MORAL CODES AND MORAL TENSIONS: AN EXAMINATION OF COMPLIANCE OFFICERS' MORALITY AND MORAL FUNCTIONING

by

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ABSTRACT

The purpose of this study is to enhance our understanding of National Collegiate Athletic Association Division I compliance officers’ conceptions of morality and moral functioning. Critics of NCAA intercollegiate athletics maintain that the Association’s strict legislative and rules systems deter NCAA stakeholders from making thoughtful moral judgments. Current research supports this assumption for studies examining various sport stakeholders’ moral functioning show that they reason to the level of the rules or employ a rule book conception of morality (cf Beller & Stoll, 1995; Malloy, 1991; Timmer, 1999). Walker et al. (1995) and Walker (2000a) argue that our understanding of people’s every day moral experiences has been limited by the theoretical dominance of cognitive moral psychology in studies investigating people’s morality. Walker et al. (1995) maintain that moral functioning research should be redirected to examine people’s real-life moral experiences within a holistic theoretical framework. Such a framework provides an inclusive perspective from which to examine the interrelationships between morality and moral functioning. Based on this argument, a Contextualist practical reasoning framework using the works of Coombs (1984, 1997), Dworkin (1977, 1985, 1986), Frankena (1980), Wallace, (1988, 1996), and Winkler (1993) was used to investigate how compliance officers conceptualized morality and reasoned about hard cases. A purposeful-intensity sampling technique was employed, compliance officers from each of the Pacific-10 Conference member institutions participated in this study. Using an interview guide, face-to-face interviews were carried out with each of the participants. The goal was to document the complicated and diverse nature of participants’ understandings of morality, the negotiations and strategies they used in working within compliance, and the ways in which they considered NCAA and Conference standards, values, and beliefs in their rule interpretations and adjudications of difficult moral problems.

The study examined how the participants thought about right and wrong, their moral perceptions and sensitivities, and their practical reasoning. It was found that, specifically, the compliance officers displayed individual normative systems that were comprised of two predominant moral codes (professional and personal). The value structures underpinning their respective moral codes were similar yet independent from the NCAA’s and the Pac-10 Conference’s. The participants’ personal and professional moral codes also seemed to create tensions in their efforts to determine right from wrong, fulfill their role, and make rule interpretations. As well, compliance officers displayed individual moral perceptions and sensitivities, which informed their discernment of case particulars.

In addition, the findings showed that compliance officers employed three approaches to rule interpretations: a literal approach, working within the gray approach, or a spirit of the rules approach. Furthermore, they used one discretionary strategy in obtaining an official interpretation as they used caution in obtaining an official Conference/NCAA interpretation if they believed the interpretation would place their institution and disadvantage. The potential rule infractions (major or secondary) influenced the
type of rules approach or use of discretion they used. Lastly, the analysis showed that, in resolving hard cases, the compliance officers appealed to specific standards of practical reasoning. The type of problem, the compliance officers’ conceptions of morality, along with NCAA and Conference standards, beliefs, and values all influenced the types of standards used to resolve moral problems. Thus, the findings highlighted the significance of examining holistically the interrelationships among people’s understandings of morality, their moral perceptions and sensitivities, and their moral functioning.

It is suggested that future research should explore other athletic administrators’ conceptions of morality, their understandings of moral and athletic concepts, and their applications in decision-making. These findings also point to the feasibility of the NCAA’s deregulation proposal, as it was argued that all rules require interpretation and deliberation, and should be resolved within the boundaries of the NCAA’s legislative system and political morality.
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# TABLE OF CONTENTS

Abstract .................................................................................................................. ii
Acknowledgements .................................................................................................. iv
Table of Contents ..................................................................................................... v
List of Tables ............................................................................................................ x
List of Figures .......................................................................................................... xi

## Chapter One: The Problem is “You Athletic Administrators Just Reason like the Rules”!

1. The National Collegiate Athletic Association .................................................. 1
   - The NCAA’s Legislative System ...................................................................... 3
   - Striving for Rules Compliance and Enforcement ........................................... 4
   - Evolution of Institutional Compliance Officers ............................................. 6

2. The Pac-10 Conference ...................................................................................... 7
   - The Pac-10’s Approach to Compliance and Enforcement ............................ 8

3. The NCAA’s Moral Point of View .................................................................... 10
4. Resolving NCAA Hard Cases ......................................................................... 11
5. Moral Functioning Research .......................................................................... 13
6. Statement of the Problem ................................................................................ 15
7. Research Questions .......................................................................................... 16
8. Overview of the Theoretical Approach ............................................................ 17
9. Application of the Theoretical Framework ...................................................... 18
10. Organization of the Dissertation ..................................................................... 18

## Chapter Two: Review of Related Literature ...................................................... 20

Dominant Theoretical Approaches and the Study of Morality: An Overview .... 20
- Lawrence Kohlberg’s Theory of Moral Judgment ........................................... 20
- James Rest’s Theory of Moral Development ................................................. 21
- The Neo-Kohlbergian Approach .................................................................... 23
- Limitations of Cognitive Moral Developmental Approach ......................... 26
- “Ethical” Decision-Making Model: Jones’ Issues Contingent Model ......... 29
- Haan’s Interactional Theory of Morality ......................................................... 30
Scenario Moral Problems ................................................................. 132

"Academic Assistance" scenario .................................................... 132

"Church’s Charity" scenario ......................................................... 137

"Drug Testing" scenario .............................................................. 141

Understanding Compliance Officers’ Individual Moral Perceptions and Sensitivities in Relation to Theory ................................................................. 144

Summary ..................................................................................... 149

Chapter Seven: Compliance Officers’ Resolutions of Practical Moral Problems:

Determining The Right Course of Action! ........................................ 150

Practical Reasoning and Recall Problems ...................................... 150

Scenario Practical Reasoning .......................................................... 156

Academic Assistance Scenario ....................................................... 157

Andy’s resolution of Academic Assistance .................................... 157

Sandy’s resolution of Academic Assistance .................................... 161

Church’s Charity” Scenario ............................................................ 163

Mike’s resolution of “Church’s Charity” ........................................ 163

Erica’s resolution of “Church’s Charity” ........................................ 165

Terri’s resolution of “Church’s Charity” ......................................... 168

Drug Testing” Scenario ................................................................. 170

Dave’s resolution of “Drug Testing” ............................................. 170

Matt’s resolution of “Drug Testing” ............................................. 170

Standards of Practical Reasoning .................................................. 172

Deciding Among Morally Acceptable Alternatives ....................... 173

Sufficiency and accuracy of information ...................................... 174

Undistorted values ...................................................................... 175

Inclusiveness of envisioned alternatives and their consequences ........ 176

Rational consideration ............................................................... 177

Resolving Moral Uncertainties ..................................................... 178

Summary ..................................................................................... 179
Chapter Eight: Conclusion .......................................................... 180
Summary of the Research .......................................................... 180
   Thoughts About Morality ....................................................... 181
   Moral Perception and Sensitivity ............................................ 182
   Practical Reasoning ............................................................. 183
Theoretical and Methodological Considerations .................................. 184
Where Do We Go From Here? Recommendations for Future Research ........ 186
Considerations for Policy and Practice .......................................... 187
   The Challenge of Diversity: Institutional Philosophies and Moral Characters .. 187
   Support for NCAA Deregulation? ........................................... 189
   Support for National Discussions: Defining the Meaning of Terms ................. 190
   Developing Member Trust and Accountability ................................ 191
   Regional Rules Compliance Seminars: Addressing Moral Tensions .................. 191
Final Comment ........................................................................ 192

References .............................................................................. 193
Appendix A Interview Guide ....................................................... 204
Appendix B Scenarios and Standards of Practical Reasoning ..................... 208
Appendix C Applicable NCAA Rules & Principles ................................ 222
Appendix D Definition of a Moral Problem ..................................... 232
Appendix E Recall Moral Problems ............................................. 234
Appendix F Academic Assistance Scenario ..................................... 239
Appendix G Church’s Charity Scenario .......................................... 242
Appendix H Drug Testing Scenario ............................................... 246
LIST OF TABLES

Table 1: Kohlberg’s Theory of Moral Development .................................................. 22
Table 2: Variances Between Kohlberg and Neo-Kohlbergians ............................... 25
Table 3: Features of the DIT Moral Judgment Schemas ......................................... 26
Table 4: Haan’s (1978) Five Levels of Interpersonal Morality ............................... 33
Table 5: Standards of Practical Reasoning ............................................................. 56
Table 6: Resolving Individual Judgments .............................................................. 63
Table 7: Resolving Social Judgments ................................................................. 65
Table 8: Participants’ Level of Degree Completed ................................................ 98
Table 9: Participants’ Administrative Experience ............................................... 98
Table 10: Practical Reasoning Standards Used By Participants ............................ 173
LIST OF FIGURES

Figure 1: NCAA Governance Structure .............................................................. 5
Figure 2: Pacific-10 Conference ........................................................................ 8
Figure 3: Jones' (1991) Issue-Contingent Model ........................................... 30
CHAPTER ONE
The Problem is "Athletic Administrators Just Reason like the Rules"!

