Ethical Sport Management

As new challenges arise as the field of sports develops and becomes more complex, those working in sport industries will need to be equipped to address new ethical questions. Below are some of the most pressing ethical challenges in sports that remain to be tackled: Should sports with high brain injury risk exist? Some have argued that Mixed Martial Arts (MMA) fighting and boxing, both sports where strikes to the head are common, should be illegal.⁵ In addition, the NFL has been questioned thoroughly in recent years about football's relationship to brain injury.⁶ Chronic traumatic encephalopathy, or CTE, has been linked not only with major concussions but with the repetitive smaller hits to the head that NFL players experience every game as well.⁷ As new research on links between CTE and football emerges, ethical questions regarding football players' safety will also need to be addressed.

Should college athletes be paid? Recent NCAA scandals, the rise of million-dollar salaries for college coaches, and the massive entertainment industry that college sports produces have resulted in intense debate about paying college athletes.⁸ While college athletes do typically receive tuition scholarships, they often also have to miss classes to play, or end up dropping out of school to pursue professional opportunities. Student athletes, particularly football and basketball players, are also the engine of the college sports industry that nets universities millions of dollars in profits, which some say is reason enough to provide them with a salary. In addition to calling for a pay-for-play model for college athletes, some professional coaches have called for a measure that allows college athletes who leave school but do not get drafted to return to school. Should gambling be promoted by professional leagues? In January 2018, the National Basketball Association (NBA) surprised many sports fans by proposing a new set of laws for national legalized betting on basketball games.¹⁰ By becoming a partner in the gambling venture, the NBA would make one percent on every bet made on games. This raises questions about how widespread gambling might affect player effort, or players' ability to sway games. And the social problem of gambling addiction brings up other ethical issues that spread beyond the world of sports.

Ethics Important in the Sports World?

Faking injuries, using steroids, altering a bat so it can hit a baseball farther, or purposefully injuring star players all compromise the integrity of competition. Sporting events are not wars, after all, although

deep rivalries often exist. Instead, competitions should allow athletes equal opportunity to demonstrate who performs best within an established set of rules. Problems in sports can arise when teams, managers, or coaches place more value on winning than on how they win. Acting ethically on the playing field—from the sidelines to administrative offices and beyond — should weigh more significantly than who wins or loses. Sports are played by rules. When athletes, referees, coaches, or administrators attempt to circumvent the rules of the game, they undermine the foundations of sport itself. The value of sports lies in their ability to do more than identify the best athletes. Sports can instill important values, including respect and teamwork, as well as teach lessons about perseverance and honesty. As far back as ancient Greece, athletics have been seen as an important character-building tool that encourages discipline, collaboration, and responsibility. Sports without ethics do not live up to these values.

In many ways, athletic competitions mimic other aspects of life; its disappointments, victories, and struggles. These experiences can have meaningful implications on people's behaviors, values, and understanding of themselves and others. For example:

- Managing a defeat in a tennis tournament can prepare a person to handle other disappointments.
- Supporting a teammate who cannot finish a soccer season because of an injury can build greater empathy in other areas of life.
- Battling to make a qualifying time for a swimming event can prepare a person for the rigor required to achieve professional goals.

Strong ethical principles in athletics communicate respect for everyone involved in a sport — the athletes, the fans, the coaches, and so on. Ethical behavior in sports can refer to:

- Protecting the health of athletes
- Following the rules
- Respecting opponents
- Demonstrating self-control in the face of frustration or defeat
- Taking responsibility for one's mistakes and not blaming others
- Not trying to gain unfair advantages

Ethical behavior in sports can promote ethics-driven behaviors in other areas, such as helping others in need, building trust, respecting dignity, and treating others equally. Additionally, a commitment to ethical behavior can allow athletic programs and athletes at any level to form better connections with their communities. For example, high school athletic departments that treat all sports programs equally — without showing favoritism to male or female teams or certain sports — foster greater equity and unity in the school community. Conversely, a university athletic program that turns a blind eye to hazing practices against incoming players or falsifies the academic certification of student-athletes will likely breed distrust and disunity within the community.

Dealing with Ethical Dilemmas in Sports

Situations sometimes arise that tempt people in the sports world to skirt ethically driven principles. Two often-cited reasons for engaging in unethical behavior include:

- The desire to gain an advantage
- The fear of competing at a disadvantage

Consider the following situations:

A college basketball coach is concerned that his student-athletes will not maintain high enough grade point averages to be eligible to compete in games. To boost their GPAs, he works out a scheme that gives some student-athletes As for classes they never have to attend. Such was the case at the University of Georgia where the head coach collaborated with his son, the assistant coach, who taught a class. Student-athletes never attended the class but still received credit and high marks. A high school football coach discovers talented players, but then learns the players live in another district. The coach fabricates residency documents so these students can play outside of their attendance zones. Such was the case in a Dallas scandal that resulted in the firing of the athletic director of Dallas Independent School District, along with a

number of other district employees. Ethical issues in sports do not only impact coaches, managers, and administrators. Athletes also encounter dilemmas that may test their commitment to ethical behavior, especially in environments that offer easy access to performance-enhancing drugs (PEDs).

