

# Arsht Ethics Debates at Sportsfest 2009

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Cases



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Ethics Initiatives

### **Exorbitant Salaries for Professional Athletes**

Prized free agent, Mark Teixeira, recently reached an agreement with the New York Yankees on an eight year contract worth 180 million dollars. The agreement includes a signing bonus of 5 million. New York has committed \$423.5 million in salary in the past month, with \$161 million going to left-handed pitcher CC Sabathia (\$23 million per over seven years) and \$82.5 million to right-hander A.J. Burnett (\$18.5 million per over five) last week alone.

It is increasingly common to hear of such exorbitant salaries for professional athletes. These salaries are staggering in light of the current economic recession: the many families facing foreclosure, the millions of Americans without healthcare, massive state budget deficits, failing infrastructure, a grossly under-funded and underachieving educational system, and thousands of homeless on the city streets. Does the service these athletes perform warrant this type of compensation? Is society justified in allocating hundreds of millions of dollars, money that is in great excess of what is required for anyone to live comfortably, to professional athletes while many families are unable to meet their basic needs?

Supporters of professional athletics and the professional athletes' unions argue that the athletes make money for the team owners and are therefore good investments. The teams are privately owned, and the profits they make and salaries they pay their athletes are determined by demand for the sport. Society determines the value of these athletes by watching and continually demanding the sport. Private team owners are making investments in the players with the expectation that the returns on the investment will be positive. The team managers are fulfilling their responsibility by maximizing profit for investors and share holders.

Critics of these high salaries argue that basic social goods like education, healthcare, and housing are fundamentally more important than others like entertainment, including professional sports. It is more important for society to provide these basic social goods such as housing, healthcare, and education than to allocate resources towards entertainment. Something seems off balance if entertainers, including professional athletes, are exorbitantly compensated while society fails to meet the basic needs of many citizens.

## Under Age Athletes

In the women's gymnastics competition of the 2008 Beijing Olympics, controversy arose over two Chinese gymnasts. Although the Chinese government issued records indicating that the gymnasts were 16, the passport information for two of the favored competitors, He and Jiang, indicated that they could be as young as 14. Mary Lou Retton, an Olympic medalist in gymnastics, commented on the Chinese gymnasts: "The girls are so little, so young," Retton said. Speaking of Him, Retton rolled her eyes and laughed, saying, "They said she was 16, but I don't know." It is unclear whether the Chinese gymnasts met the Olympic age requirement of 16 years. "An advantage for younger gymnasts is that they are lighter and, often, more fearless when they perform difficult maneuvers, said Nellie Kim, a five-time Olympic gold medalist for the former Soviet Union who is now the president of the women's technical committee for the Swiss-based International Gymnastics Federation."<sup>1</sup>

The issue of the young gymnasts' ages raises ethical questions about the nature of the Olympics. Is the objective of the Olympics is to crown the best athletes in the world in their respective sports? If so, then excluding the best gymnasts in the world because of their age frustrates this objective. If her skills are exceptional and she has demonstrated that she is a willing and enthusiastic competitor, is the gymnast's age relevant?

On the other hand, allowing young competitors may encourage the exploitation of talented but impressionable young athletes whose decision-making is largely influenced by their elders. Young athletes sacrifice much of their childhood for training and competition, they do not have the opportunity to receive a standard education or have normal adolescent social experiences. With a young adolescent, it is difficult to determine whether their expressed wants and desires are genuinely autonomous or a product of their elder's heavy influence. However, the same could be said for a sixteen year old, who has also been fully engrossed in training and competition through their childhood and adolescent years.