Throughout the history of the governance of American intercollegiate athletics, incidences of rule violating behavior have been prevalent. The intercollegiate athletics governing body, the National Collegiate Athletic Association (NCAA), has typically responded to these rule violations by implementing legislation to combat them. Many Association officials perceive the NCAA’s notion of legislating behavior as a method of creating stability and, more importantly, an equal playing field for organizational stakeholders. Unfortunately, the Association’s attempts to legislate behavior have been less than successful as NCAA statistics show that major violations by NCAA Division I (DI) members during the past 10 years averaged 14.3 infractions per year and secondary violations have grown from a total of 189 in 1990 to a total of 1,328 infractions in 1999 (NCAA, 2001). The end-result of the NCAA’s highly formalized legislative system is a cumbersome and contradictory operations’ Manual (Zimbalist, 1999).

Many critics of the NCAA’s extensive rules system believe that intercollegiate athletic administrators determine the tightness or wrongness of an act based on a rule book approach or a strict interpretation of the rules (Gough, 1994; Lumpkin, et al., 1999; Sperber, 1991). In particular, Lumpkin et al. (1999, p.75) contend that NCAA “coaches, administrators, athletes, and others have regarded ethical conduct as synonymous with only the written rule, meaning that the spirit of the rule did not exist.” Gough (1994, p.3) early supported these sentiments as he believes the NCAA’s stringent and complex legislative rules’ system fosters, “myopic, legislative attitudes that harm and hinder thoughtful ethical judgment”. He further contends that:

... NCAA policy has become so rule-dependent, so comprehensive, and so situation-specific that athletic administrators, coaches and support staff under its auspices are increasingly not required to make ethical judgments. Larger, more ethically significant questions regarding, for example, what courses of action are in student-athletes’ best interests-relative to particular times, places and contexts-have given way to questions regarding literal observance of one-size-fits-all rules ... (p. 4)

Furthermore he adds:

1 Zimbalist (1999, p. 4) reported that the NCAA Manual has, “grown in size from 161 pages in 1970-71 to 579 pages in 1996-197 (and the pages increased in size from 6 x 8 1/4 inches prior to 1989 to 8 1/2 x 11 inches after). In 1989-99, the Manual became so long that the NCAA broke it into three volumes, with 1,268 pages (some are repeats).”
2 A major violation is defined as, “all violations other than secondary violations are major violations, specifically including those that provide an extensive recruiting or competitive advantage” (NCAA Manual, 2000-2001, Article 19.02.2.2, p. 314).
3 A secondary violation is defined as a “violation that is isolated or inadvertent in nature, provides or is intended to provide only a minimal recruiting competitive or other advantage and does not include any significant recruiting inducement or extra benefit. Multiple secondary violations by a member institution, may collectively be considered as a major violation” (NCAA Manual, 2000-2001, Article 19.02.2., p. 313).
... the NCAA’s legalistic atmosphere requires not so much the higher faculty of what moral philosophers sometimes call practical wisdom (i.e., the knowledge of how to exercise ethical judgment in particular cases) but the mere ability to recognize, interpret and follow formal rules. The great danger here, of course, is that operating primarily or solely according to the latter, low order ability can eventually prevent individuals from, as we say, doing the right thing. (p. 4)

Ronald Dworkin (1985, 1986) however, argues in his theory of “interpretivism” that an individual can never really possess a “true” rule book conception of the law, as all rules require interpretation and deliberation in making a judgment. Fundamental to Dworkin’s claim of “interpretivism” is that judges’ decisions should reflect the Constitution and thus, the intentions of the “Framers” or lawmakers. In resolving hard cases, interpretive judges are required to research interpretations and judgments of past cases. In order to make a judgment that reflects the overall Constitution, judges should decide how relevant concepts were defined in past cases and examine the current meanings of these concepts in relation to the present case. Dworkin (1985, p. 159) states, “He [the judge] must interpret what has gone before because he has a responsibility to advance the enterprise in hand rather than strike out in some new direction of his own.”

In relation to the NCAA, athletic administrators would resolve practical moral problems (that relate to the rules) by assessing the intent of the rules, by defining certain terms in their present context (e.g., “equal treatment” or “amateurism”), and by assessing past applications of these terms. Upon assessing these factors, an administrator would make his/her judgment by considering if an action: was consistent with the definition and application of these concepts, was in concert with the NCAA’s notion of fairness, reflected the intent of the rules, and was consistent with the NCAA legislative system as a whole. For example, a compliance officer is confronted with a situation where a football coach, “Coach Jackson”, contacted a student-athlete who had signed a letter of intent to participate on another NCAA DI institution’s football team but was considered a “gray shirt” for the academic year. The football player wanted to come and play for Coach Jackson at his NCAA DI institution. However, NCAA recruiting rules state that a coach cannot contact a student-athlete at another institution unless he/she was a nonrecruited student-athlete, or the student-athlete was released from their letter of intent from the original institution, and the student-athlete made the first contact with the coach (NCAA Manual, 2001-2002). Coach Jackson’s actions have created a practical moral problem for their institution’s compliance officer, as he/she must determine if the Coach’s contact with the football player was a violation of NCAA rules. Adhering to Dworkin’s (1977, 1986) theories of interpretation and resolving hard cases, a compliance officers’ judgment should reflect the Association’s legislative system, and the overall philosophy of NCAA recruiting and eligibility rules, and principles. The problem with Dworkin’s theory,

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4 The application of the rule is problematic as there is “no settled rule that dictates a decision either way” (Dworkin, 1977, p. 83).
5 A gray shirt athletic is one who defers enrollment at an institution until after the completion of a sports season, in this case, the football season.
in relation to the NCAA, lies in attempting to make sense of the NCAA's legislation system and decipher what the Association really means when they refer to the term an "equal playing field".

In consideration of the above arguments and the proposed issues regarding moral judgment, the purpose of this study was to examine NCAA compliance officers' morality and moral functioning, specifically compliance officers from the Pacific 10 (Pac-10) Conference. This first chapter is organized with the intent of providing background information about the parent Association (the NCAA) and Conference in which the selected compliance officers' function. The next section provides an overview of theoretical approaches and moral reasoning research, which aims to introduce the reader to contemporary understandings of how cognitive moral psychology has shaped the field. The following sections outline the study's problem statement and the central goal of the study, which is proceeded by the research questions that guided the investigation. An overview and application of the theoretical approach was next provided to introduce how the research was framed and related to compliance officers' work related moral thinking. The chapter concludes with a detailed description of the organization of the dissertation. This section endeavors to provide a road map describing and providing a rationale for the dissertation's structure.

The next section describes the NCAA, its governance and legislative systems, and outlines a rationale for the creation and implementation of the compliance officer position by NCAA members. The historical account of the creation and implementation of the position of compliance officer is critical to gaining an understanding of the existing tensions and complexities surrounding the Association's notion of an equal playing field. These tensions and complexities in defining an equal playing field directly relate to compliance officers' interpretations and deliberations of hard cases.

The National Collegiate Athletic Association

Operating in the form of a democracy and displaying a commitment to self-governance, the NCAA is a private voluntary organization that has approximately 977 member institutions of which 124 have Division I membership. The NCAA is divided into three divisions: I, II, III, with Division I being further divided into Divisions I-A (DI-A), I-AA (DI-AA), and I-AAA (DI-AAA). Division I classifications are based on the size of a football program, with DI-A being the largest and highest level of competition and where DI-AAA classifications do not sponsor a football program (NCAA Manual, 2001-2002). Each level of classification is subject to a different constitution and a separate set of operating and administrative bylaws. DI-A has the most stringent set of operating bylaws and administrative procedures and the highest level of competition of the three divisions. The NCAA has 115 active member institutions in DI-A and a reported 2001-02 operating budget of $228,337,000 (www.ncaa.org, 2002). Thirty-six conferences compete in Division I athletics with only 11 of those
conferences sponsoring DI-A football. Conference membership is generally divided on the basis of geographical regions.