With rumors, speculation, and confirmation that some of the world's most admired athletes have used PEDs, it should come as no surprise that others consider doping. When athletes suspect that "everybody's doing it," they may think they are putting themselves at a disadvantage by not using PEDs.

Former professional cyclist Tyler Hamilton describes the first time he decided to take a PED in the film "Effects of PEDs: Athlete Stories." He knew most of his teammates were doping, and explains, "I thought if I said no to [the drugs] I wouldn't be selected to ride in the Tour de France." Ultimately, Hamilton testified in front of a grand jury nearly ten years later about the doping schemes he participated in that led to his success, but which also ravaged his mental well-being.

Unethical behavior in sports can have far-reaching consequences. In doping cases, whether offending athletes are detected or not, they can end up with a variety of health problems including:

- Blood clots
- Liver problems
- High blood pressure
- Depression
- Irregular heartbeat

Beyond health problems, doping has tainted the careers of legends such as Lance Armstrong and Sammy Sosa, and ended the careers of countless others. Although athletic governing bodies such as the NCAA, professional sports leagues, and the World Anti-Doping Agency conduct drug testing, many younger athletes do not undergo testing. Athletes confront other ethical challenges as well. What happens when referees, judges, or umpires make bad calls or fail to see violations? Athletes might feel compelled to "correct" the errors. Consider a match in which a defender inadvertently deflects a soccer ball with their hand and prevents the other team from scoring. Later in the game, a player from the opposing team might see an opportunity to make up for the lost goal and intentionally use their hand to alter a potential score. In this case, the player may chalk up this action as nothing more than evening things out. Others might note the different intentions of each player. While both players committed a foul, the second player intentionally broke the rules to gain an advantage. Moments like this frequently happen in sports, forcing athletes to make instantaneous decisions that may, or may not, follow ethical principles. Institutions can make unethical decisions as well — and pay the consequences. One of the heaviest penalties for rule violations was the shutdown of Southern Methodist University's (SMU) football program in 1987. The team had repeatedly violated rules by paying its players, which led the NCAA to cancel the team's entire 1987 season, as well as its home games in 1988. To this day, SMU has yet to recover its position as a major college football program.

Ethical Issues in College Sports

College sports administrators who coordinate the athletic programs, coach teams, or manage player recruitment confront ethical decisions every day regarding:

- Student-athlete athletic performance
- Student-athlete behavior on and off the field
- Equitable treatment of student-athletes
- Student-athlete academic performance
- Team management

Today's colleges and universities make a great deal of money from their sports programs. They also spend large sums to maintain those programs. This can create immense pressure on administrators to deliver winning records, and sometimes engage in unethical behavior.

Two common ethical issues in college sports include:

Recruitment Practices — Recruiters must follow specific rules when contacting high school athletes. While they can offer scholarships, they cannot give gifts, money, or the like. These rules are designed to let student-athletes make informed decisions without feeling pressured or bribed. Additionally, colleges and universities cannot lower academic standards in the name of sports. If they recruit student-athletes, those recruits must have the skills to succeed academically at the school. What happens when recruiters try to get around these rules?

In a recent case involving several top universities, assistant coaches, head coaches, and basketball directors conspired with Adidas executives to use cash payments to steer talented recruits to schools with Adidas sponsorships. This led to firings, arrests, and criminal trials. The Punishment of Athletes — When athletes violate rules or act unethically on or off the field, coaches, athletic directors, or other sports administrators must respond appropriately. Ignoring misbehavior can be construed as tacit endorsement. Misbehavior may include violating NCAA regulations by accepting gifts, hazing, or committing sexual assault, among other things. A series of sexual assault scandals at Baylor University demonstrates what can happen when student-athletes do not receive appropriate punishment for their behavior. Starting in 2012, female students at Baylor began making allegations of sexual assault against male student-athletes. These reports continued over the years, but the university appeared to let those accused off the hook. Even after indictments and convictions of Baylor athletes, the problem persisted. Multiple women accused the university of failing to take appropriate actions. Eventually, an independent law firm that was called in to investigate reported that the athletic department had failed "to identify and respond to a pattern of sexual violence." This failure to address and punish unethical and criminal behavior may have led to more sexual assaults. The scandal also resulted in a string of firings, resignations, and lawsuits. Today, Baylor University still struggles to recover its reputation as offering a safe environment for students.