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<sup>1</sup>"Records Say Chinese Gymnasts May Be Under Age". Jeré Longman & Juliet Macur, July 27, 2008. New York Times. [http://www.nytimes.com/2008/07/27/sports/olympics/27gymnasts.html?\\_r=1&scp=1&sq=chinese%20gymnasts%20age%20&st=cse](http://www.nytimes.com/2008/07/27/sports/olympics/27gymnasts.html?_r=1&scp=1&sq=chinese%20gymnasts%20age%20&st=cse)

### Equal Access or Discrimination in Effect?

Fans of the James Madison University Dukes have fewer teams to root for during this academic year. Last August, JMU shuttered ten of its sports programs—including men's track and field, swimming, wrestling, cross country, and men's and women's archery and gymnastics. Among the sports that JMU will no longer feature, seven are men's sports and three are women's.<sup>2</sup> While some blame the program cuts on the economic downturn and tighter athletic budgets, others think a well-known federal regulation is to blame.<sup>3</sup>

In 1972, Congress passed Title IX of the Education Amendments. Title IX prohibits sex-based discrimination in federally-funded education, including athletic programs.<sup>4</sup> Nearly all universities in the United States receive at least some federal funds, so Title IX casts a wide net over college sports. A 1996 update to the statute requires a school's athletic program to meet one of three requirements: 1) bring the male-to-female ratio of varsity athletes in line with the overall student body ratio; 2) demonstrate a history of adding women's programs; or 3) demonstrate a policy of meeting the interests and abilities of women.<sup>5</sup>

Proponents of Title IX argue that the law has fostered equality of opportunity for female athletes. Since Title IX's passage, female participation in collegiate athletics has increased 400 percent<sup>6</sup> and nearly 150,000 women played an NCAA championship sport in 2001.<sup>7</sup> However, at James Madison, as well as at universities throughout the country, critics blast the 1996 update as being unfair to men. According to JMU's athletic director Jeff Bourne, the university already had too many teams to add any more this year—and thus meet the second or third requirement of Title IX—so the university had no choice but to cut some men's teams to meet the first requirement. As a result, many displaced JMU male athletes had to transfer elsewhere to keep playing.<sup>8</sup>

Around the country, the presence of football on many college campuses further complicates the issue. Since football teams frequently have over one-hundred players on their roster, such programs tend to crowd out other men's sports at those schools. Moreover, as women continue to greatly outnumber men at most colleges this may continue to wither the number of men's athletic programs.<sup>9</sup>

By 2000, the NCAA had 8,312 women's teams and 7,737 men's teams. In the last twenty years, the number of men's wrestling, gymnastics, and swimming and diving programs have all decreased.<sup>10</sup>

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<sup>2</sup> Equity in Athletics. (2007, March 20). *EIA Sues U.S. Department of Education to Save JMU Sports Teams*. Retrieved January 16, 2009, from Equity in Athletics: <http://www.equityinathletics.com/npr002.htm>

<sup>3</sup> Brady, Erik. "James Madison's Hard Cuts Spur Title IX Debate." *USA Today*. Retrieved 2009-1-16.

<sup>4</sup> Nakamoto, Kerry (1999, November 30). *History of Title IX*. Retrieved January 20, 2009. <<http://history.sandiego.edu/gen/st/~nakamoto/history.htm>>

<sup>5</sup> Editorial. "Our View on College Sports: Schools Axe Men's Teams, but Don't Take it Out on Title IX." *USA Today*. Retrieved January 20, 2009.

<sup>6</sup> Save Title IX. (2005). *What's at Stake?* Retrieved January 20, 2009. From Save Title IX: [http://www.savetitleix.com/at\\_stake.html](http://www.savetitleix.com/at_stake.html)

<sup>7</sup> National Coalition for Women and Girls in Education. *Title IX: Frequently Asked Questions about NCAA Statistics*. Retrieved January 20, 2009. From the National Coalition for Women and Girls in Education: <http://www.ncwge.org/statements/TitleIXbriefing/pressbriefing5.pdf>

<sup>8</sup> Brady, Erik. "James Madison's Hard Cuts Spur Title IX Debate." *USA Today*. Retrieved 2009-1-16.

<sup>9</sup> Editorial. "Our View on College Sports: Schools Axe Men's Teams, but Don't Take it Out on Title IX." *USA Today*. Retrieved January 20, 2009.