Under the executive council, the organizational structure of the Association is departmentalized into three divisions each with a board of directors and management council. The aim of such a structure is to provide each division with autonomy in decision-making and in managing individual divisional needs (NCAA Manual, 2001-2002). The Association's organizational structure is composed of four hierarchical levels with an executive committee at the highest level of governance holding the most authority (Figure 1). Several Association wide committees also exist to address issues that affect all members of the NCAA and perform duties necessary to the ongoing operation of the organization. Association wide committees are comprised of members from each of the NCAA's divisions and the subdivisions of Division I. The Executive Committee is composed of appointed institutional chief executive officers (College and University Presidents) with eight members representing Division I-A Conferences and institutions. The Executive committee oversees Association-wide issues and aims to ensure that "each division operates consistently with the basic purposes, fundamental polices, and general principles of the Association" (www.ncaa.org, 2002).

The Division I governance system is based on Conference representation. Division I governance is overseen by an 18-member Board of Directors made up exclusively of college and university presidents. The Board has the final vote on Division I legislative matters and is also responsible for delegating responsibilities to the Management Council, approving the annual budget, and insuring ethnic and gender diversity among its membership (NCAA Manual, 2001-2002). The Division I Management Council, which reports to the Board, consists of athletic administrators and faculty athletics representatives who are authorized to make recommendations to the Board and to manage any responsibilities assigned to them. Several committees and cabinets also report to the Division I Management Council. Division I cabinets report directly to the Management Council and are responsible for academic affairs, championships, eligibility and compliance, and competition. Division I committees report directly to a cabinet and include rules and sports committees.

The NCAA's Legislative System

The NCAA is considered a quasi-legal organization in which governance and legislative practices, consistent with the Association’s Constitution, reflect the norms and values of their members (NCAA Manual, 2001-2002). The NCAA’s Constitution articulates the following Association functions: purposes and fundamental policy, principles for conduct, membership, organization, legislative authority and process, and institutional control. Additionally, the NCAA’s legislation is a comprehensive statute with operating and administrative bylaws that provide rules and regulations supporting the purpose of the Association (NCAA Manual, 2001-2002). Specifically, the operating bylaws include the following rules and regulations to address the following issues: ethical conduct, conduct and employment of athletics
EXECUTIVE COMMITTEE
Eight I-A members from Division I Board of Directors
Two I-AA members from Division I Board of Directors
Two I-AAA members from Division I Board of Directors
Two members from Division II Presidents Council
Two members from Division III Presidents Council
EX OFFICIO members
NCAA President
Chairs of Divisions I, II, & III Management Councils

DIVISION I
BOARD OF DIRECTORS
Members
Institutional CEOs

DIVISION II
PRESIDENTS COUNCIL
Members
Institutional CEOs

DIVISION III
PRESIDENTS COUNCIL
Members
Institutional CEOs

DIVISION I
MANAGEMENT COUNCIL
Members:
Athletic Administrators
Faculty athletics representatives

DIVISION II
MANAGEMENT COUNCIL
Members:
Athletic Administrators
Faculty athletics representatives

DIVISION III
MANAGEMENT COUNCIL
Members:
Institutional CEOs
Athletic Administrators
Faculty athletics representatives

DIVISION I
COMMITTEES & CABINETS

DIVISION II
COMMITTEES

DIVISION III
COMMITTEES

SPORTS AND RULES COMMITTEES

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6 Taken from http://www1.ncaa.org/membership/governance/assoc-wide/executive_committee/index.html
personnel, amateurism, recruiting, eligibility, financial aid, awards, benefits and expenses for enrolled
student-athletes, playing and practice seasons, establishment and control of championships and other
events sanctioned by the NCAA, procedures for administrating and enforcing bylaws and the constitution,
division membership, committees, and certification. Administrative regulations, executive regulations,
enforcement policies and procedures, as well as athletics certification policies and procedures are listed
under administrative bylaws (NCAA Manual, 2001-2002). Based on the NCAA’s Constitution the NCAA
acts as its own regulatory and rules enforcement body (Davies, 1994).

Striving for Rules Compliance and Enforcement

During the 1980s, several high profile athletic programs (e.g., Southern Methodist University,
Kentucky University, The University of Nevada at Las Vegas, and the University of
Oklahoma) were found guilty of major rules violations. These instances of major rules violations led to a
call for NCAA members to impose greater accountability and institutional control over their sport
programs. Specifically, the Southern Methodist University (SMU) football program received the “death
penalty”7 for repeated rule violations. The SMU’s death penalty was a result of the NCAA bowing to the
public and media pressures to seriously address such major rules violators.

In addition to implementing more stringent legislation and rules systems, the NCAA also
implemented three key rules compliance and enforcement procedures. First, the NCAA required that each
member institution undergo a self-study every ten years including a report on their commitment to rules
compliance. Second, the Association developed a “rules interpretation data base” that provided “correct”
rule interpretations for its member institutions. Third, the implementation of these compliance and
enforcement procedures resulted in NCAA member institutions creating position within the athletic
department that oversaw the administration of these NCAA rules compliance and enforcement
procedures, which are referred to as compliance officers.8

Evolution of Institutional Compliance Officers

At the 1985 NCAA convention in Dallas, Texas, NCAA members passed a series of strict
penalties for member institutions that violated Association rules (Blum, 1992). In the subsequent year, the
NCAA created a compliance services department. This department disseminated educational materials
about how to achieve rules compliance and conducted institutional program reviews (self-study) for each
member institution. The implementation of stricter penalties for rules violations and the call for greater
institutional control led many big-time sport programs to create compliance coordinator positions.

7 The death penalty refers to the barring of a program from competition for two or more seasons and places severe
restrictions on the athletic department and specific sport program as a penalty for displaying a consistent pattern of
major rules violations and lacking 'institutional control' (Davies, 1994).
8 Compliance officers are assigned a variety of titles, such as compliance coordinator, Associate Athletic Director of
Compliance, and so forth. However, those in the position are commonly referred to as compliance officers and thus I
will use this term.
Compliance coordinators (or more commonly referred to as compliance officers) were responsible for reviewing records, investigating possible rules infractions, collecting documents required by the NCAA, and acting as liaisons between the athletic department, conference, and NCAA compliance services. Compliance officers’ were also responsible for educating institutional stakeholders on rules and compliance (Blum, 1992).

NCAA compliance efforts have increased considerably since the 1985 Convention. For example, in 1991, the National Association of Athletics Compliance Coordinators was formed. Several major Conference offices have also created and implemented a compliance and enforcement unit, including the following major Conferences: the Pac-10, the Big Ten, the Atlantic Coast, the Big East, the Southeastern, and the Big 12. The Pac-10 is perceived by other member Conferences as being more strict and systematic in their approach to rules compliance. The following section provides an historical account of the evolution of the Pac-10 Conference detailing critical events that have significantly influenced the current Conference’s cultural traditions and approach to rules compliance.

The Pacific-10 Conference

On December 2, 1915, University faculty members founded the Pacific Coast Conference (PCC). The initial membership of the PCC consisted of four schools: the University of California at Berkeley, the University of Oregon, Oregon State College (now Oregon State University) and the University of Washington (Seaborg, 2000). In a period of 11 years, the Conference grew to include Washington State University, Stanford University, the University of Southern California, the University of Idaho, the University of Montana, and the University of California, Los Angeles (Pac-10 Handbook, 2001-2002). As previously stated the PCC disbanded in 1959 and formed the Athletic Association of Western Universities (AAWU). In 1962, the AAWU added Washington State University and changed its name to the “Big Six”, and in 1964 became the “Big Eight” with the additions of Oregon and Oregon State. Renamed the Pacific-8 in 1968, the Conference expanded to include the University of Arizona and Arizona State University in 1978 and was renamed the Pac-10.

At present, the Pac-10 Athletic Conference is one of 32 NCAA DI-A conferences. The Pac-10 has ten member schools (See Figure 2). Each school sponsors ten men’s and 11 women’s sports. The conference is also a member of the Mountain Pacific Sports Federation in five other men's sports and two other women's sports (Pac-10 Handbook, 2001-2002).