Ethical Issues in Youth Sports

Younger athletes require thoughtful guidance and support when they participate in sports. They not only need someone to teach them the rules and help them develop their athletic skills, but they also need adults to model positive attitudes toward competition and teach them about fair play. Sports have great potential to teach important life lessons. However, student-athletes need responsible coaches to instill values that will allow them to both enjoy sports and grow.

Ethical Coaching Practices

Applying ethical coaching practices can make a huge impact on an athletics program, especially when it involves athletes who are minors.

- By focusing holistically on the development of minor athletes, coaches help them reach their greatest potential within the sport.
- By setting developmentally appropriate goals and planning strategically, coaches can empower minor athletes to succeed.
- By identifying and modeling ethical behaviors in a sport, coaches can prepare students to respond appropriately during practices and competitions.
- By creating safe, respectful environments free of abuse, coaches create the conditions for minor athletes to learn from their mistakes and build confidence.
- By paying attention to the wellness of minor athletes and their body structures, coaches can help prevent injuries and advise students on good nutrition and other practices that can help them stay healthy.

These practices help nurture the talents of minor athletes. Beyond helping young athletes perform well, ethical coaching can cultivate resilience, concern for others, and integrity.

Social and Ethical Issues in Sports

Larger societal concerns often present themselves as ethical issues in interscholastic sports. Some of these concerns which coaches and sports administrators must address include:

Gender Equity — Some young female athletes still report having fewer opportunities to participate in the sports of their choice, and receiving less recognition for the sports they do participate in. For instance, one young female athlete writing about her high school in Buffalo, New York, described male teams receiving new uniforms while female teams had to make do with old ones. Those who manage sports programs for minor athletes have both a legal and ethical obligation to follow Title IX rules, which ensure males and females have equal opportunities to participate in athletics.

Bullying — The prevalence of bullying has gained attention in recent years. A number of hazing incidents in interscholastic sports have highlighted the need for athletic departments to be vigilant and develop comprehensive prevention plans. One alleged incident in a Chicago suburb involved Lake Zurich high school football players who were forced to strip and were humiliated.

Plan in Sports Ethics?

Conscientious coaches, athletic directors, and other administrators can promote ethically driven sports programs by adopting action plans. These plans lay out frameworks to help teams demonstrate positive ethical and social behaviors.

Action plans:

1. Identify goals
2. Identify tasks to reach those goals
3. Set timelines
4. Provide ways to monitor progress

Strategies such as action plans can help coaches and administrators effectively address ethical issues. They also help program leaders respond proactively instead of reactively.

these strategies, athletic programs can:

- Improve the quality of student performance
- Reduce violence
- Lower the number of injuries
- Build a greater sense of community
- Strengthen teamwork

Just as sports can promote ethical values, they can also promote the opposite. Coaches can expect their athletes to mimic the behaviors they teach or reward. If coaches teach players that they can benefit from disrespecting rules, athletes will commit more violations. However, if coaches reward athletes for fair play and good sportsmanship, players are more likely to respect themselves, other players, officials, and the rules of the game. Through thoughtful planning and action, leaders in sports can help ensure athletics serve as a vehicle for ethical behavior and positive values.

CONCLUSION:

The field of athletic leadership delivers many challenges, but it also offers great opportunities to those who are passionate about sports and committed to ethical practices and fair play. To gain the necessary skills and expertise, aspiring sports leaders can benefit from degree programs that specialize in athletic administration. Ohio University's Online Master of Athletic Administration trains interscholastic athletic directors through a comprehensive curriculum. It also prepares graduates to receive National Interscholastic Athletic Administrators Association (NIAAA) certification.

The program covers subjects including decision-making and ethical issues in sports, human resources management, legal aspects of interscholastic sports, and the application of leadership theories in interscholastic sports. Courses such as Ethics in Sports teach crucial strategies for promoting ethical behaviors and character development, while Management and Leadership in Sport focuses on managing conflicts, building teamwork, and developing a leadership philosophy. Success in interscholastic sports requires building a professional philosophy that is grounded in ethical principles. Discover how Ohio University's online program deepens the knowledge to become an ethical sports leader and run a healthy, thriving athletic department.

Allegations of racism and bullying by National Hockey League coaches, the New England Patriots' illegal videotaping of opponents, and a host of other incidents highlight the ethical challenges the sports world must address. These scandals can teach important lessons about respecting others, acting with integrity, and behaving fairly. Sports ignite people's deeply rooted instincts to compete and succeed. Regardless of this drive for accomplishment, a love of sports must include respect for fairness. Athletic leaders in professional, college, and interscholastic sports play a key role in promoting best practices that not only support fair play, but also create environments that inspire camaraderie, encourage respect, and unite people. Those interested in building sports programs that cultivate these core values in student-athletes must develop the right skills. Many universities offer advanced degree programs in athletic administration that prepare graduates to lead successful athletic departments.

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