<sup>10</sup> National Coalition for Women and Girls in Education. *Title IX: Frequently Asked Questions about NCAA Statistics*. Retrieved January 20, 2009. From the National Coalition for Women and Girls in Education: <http://www.ncwge.org/statements/TitleIXbriefing/pressbriefing5.pdf>

### Is a Non-Compete Appropriate for College Football?

In 2007, quarterback Robert Marve was among the most sought-after high school football prospects in the country. As a senior, Marve broke the Florida state passing records for yardage (4,380) and touchdowns (48) in a season. That same year, he also won the Mr. Football Award, given to the top high school player in Florida. With such an impressive résumé, Marve accepted a football scholarship at the University of Miami amid high expectations.<sup>11</sup>

Since then, Marve's college football career has experienced some bumps. A 2007 car accident forced him to redshirt his freshman year. An arrest that same year led to his suspension for the first game of the 2008-2009 season. The strong play of Marve's quarterback teammate, Miami-native Jacory Harris, resulted in Marve having to share playing time at his position. Finally, after missing his fourth English class of the semester, the team suspended him for the Emerald Bowl.<sup>12</sup> Recently, Marve sought to end his tumultuous career at Miami. Seeking a transfer and a release from his scholarship, he stated to the Associated Press that he "can't play for [Miami head coach] Randy Shannon" anymore.<sup>13</sup>

To Marve's dismay, Coach Shannon announced that, as a condition for Marve's release, he would prohibit his once-prized recruit from transferring to any university within the state of Florida, the SEC, or the ACC. This prohibition would prevent Marve from taking snaps at football powerhouses like national champion Florida, Florida State, Virginia Tech, Louisiana State, Tennessee, Georgia, Alabama, and others. Shannon "felt [his decision] was fair," suggesting that most Miami opponents come from those three places and he had a right not to help out rival schools by giving them players.<sup>14</sup>

Though transfer stipulations are common in college football, some believe that Shannon made his too broad at the expense of Marve's ability to pursue his livelihood. Marve's father Eugene called Shannon's decision "vindictive"<sup>15</sup> and claimed that the coach "has shown [his] son no respect." Others note that Miami has no games scheduled against an SEC team until 2013 and that the school has let one of their quarterbacks transfer to the SEC as recently as 2003.<sup>16</sup>

Some critics deplore the practice of transfer restrictions entirely, accusing the NCAA of allowing a double standard in which coaches can move from school to school without penalty but players usually have to sit out a season when they transfer and are often banned from going to certain schools. In response, the NCAA argues that, without such rules, "schools could easily be raided by other schools" and "there would be no end to the recruiting process, even when students enroll at a college."<sup>17</sup>

Today, some of Marve's restrictions have been loosened while others remain intact. Shannon eventually allowed him to transfer to any SEC school other than Louisiana State, Florida, or Tennessee. On January 8, a panel of UM administrators ruled that Marve could also transfer to South Florida or Central Florida if he wishes.<sup>18</sup>

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<sup>11</sup> Kicinski, Gary. "Marve-lous Choice for Florida's Mr. Football." *USA Today*. Retrieved 2009-1-15.

<sup>12</sup> Robertson, Linda. "Marve Saga Leaves No One Looking Good." *The Miami Herald*. Retrieved 2009-1-15.

<sup>13</sup> Degnan, Susan Miller. "Quarterback Robert Marve to Leave Miami Hurricanes." *The Miami Herald*. Retrieved 2009-1-15.

<sup>14</sup> *Ibid*

<sup>15</sup> Milian, Jorge. "Robert Marve's Troubles with Miami, Randy Shannon Highlight Problems of Transferring." *Palm Beach Post*. Retrieved 2009-1-15

<sup>16</sup> Degnan, Susan Miller. "Quarterback Robert Marve to Leave Miami Hurricanes." *The Miami Herald*. Retrieved 2009-1-15.

<sup>17</sup> Milian, Jorge. "Robert Marve's Troubles with Miami, Randy Shannon Highlight Problems of Transferring." *Palm Beach Post*. Retrieved 2009-1-15

<sup>18</sup> *Ibid*