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9 The following institutions are members of the Pac-10: University of Arizona, Tucson, Arizona; Arizona State University, Tempe, Arizona; the University of California, Berkeley, California; the University of Oregon, Eugene, Oregon; Oregon State University, Corvallis, Oregon; Stanford University, Palo Alto, California; the University of California, Los Angeles, Los Angeles, California; the University of Southern California, Los Angeles, California; the University of Washington, Seattle, Washington; and Washington State University, Pullman, Washington.
The founding faculty members of the PCC wrote the charter and became self-appointed governors of the organization. The Constitution states the following Conference goals:

To establish and maintain high standards of scholarship and sportsmanship in the institutions which are members of the Conference, and in those coming under its influence; to promote intercollegiate athletics; to maintain such regulation and supervision of athletic sports governed by it as to keep athletic activities the incidental and not the principal feature of university and intercollegiate life. (Quoted in Seaborg, 2000, p. 21)

Prior to 1959, the Conference had a reputation for demanding a strict approach toward rules compliance (Thelin, 1994). The Conference had a fulltime commissioner, a formal code of conduct, a reporting system for athletic infractions, and regular meetings where issues such as rules violations were discussed. Reportedly, many of the member institutions' power boosters were frustrated with the Conference's strict approach to rules compliance and its centralizing authority. In 1959, the PCC disbanded and five universities (California, Stanford, Southern California, UCLA, and Washington) formed the AAWU. Rather than operating with a commissioner, the AAWU operated with an executive director, and adopted an honor system towards rules compliance. This honor system was a policy of institutional application of the rules and the member institutions operated on "mutual trust and confidence" (Byers, 1995; Seaborg, 2000). However, one of its member institutions (University of California, Berkeley) committed serious rules violations. In 1971, two Berkeley football players reportedly were admitted to the institution without qualifying grades. Byers (1995) maintained that the Conference's mutual trust policy was inadequate to appropriately address Berkeley's recruiting violations.
In 1971, the Conference therefore, decided to re-establish central compliance procedures and rules enforcement. The 1971 reorganization of compliance has led to the present structure of rules compliance, along with their current philosophy towards rules compliance and enforcement. Noteworthy, the Conference continues to operate based on the notion of mutual trust and confidence. The veracity of this notion is a debatable issue. The Conference Handbook (2001-2002, p. 10) states:

This Conference is formed for the purpose of establishing an athletic program to be participated in by the members on the basis of mutual trust and confidence and based upon high standards of scholarship and sportsmanship.

The Pac-10 Conference’s approach to compliance is unique. Currently, the Pac-10 has a comprehensive enforcement program that conducts its own investigations of allegations of major violations. The Pac-10 Handbook (2001-2002, p. 44) explains the importance of conducting its own compliance program:

The Conference believes that by conducting its own compliance program it can best serve its members through timely investigation and resolution of potential enforcement matters. Such a Conference program recognizes the unique personality of each Conference member and its athletic program.

In most instances, the enforcement program processed its own cases before forwarding their findings and recommendations for penalties to the NCAA (Mathews, 2003). The Pac-10 Conference office recommends to the NCAA any penalties/sanctions for rules violations by its members. The Conference’s approach to compliance and enforcement has earned them a reputation as a Conference that “cares about rules compliance” (http://sports.espn.go.com, 2001).

The Pac-10 Conference office has two positions in charge of compliance issues: Assistant Commissioner, Governance & Enforcement, and Assistant Commissioner, Compliance. The Assistant Commissioner for Compliance is the key authority regarding Conference compliance issues. The Pac-10 Handbook (2001-2002, p. 44) however, states that the Commissioner serves as the “official interpreter of rules and regulations prescribed in the conference handbook. The Commissioner is also responsible for obtaining and disseminating NCAA rules interpretations [sic] to Conference member institutions. The compliance and enforcement staff members assist the Commissioner in administrating these interpretative duties. In addition to the Pac-10 Conference Commissioner for compliance, the NCAA also has a membership services division that assists its members in understanding and complying with the Association’s legislation. Each respective member institutions’ athletic department is also independently organized. Some athletic program compliance officers are under the authorities of both the institutional and athletic administrations, while other compliance officers are solely under the authority of the athletic department.
In the first section of this chapter, I questioned the ability of athletic stakeholders, specifically compliance officers, to employ a rule book approach to their moral judgments. Based on Dworkin’s (1977, 1986) theories of interpretation and resolving hard cases, I have maintained that all rules require interpretation and that hard cases should be resolved in consideration of the NCAA’s overall legislative system and political morality. The prior sections provided the reader with an account of the Association’s legislative system and the role of compliance work. The following section describes the NCAA’s political morality, which I refer to as its moral point of view. Gaining an understanding of the NCAA’s moral point of view is critical in acquiring an appreciation of how compliance officers utilize this viewpoint in resolving hard cases.

The NCAA’s Moral Point of View

Frankena (1980) contends that a society possesses a morality when the majority of its individual members agree to a considerable extent about a common moral point of view.\(^{10}\) Due to the fact that the NCAA has over 1000 members who have agreed to abide by the Association’s legislative system and Operating Bylaws, I maintain that the majority of NCAA stakeholders support a similar moral point of view to the NCAA’s. Additionally, the Pac-10 Conference’s moral point of view reflects the NCAA’s. The Pac-10’s standards of conduct are similar to the NCAA’s, which are expressed in the Conference Handbook (2001-2002) and reflect Conference decision-making.

According to Frankena, the moral point of view is a social endeavor in which individuals or groups make evaluative judgments based on the consideration of other people/sentient beings. In a similar vein, Dworkin’s (1985) concept of “political morality” parallels Frankena’s (1980) moral point of view, in that society defines morality based on its notions of justice and fairness. The NCAA has three central moral standards, which are clearly articulated in the NCAA Manual (2001-2002). First, member institutions’ competitive athletic programs are designed to be a vital part of their educational system (NCAA Manual, 2001-2002). Second, a clear demarcation between intercollegiate athletics and professional sport must be observed. Third, member institutions should adopt and adhere to the Association’s legislative and rules systems in order to uphold the idea of fairness and to create a level playing field for its members to compete in. Thus, the NCAA’s moral point of view or political morality requires that NCAA DI athletics should be conducted in accordance with the educational mission of institutions, within the notion of amateurism, and within the parameters of Association rules.

While moral standards by the NCAA have clearly been identified, the commercialization of intercollegiate sports has led to the increasing distance between athletics programs and education, while also blurring the line between intercollegiate athletics and professional sports. Commercialization’s

\(^{10}\) Frankena’s (1980) notion of the moral point of view is explained in more detail in Chapter three.
effects on college athletics have been well documented (cf. Sperber, 1991; VanderZwaag, 1998; Zimbalist, 1999). “Big Business” universities and colleges have athletic departments with budgets ranging from $40 million to $70 million dollars. Specifically, success in Division I-A football and men’s basketball provides a considerable financial benefit to the university (Eitzen, 1999; Zimbalist, 1999). The NCAA financially rewards athletic programs for participating in, and winning Bowl games and likewise in the NCAA basketball tournament. The financial gain from winning increases an athletic department’s overall budget. Increased resources provide enhanced quality of travel, meals, equipment, medical assistance, and improved facilities, as well as enhancing the university’s reputation. As a result, these successful schools are able to recruit talented student-athletes, and attract high caliber coaches who garner long-term success. Media, licensing, and clothing apparel contracts may also produce additional revenue for the athletic department/university. It is these acts of commercialization in college athletics that has created particular tensions among various athletic stakeholders regarding the purpose of college sports and their decision-making practices (cf. Eitzen, 1999; Thelin, 1994; Zimbalist, 1999). These tensions have led to issues regarding the educational mission of NCAA DI institutions, what constitutes amateurism, and what constitutes appropriate compliance with NCAA rules. This also begs the question, as to whether NCAA members’ rule interpretations and justifications should reflect a “spirit of the rules” rather than a rigid “letter of the rules” approach.

Resolving NCAA Hard Cases

In resolving hard cases, similar to the previously mentioned gray shirt example, critics of NCAA athletic stakeholders (Gough, 1994; Lumpkin, et al., 1999; Sperber, 1991) have argued that these stakeholders would employ a literal approach in resolving such a case. That is, compliance officers’ should determine the legality of recruiting a gray shirt athlete by examining the meaning of the rules. The rules state that a gray shirt athlete is a recruited athlete. A coach from another athletic program cannot contact recruited athletes. Therefore, Coach Robert’s actions violate NCAA rules. However, as previously stated, Dworkin (1977, 1986) contends that a rule book approach is restrictive in resolving hard cases. His theory suggests that compliance officers should employ an interpretive approach in resolving hard cases. In this vein, compliance officers’ resolution of the gray shirt problem entails examining the overall legislative system and its political morality. Even though the athlete was a “recruited athlete”, a compliance officer would want to determine whether he attended practices and whether he associated...

11 In 1999, each team in the Rose Bowl received $33 Million (Eitzen, 1999).
12 For example, Notre Dame University had a 5 year-$45 million contract with the NBC network to televise their football games, and the Pacific Ten Conference had a $10 million contract with the ABC network to televise conference games where the money is distributed amongst member schools (Eitzen, 1999). In 1994, the University of Michigan earned $6 million in licensing revenue and in 1998, the University of Arizona signed a 5 year-$7 million contract with Nike (Zimbalist, 1999).
with the coaching staff or other team members. The rules clearly state that coaches should not contact recruited athletes. The compliance officer would have to determine if Coach Roberts contacted the student-athlete, and if so, why he contacted him. If communication between the two coaches occurred, the compliance officer would to examine what circumstances led Coach Roberts to determine that the athlete was not a member of the team. Given this information and Coach Robert’s actions, the compliance officer would also consider if an unfair advantage was gained by Coach Robert’s program. Furthermore, given recruiting policies and transfer rules, the compliance officer would also have to decide whether Coach Robert’s actions were consistent with these standards. Asking these kinds of questions, examining case particularities, and examining Association recruiting rules and procedures reflects Dworkin’s interpretive approach.

Compliance officers who engage in rule interpretations and deliberations are making practical judgments (Coombs, 1997; Gall, 1945; Wallace, 1988). Wallace (1988) contends that practical judgments are required when people are confronted with uncertainty about the right course of action. When making practical judgments in highly formalized contexts (e.g., sports management, the military, and the law) the rules themselves also inform the standards of reasoning an administrator employs. Administrators’ judgments, including compliance officers, are informed by their practical knowledge in relation to their work context. The body of practical knowledge that compliance officers have developed includes: understanding of pertinent organizational rules, policies, and procedures, understanding the intent of NCAA, Conference, and institutional the rules, understanding previous rule interpretations, understandings of different NCAA, Conference, and institutional concepts (e.g., in relation to Coach Robert’s case-a compliance officer would need to determine what constitutes a recruited athlete, and decide if a gray shirt student-athlete is considered a recruited athlete), past compliance, athletic administrative, general administrative, and other experiences. The knowledge developed in compliance work is specialized and to address each problem compliance officers encounter, they will draw on their “compliance” know how, skills, values, and beliefs to assist them in their deliberations and judgments.

The character of a reasoner also influences practical judgments (Aristotle, 1976; Dewey, 1910; Gall, 1945). Gall’s (1945) study on judges and practical judgments argued that a judges’ character informed their practical judgments. He states:

The character of the judger—his philosophical orientation, characteristic attitudes, personal qualities, biases, predilections and prejudices—in short, his deeply habituated traits of thought and conduct-operates as an integral part of the process ... gives an explanation as to how two judges using the same scientific method can arrive at opposite conclusions about an objective situation. (p. 32)

13 Gall (1945, p. 33) defines a reasoner’s character as, “[d]eeply habituated traits of thought and conduct which, for the discipline of practical judgment, are subsumed under the term character, include all aspects of the judger’s pattern of reaction-his integrity, courage, sincerity, devotion to duty, tolerance, temperament, orientation, as well as beliefs and prejudices which he may bring to bear on a given case”.

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Over time, the institution in which a reasoner works will shape his/her character (Gall, 1945; Solomon, 1992). In this case, compliance officers' interpretations and deliberations will be informed by the overall norms, values, beliefs, and strategic approaches employed by the NCAA to address difficult problems such as the gray shirt issue. Compliance officers' approaches to interpreting and deliberating about NCAA rules are thus influenced, not only by NCAA rules, but also by their philosophical orientation or character, and institutional values.

Dworkin (1977, 1986), however, argues that in resolving hard cases an individual’s judgment should not be influenced by his/her own character or political morality. In this vein, compliance officers would not be entitled to employ their own moral beliefs or values in deciding hard cases, unless these beliefs or values are in accord with the rules. However, compliance officers’ moral characters will inform their understandings of the NCAA legislative system and their notion of fairness. During rule interpretations and deliberations, compliance officers might experience tensions when complying with NCAA rules, such as when they perceive the rules to be unfair or prevent them from doing the right thing. They must however, continue to abide by the rules. These tensions and the difficulties they pose for managing athletics have not been extensively studied in the past and thus warrant further research.

Moral Functioning Research

Moral reasoning research in professional fields (e.g., sport management, law, business, and the military) has been heavily influenced by cognitive developmental psychology. In particular, approaches to the topic have tended to be framed within Kohlberg or Rest’s theories and their associated methodologies (Colby & Kohlberg, 1987; Kohlberg, 1981, 1984; Rest, 1979, 1986). For example, studies that have measured athletic administrators’ and other professionals’ moral reasoning were framed within Kohlberg’s or Rest’s theories and employed their methodologies to quantify morality (Daicoff, 1996; Malloy, 1991; Timmer, 1999; White, 1992). These researchers found that professionals’ moral reasoning in highly formalized organizations was equivalent to preconventional or conventional levels on Kohlberg’s scale or reflected the maintaining norms level on Rest’s (1986) schema model. That is, professionals’ reasoning reflects organizational rules and standards of behavior.

Research on athletes’ moral reasoning has also focused on measuring the level of moral reasoning (Beller & Stoll, 1995; Bredemeier & Shields, 1984a, 1984b, 1986a, 1986b; Hall, 1981). These studies all reported similar findings as they reported that athletes displayed lower levels of moral reasoning than non-athletes. This literature supports Gough’s (1994) and Lumpkin et al.’s (1999) arguments that individuals in highly competitive intercollegiate athletics contexts reason to the level of the rules or are

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14 Dworkin (1977, p. 83) defines a case as a hard case, “when no settled rule dictates a decision either way”.

13
restricted in engaging in thoughtful moral judgment. These ethicists argue that the context restricts reflective or practical judgment because organizational rules define moral behavior.

Walker et al. (1995) and Walker (2002a) however, argue that cognitive moral development’s approaches (such as those of Kohlberg & Rest) to the study of moral functioning have “stagnated” the field because of their conceptual skew and biases. These cognitive moral developmentalists have defined morality along one philosophical domain (e.g., justice, care, or empathy) and they have focused on quantifying moral reasoning. Walker (2002a) expressed his concern with cognitive moral psychology’s approach to moral functioning research when he argued that cognitive developmental psychology tended to focus on the study of moral rationality, underpinned by formalist traditions in moral philosophy and neglected to consider personality factors in moral reasoning (e.g., Colby & Kohlberg, 1987; Kohlberg, 1981, 1984; Rest, 1979, 1986). Walker (2002a, p. 65) also argued that “the field has been preoccupied with the interpersonal aspects of morality that regulate our relationships with each other while ignoring the intrapsychic aspects that pertain more to our basic values, lifestyle, identity, and character.” Morality is both an interpersonal and intrapersonal endeavor. Morality relates not only to what kind of life we should strive to realize but also how we should relate to people. People’s moral characters influence how their relationships with other people are realized. Therefore, morality and moral functioning research should examine people’s morality within a comprehensive theoretical and methodological framework. More specifically, morality and moral functioning research should focus on examining people’s virtues, their daily interactions with people and moral experiences, and how these moral features are realized in their decisions. This position provides the framework for this study of compliance officers’ morality and moral functioning.

Moral functioning is multifaceted and, in this study, is based on Walker’s (2002a) definition—the dynamic interplay of thought, emotions, and behavior in decision-making. Moral thinking involves the combination of values and emotions that ultimately leads to our decisions. Walker’s (2002a) definition of moral functioning accepts the interdependent and interactive nature of these three mechanisms (thought, emotion, & behavior). Additionally, in this study moral functioning also includes moral perception and sensitivity, which refers to accurately identifying a moral problem, understanding why the problem is moral, and being able to accurately distinguish morally salient features (Blum, 1994; Kekes, 1989). In contrast, Kohlberg’s theory of moral development separates thought and emotion. His research focused on measuring cognition and justice based reasoning. Walker (2002a) disagrees with Kohlberg, maintaining that people’s moral thoughts and emotions are interconnected and inform our moral actions. Thus, the study of morality and moral functioning cannot appropriately be carried out unless these mechanisms are researched in unison.

Wallace (1988) and Winkler (1993) also contend that traditional philosophical approaches to studying morality and moral reasoning are limited in helping people address practical problems. In particular, Wallace (1988, p. 92) argues that morality “itself is something that moves and changes” and
that “moral considerations are irreducibly multiple.” Traditional philosophical approaches, such as principle-based theories (e.g., Kant or Rawls), assume that fixed, unchanging rules or methods can provide explicit directions in resolving difficult practical moral problems. Wallace (1988, p. 50) rejects these claims arguing that the “solution of practical moral problems requires a pragmatic and Contextualist approach”, which “directly addresses” more appropriately the multiple and complex nature of everyday moral problems.” A Contextualist practical reasoning approach advocates for the resolution of everyday moral problems through “practical considerations”, including the examination of rules, policies, beliefs, values, and through the interpretation and application of appropriate moral concepts.

Cognitive moral development’s dominance on moral reasoning research has led to studies being conducted that are framed from one independent theory (justice) and focused on using one method (measuring moral reasoning) that have resulted in the current restricted view of our understanding of morality and moral functioning (Walker et al., 1995; Walker 2002a). The literature provides little insight into how individuals in highly formalized contexts think about right and wrong, define various moral concepts, interpret moral problems (their moral perceptions and sensitivities), and understand morality and moral concepts that inform their moral perceptions and sensitivities, and influence their moral reasoning. While the contribution of this body of research (cognitive developmental psychology) has been monumental, Nucci (2002) and Walker (2002a), argue that the shift to investigating morality and moral functioning from people’s day-to-day experiences and from a broader prospective is equally important. Therefore, this call to examine people’s real-life morality and moral functioning from a holistic perspective underpinned the rationale for the study and its design.

Statement of the Problem

In this study, I have argued that, even though compliance officers work in extremely formalized organizations, they engage in thoughtful moral deliberations. Critics of the NCAA’s strict and cumbersome rules argue that these rules have defined athletic stakeholders’ morality and moral judgments (Gough, 1994; Lumpkin et al., 1999; Sperber, 1991). Moral reasoning research supports these critics’ arguments as studies have typically used “a” theory of justice and sought to quantify moral reasoning suggesting that athletic stakeholders reason to the level of the rules (Bredemeier & Shields, 1986b; Malloy, 1991; Timmer, 1999). I maintain, however, that naturally athletic stakeholders reason to the level of the rules because they are required to abide by and uphold organizational rules and policies. The findings of this study will demonstrate that compliance officers’ moral functioning is an extensive and complicated process in which their individual conceptions of morality inform: the types of problems they

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deem to be moral, their approaches to rule interpretations, and their resolution of practical moral problems. Moreover, the findings suggest that compliance officers used several approaches to rule interpretations, supporting Dworkin’s (1985, 1986) theory that all rules require interpretation.

Distinct from the previous theoretical approaches and research designs used in morality research, this study examined compliance officers’ morality and moral functioning using a holistic theoretical approach and interpretive qualitative research method. In this dissertation, a holistic approach refers to the examination of the interactive nature of moral functioning. Moral functioning entails several interrelated processes, including an understanding of right and wrong, moral perceptions and sensitivities, and standards of practical reasoning. Employing such an approach enabled me to display the interconnection between compliance officers’ conceptions of morality with their moral functioning. Based on this holistic approach and chosen method, in this study I argued that compliance officers’ conceptions of morality were broadly defined and included various values. Additionally, their deliberations were informed by their respective moral codes, which influenced their moral perception and sensitivities, including how they interpreted and deliberated about NCAA and Conference rule interpretations. NCAA and Conference rules and principles were significant factors in compliance officers’ interpretations and deliberations resolution of hard cases; nevertheless, their personal moral characters were evident in their judgments.

Research Questions

To date no sport management research has examined NCAA athletic administrators’ (specifically compliance officers) morality and moral functioning framed within a holistic theoretical approach. In considering the theoretical and methodological concerns discussed above and in light of this gap in the sport management literature, my research was informed by the following research questions:

1. What are Pac-10 Conference compliance officers’ conceptions of morality?
2. What issues do Pac-10 Conference compliance officers perceive in their work to be moral?
3. What approaches do Pac-10 Conference compliance officers’ use to resolve the moral issues they experience in their work?
4. How are Pac-10 Conference compliance officers’ conceptions of morality reflected in their deliberations about the moral problems they experience in their work?
5. How do Pac-10 Conference compliance officers’ reason in hard cases relating to NCAA rules?
Overview of the Theoretical Approach

In addition to Dworkin’s (1977, 1985, 1986) theories of interpretation and resolving hard cases, and Frankena’s (1980) theory of morality, this study was also informed by a Contextualist approach to practical reasoning based upon the works of Wallace (1988), Winkler (1993), and Coombs (1984, 1997). Contextualist practical reasoning maintains that problems should be resolved in consideration of the “concrete circumstances” of a particular situation (Winkler, 1993, p. 344). Considerations are based on appealing to relevant historical antecedents, social and cultural conditions, institutional and professional norms, beliefs, and values, and by using comparative case analysis. Resolving practical problems requires making judgments that are formulated based on the most reasonable solution to a problem through a case-driven and inductive process that strives to fulfill relevant standards of good thinking. Relevant standards of good reasoning inform how individuals deliberate about real-life moral problems and provide warrants for their judgments. Winkler (1993) argues that the values held in these standards of reasoning inform our practices and that “moral judgments are justified by defending themselves against objections and rivals” (p. 360). Moral judgments are determined by assessing the reasons of alternatives and their consequences. These judgments are made based on the assessment of which set of reasons most realize the values and beliefs people hold.

Practical reasoning is therefore, comparative, meaning that judgments are made based on whether the course of action is “more or less desirable in relation to alternative courses of action” including the alternative of not acting or deciding not to change an existing program. The soundness of practical reasoning is evaluated by assessing the reasons (or premises) for making a judgment. Assessing which set of reasons holds more weight or which alternative is more supported by the best argument is the basis for making a practical judgment. Coombs’ (1984, 1997) outlines these standards, which provide practical standards for defending against objections and rivals.

This conception of moral reasoning was most appropriate because the focus of this study was on NCAA DI-A compliance officers’ morality and moral functioning. Compliance officers employ practical reasoning in their deliberations of hard cases relating to their duties, including interpreting and deliberating about NCAA rules. Reasoning about difficult moral problems requires an accurate recognition of the problem, a clear understanding of why a problem is deemed moral, and a careful consideration of the alternatives in making a judgment. Hence, my study aims to show that a Contextualist notion of moral reasoning is a realistic conception of how compliance officers’ engage in moral reasoning about difficult moral problems (such as the grayshirt scenario) where such features as, NCAA rules, work related obligations, Association, professional, and personal values, inform their moral interpretations, deliberations, and judgments.
Application of the Theoretical Approach

NCAA DI-A compliance officers work within a specific quasi-legal and athletic context. Similar to legal professionals, one of the roles of a compliance officer is to interpret and deliberate about problems that relate to Association rules. This approach outlined above allows for a holistic examination of NCAA DI-A compliance officers’ morality and moral thinking in such a highly competitive and legalistic athletic environment. Frankena’s (1980) conception of morality is inclusive allowing for pluralistic understandings of right and wrong. The conception of moral reasoning informing this study was selected over more traditional moral philosophy frameworks (such as utilitarianism or Rawls’ notions of justice) for two main reasons. First, compliance officers deal with practical problems in varying degrees of complexity. In simple cases, where the rules strictly apply they will still utilize practical reasoning standards in deciding an appropriate course of action (Coombs, 1984, 1997; Dworkin, 1977, 1985; Winkler, 1993). Compliance officers, however, sometimes encounter hard cases. In resolving hard cases, compliance officers are required to make rule interpretations and justifications. Compliance officers cannot merely research the answer in the “data base”. Resolving these cases requires employing standards of practical reasoning, which are context-related or case specific.

Second, a Contextualist approach, as I have defined it, is most appropriate for studying NCAA DI-A compliance officers’ moral functioning because this framework provides a holistic examination of their morality and moral reasoning in this athletic context. This theoretical approach addresses Walker et al.’s (1995) appeal for empirical research that explores how people experience morality on a day-to-day basis. This approach provides a holistic explanation of morality and moral functioning, from how people define right and wrong, to what kinds of problems they deem moral, and how they resolve these problems within a highly formalized intercollegiate athletic context. A Contextualist approach to moral reasoning, furthermore, is a realistic conception of how compliance officers deliberate in hard cases where such features as NCAA rules, obligations, and values, inform their moral judgments.

Organization of the Dissertation

The remainder of the dissertation is structured in the following manner. Chapter two provides an overview and critical examination of the dominant theoretical approaches employed to examine sport stakeholders’ and business, legal, and military professionals’ moral reasoning. Additionally, a review of related literature on sport stakeholders’ and identified professionals’ moral functioning highlighting how the cognitive moral development’s philosophical assumptions of morality and their focus on quantifying morality have shaped our understanding of the interrelated nature of morality and moral functioning is provided. The aim of the critique and literature review is to demonstrate first, the limitations of the
theoretical approaches that have framed moral functioning research and second, to highlight our narrow understanding of sport stakeholders’ morality and moral functioning. The literature review and its findings provide the basis for the selection of the theoretical framework, which is the focus of chapter three. Based on the literature review, an argument is provided maintaining that people’s morality and their moral functioning should be framed within a holistic theoretical approach. This chapter aims to delineate a holistic theoretical approach by describing a pluralist definition of morality and describes a comprehensive picture of moral functioning and the interdependent nature between the two phenomena.

Chapter four describes the research methodology, which was selected on the basis of a detailed account and critique of previous data collection methods. Additionally, this chapter outlines the selected research design, and a description of how the data was collected and analyzed. Chapters five, six, and seven present an analysis of the compliance officers’ morality, moral perceptions and sensitivities, and practical reasoning. In these analysis chapters, I have presented the major findings that demonstrate: first, in chapter five the findings relating to compliance officers’ understandings of right and wrong and the tensions they experienced in weighing their moral values in making moral judgments is reported. The significance of these findings is to illustrate the independent nature of compliance officers’ normative systems. Moreover, the findings are presented to recapture their moral points of view, and how they interpreted and deliberated about NCAA hard cases. Second, in chapter six, the findings relating to compliance officers’ approaches to rule interpretations and moral perceptions and sensitivities are discussed. This chapter illustrates the interconnected nature between compliance officers individual normative systems and their different moral perceptions and sensitivities, including their approaches to rule interpretations. Last, chapter seven provides a description of compliance officers’ practical reasoning. The purpose of this chapter is to demonstrate how compliance officers’ conceptions of morality, their moral perceptions and sensitivities, Association standards, values, beliefs, and historical concepts, in addition to the context of the problem, informed their reasoning and the standards of practical reasoning met. Chapter eight concludes the dissertation by presenting a synopsis of the findings and major conclusions, providing implications for policy and practice, and discussing recommendations for future research.
In chapter one, I argued that research on morality and moral functioning has been significantly influenced by the cognitive-developmental paradigm. Morality has been narrowly defined along one philosophical theory and researchers have concentrated on measuring people’s levels of moral reasoning. Lawrence Kohlberg’s (1981, 1984), Norma Haan’s (1977, 1978), and James Rest’s (1979, 1986a) and Rest et al.’s (1999) theories of moral development have been most prevalent in framing and analyzing studies on sport stakeholders’ and professionals’ moral functioning (cf. Elm & Weber, 1994; Jones & McNamee, 2000; Walker et al., 1995).

This chapter is divided into two sections. The first section presents an overview of the dominant theoretical approaches (that is, the theories of Kohlberg, Rest, Haan, along with Jones’ (1991) decision-making model) used to date in the study of sport stakeholders’ and professionals’ moral functioning. Included in this overview is a general critique, highlighting the limitations of these theoretical approaches as they relate to the exploration of professionals’ (namely NCAA compliance officers) morality and moral functioning. The second section presents a review of related literature, which critically examines research on the moral functioning of athletes, coaches, athletic administrators, and professionals (i.e., law, military, & business). The purpose of the critique is twofold: first, to demonstrate the gap in the research relating to sport stakeholders’ morality and moral functioning, and second to emphasize the narrowing influence of cognitive moral psychology’s assumptions on how morality and moral functioning research has been theorized and conducted.

**Lawrence Kohlberg’s Theory of Moral Judgment**

Kohlberg’s (1981, 1984) theory of moral judgment is built on Piaget’s (1932/1965) research regarding children’s attitudes toward rules and authority. Piaget theorized that children’s understandings of right and wrong were based on their respect for social order. He developed a stage theory of cognitive development suggesting that children’s structures of reasoning were consistent across ages. Piaget linked this notion of cognitive development with moral development by suggesting that a child’s logical thinking precedes moral development. Improved moral reasoning, therefore, only becomes possible with advanced cognitive reasoning. Piaget believed moral development occurred in two stages: (1) heteronomous-morality of constraint, and (2) autonomous-morality of cooperation.

Kohlberg believed that moral development was more complex, lengthier, and more gradual than Piaget’s theory. Similar to Piaget, Kohlberg (1981, 1984) conceived moral development as progression...
through stages of successively more complex forms of reasoning about issues. He conducted a longitudinal study of boys’ moral reasoning about hypothetical moral dilemmas. This research led to his theory of moral development, which articulates a three-level (preconventional, conventional and postconventional), six-stage hierarchy model of moral development (Table 1). The notion of stage development is the central assumption to his theory. Moral development occurs in an invariant, culturally universal, and six-stage sequence. Each stage is qualitatively different, forms a structural whole, and describes a more complex structure of moral thinking. Furthermore, each stage of moral thinking also represents a separate and coherent theory of justice that is applied in resolving conflict situations. Individuals’ progress through these stages one at a time and stages cannot be skipped.

The concepts of structure and content are distinguished. The structure of people’s reasoning is the focus of moral judgment as, “it is the form that exhibits developmental regularity and generalizability within and across individuals” (Colby & Kohlberg, 1987, p. 2). Structures explain the reasoning or the “why” a judgment is made. The content of people’s reasoning reflects their values, the “what” of a judgment. The reasons given for explaining what one should do are representative of the different stages of moral development.

According to Kohlberg (1984), the principle of justice is the primary virtue and is the central concept in his depiction of moral judgment. Although he describes four moral orientations: (a) general and normative order or impartial following of rules and normative roles, (b) utilitarian maximizing of the welfare of each person, (c) perfectionist seeking of harmony or integrity of the self and the social group, and (d) fairness, balancing of perspectives, maintaining equity, social contract; the principle of justice underlies all of these orientations. The universal principle of justice is assumed to consistently apply across cultures and gender.

In summary, Kohlberg’s theory of moral judgment explicates a six-stage theory of moral development reflecting the progression of people’s one-sided reliance on authoritarian claims to social concerns, to universal justice claims. Each stage reflects a distinctive orientation in resolving moral problems and the stages are invariant and universal. Kohlberg’s theory reflects one aspect of moral psychology that involves the resolution of moral conflict problems.

James Rest’s Theory of Moral Development

Rest (1986b, p.1) contends that, “morality is rooted in the social condition and the human psyche.” Morality refers to “how humans cooperate and coordinate their activities in the service of furthering human welfare, and how they adjudicate conflicts among individual interests” (Rest, 1979, p. 3). Morality is considered a social condition because people live in groups and their actions affect each other. Rest (1986b, p. 1) argues that the “function of morality is to provide basic guidelines for determining how conflicts in human interests are settled [sic] and for optimizing mutual benefit of people living together in groups.” Furthermore, he contends that our actions are guided by first principles of.
Kohlberg's Theory of Moral Development

1. **Preconventional Level**
   The child is responsive to cultural rules and labels of good and bad, right or wrong, but interprets these labels either in terms of the physical or the hedonistic consequences of action (punishment, reward, exchange of favors) or in terms of the physical power of those who enunciate the rules and labels.

   **Stage 1: Punishment and obedience orientation.** The physical consequences of action determine its goodness or badness, regardless of the human meaning or value of these consequences. Avoidance of punishment and unquestioning deference to power are valued in their own right, not in terms of respect for an underlying moral order by punishment and authority (the latter being stage 4).

   **Stage 2: Instrumental-relativist orientation.** Right action consists of that which instrumentally satisfies one's own needs. Elements of fairness, of reciprocity, and of equal sharing are present, but they are always interpreted in a physical, pragmatic way. Reciprocity is a matter of "you scratch my back and I'll scratch yours," not of loyalty, gratitude, or justice.

2. **Conventional Level**
   Maintaining the expectations of the individual's family, group, or nation is perceived as valuable in its own right, regardless of immediate and obvious consequences. The attitude is not only one of conformity to personal expectations and social order, but of loyalty to it, of actively maintaining, supporting, and justifying the order, and of identifying with the persons or group involved in it.

   **Stage 3: Interpersonal concordance or "good boy - nice girl" orientation.** Good behavior is that which pleases or helps others and is approved by them. There is much conformity to stereotypical images of what is majority or "natural" behavior. Behavior is frequently judged by intention — "he means well" becomes important for the first time. One earns approval by being "nice".

   **Stage 4: Law and order orientation.** There is orientation toward authority, fixed rules, and the maintenance of the social order. Right behavior consists of doing one's duty, showing respect for authority, maintaining the given social order for its own sake.

3. **Post-Conventional Level**
   There is clear effort to define moral values and principles that have validity and application separate from the authority of the groups and persons holding these principles and apart from the individual's own identification with these groups.

   **Stage 5: Social contract, legalistic orientation, generally with utilitarian overtones.** Right action tends to be defined in terms of general individual rights and standards that have been critically examined and agreed upon by the whole society. There is a clear awareness of the relativism of personal values and opinions and a corresponding emphasis upon procedural rules for reaching consensus. There tends to be a focus upon the "legal point of view", but with an emphasis upon the possibility of changing law in terms of rational considerations of social utility. Outside of the legal realm, free agreement and contract is the binding element of obligation. This is the official morality of the American government and constitution.

   **Stage 6: Universal-ethical-principle orientation.** Right is defined by the decision of conscience in accord with self-chosen ethical principles appealing to logical comprehensiveness, universality, and consistency. These principles are abstract and ethical (the Golden Rule, the categorical imperative); they are not concrete moral rules like the Ten Commandments. At heart, these are universal principles of justice, of the reciprocity and equality of human rights, and of respect for the dignity of human beings as individual persons.

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social organization that prescribe distributive and procedural justice

Morality is rooted in the human psyche as Rest maintains that people possess natural tendencies to be moral and to engage in moral behavior. He believes there is sufficient evidence to suggest that

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16 Kohlberg (1975, p. 671).
people's moral development evolves in relation to social cognitive development. People possess innate capacities where empathy, forming relationships, and self-concept evolve through social experiences. Thus, Rest (1986b, p. 3) perceives morality as a “particular type of social value”, relating to how people cooperate and coordinate activities to ensure human welfare and resolve moral conflicts.

Rest (1994a) believes that moral development entails more than just six stages and moral judgment. The focus is on examining people's everyday moral experiences and the psychological processes that occur when people act morally. Based on his extensive research, he developed a four-component model (hereafter referred to as FCM) that includes four inner psychological processes that together gave rise to outwardly observable behavior (Rest, 1979, 1986). He rejects the idea that the psychology of morality consists of one variable or process. These processes (namely cognition, affect, & behavior) are interrelated hence each component involves varying kinds of interaction between thought and emotion (Rest, 1986b).

The FCM has demonstrated that resolving real-life moral conflicts is more than just the application of the universal principle of justice. Furthermore, Rest (1979, 1986) does not claim that people deliberate in a linear fashion. Rather he argues that the four components are presented in a linear fashion for clarity in explaining these processes. Briefly, the FCM entails:

1. Moral sensitivity: being aware that a moral problem exists, interpreting a situation, and interpreting how people's actions affect other people. This entails role taking and empathy as one must imagine cause-effect chains of events.
2. Moral judgment: judging which action would be most justifiable in a moral sense.
3. Moral motivation: degree of commitment to taking the moral course of action, valuing moral values over other values, and taking personal responsibility for moral outcomes.
4. Moral character: persisting in a moral task, having courage, overcoming fatigue and temptations, and implementing subroutines that serve a moral goal.

The Neo-Kohlbergian Approach

Over a span of 25 years of research, Rest and his colleagues have refined their theory of moral development, which has led to what is referred to as the neo-Kohlbergian approach (Rest et al., 1999, 2000). Like Kohlberg, they agree on the following starting points, that is, there is an emphasis on cognition, the personal construction of basic epistemological categories (e.g., rights, duties, justice, and social order) is highlighted, moral maturity is assumed to be developmental (i.e., “differences occur in moral orientation and in advances in cognition where higher is better in a philosophical and normative-ethical sense” [Rest et al., 2000, p. 382]), and the developmental change is characterized as shifting from conventional to postconventional moral thinking.

Rest et al. (1999, 2000) identified five central limitations to Kohlberg's overall approach. First, Kohlberg’s theory is too focused on moral judgment, overlooking how people actually function in moral
situations. Second, Kohlberg's stages are broadly abstract representations of lifetime moral maturity. The abstract nature of these stages limits the usefulness in resolving everyday moral conflicts. Third, Kohlberg over emphasizes the principle of justice as representing higher levels of moral thought. His conception of justice thus focuses on addressing macro-moral issues. Macro-moral issues are concerned with formal structures of society versus micro-moral issues, which focus on personal, everyday relationships. Even with his revised stage six, which includes both the principles of justice and benevolence, critics contend that these two principles do not represent the complete scope of morality in everyday life (Blasi, 1990; Habermas, 1990; Pritchard, 1991). Fourth, Kohlberg's theory is based on examining people's resolution of hypothetical dilemmas about problems of conflict. These dilemmas narrow the scope of the types of moral problems people encounter on a daily basis or how they resolve real life moral problems (Walker et al., 1995; Wallace, 1989). Finally, Kohlberg believes that his stages of moral judgment are universal. His rejection of cultural relativism ignores the idea of a common morality that suggests that morality is socially constructed. Kohlberg's notion of universal stages has received much criticism as socially constructed moralities can and do undergo scrutiny and debate by societal members (Rest et al., 2000).

Given these criticisms, the neo-Kohlbergians have revised Kohlberg's theory, which has led to their current theory of moral development. Similar to Kohlberg's theory, moral judgment structures are actively constructed by the individual and follow a developmental sequence (Rest et al., 1999). The point of departure however, starts with their rejection that moral thinking develops through stages. They contend that moral development occurs through the active construction of schemas, which are general knowledge structures that reside in long-term memory and facilitate information processing. Moral schemas are notions of "how roles are organized into a society wide cooperative structure" (Rest et al., 1999, p. 137). Kohlberg defines cognitive structures in terms of operations, that is, stages reflect more complicated moral thinking. In contrast, the neo-Kohlbergians define cognitive structures in terms of content, meaning "people develop insofar as their concepts are more complicated and normatively adequate" (Rest et al., 1999, p. 137).

The neo-Kohlbergians have replaced Kohlberg's stages with schemas to "signal differences from Kohlberg's conception of "hard" moral stages" (Rest et al., 2000, p. 384). Moral development is viewed as shifting distributions rather than developing in a hierarchical fashion. Shifting distributions suggests that when people resolve moral conflicts they will call upon various parts of their moral knowledge, rather than the moral knowledge from one stage. Neo-Kohlbergians also reject Kohlberg's notion of separating structure and content in moral reasoning. Rest et al. (2000, p. 384) contend that schemas represent both "conceptions of institutions and role systems in society", meaning schemas represent varying levels of structure and content in people's reasoning. Kohlberg defines content only in terms of social institutions. Schemas also represent a common morality that is socially constructed. Kohlberg postulates that universality is representative of stages, whereas the neo-Kohlbergians consider cross-cultural similarity an empirical question (these differences are illustrated in Table 2).
Table 2
Variations Between Kohlberg and Neo-Kohlbergians

<table>
<thead>
<tr>
<th>Feature</th>
<th>Kohlberg</th>
<th>Neo-Kohlbergian</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cognitive structures</td>
<td>Operations</td>
<td>Content</td>
</tr>
<tr>
<td>Development</td>
<td>Stages</td>
<td>Schemas</td>
</tr>
<tr>
<td>Endorses</td>
<td>Hard Stages</td>
<td>Shifting distributions</td>
</tr>
<tr>
<td>Stages</td>
<td>Universal</td>
<td>Common Morality</td>
</tr>
<tr>
<td>Distinguishes between</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Content and structure</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The second major revision has replaced Kohlberg’s six stages with three schemas, called structures (Table 3): Personal-Interest schema (derived from Kohlberg’s stage 2 and 3), Maintaining Norms schema (derived from Kohlberg’s stage 4), and the Postconventional schema (derived from Kohlberg’s stages 5 and 6). These “three moral schemas are developmentally ordered ways of answering the macro question (how do people get along with people who are not friends, kin or personal acquaintances, i.e., how to organize society-wide cooperation)” of how to resolve moral conflicts where institutions and established practices create injustices (Rest et al., 2000, p. 386).

Walker (2002b, p. 361) suggests that the idea of a common morality is ethically relative, since morality “reflects the shared ideals and circumstances of the community.” A common morality is defined as “a social construction, evolving from the community’s experiences, particular institutional arrangements, deliberations and the aspirations that are voiced at the time and which win support of the community” (Rest et al., 1999, p. 301). Walker (2002b, p. 361) argues that Rest et al.’s (1999) notion of a common morality is characterized in general terms and not explicitly based on any recognizable moral philosophy and is a shift from Kohlberg’s universal model of moral development (Walker, 2002b).

Neo-Kohlbergians emphasize the personal construction of basic social justice categories (i.e., rights, duty, justice and social order), maintaining the focus on the study of macro-morality. This distinction between macro-morality and micro-morality is problematic because face-to-face relationships with others (macro-morality) and people’s individual values (micro-morality) are interrelated with maintaining a virtuous lifestyle and interacting with people that work within the formal structures or institutions that exist within society (Walker, 2002b). For example, people’s values are fundamentally linked with maintaining notions of free speech, due process, equity in organizations, or preventing nondiscriminatory work practices. Rest et al. (1999, 2000) criticized Kohlberg’s concentration on the study of macro-moral issues, yet the neo-Kohlbergians also study morality from a macro perspective. This
Table 3
Features of the Defining Issues Test (DIT) Moral Judgment Schemas

<table>
<thead>
<tr>
<th>Schema</th>
<th>Features</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal-Interest schema</td>
<td>Arbitrary, impulsive co-operation</td>
</tr>
<tr>
<td></td>
<td>Self-focused</td>
</tr>
<tr>
<td></td>
<td>Advantage to self is primary</td>
</tr>
<tr>
<td></td>
<td>Survival orientation</td>
</tr>
<tr>
<td></td>
<td>Negotiated co-operation</td>
</tr>
<tr>
<td></td>
<td>Scope includes others who are known</td>
</tr>
<tr>
<td></td>
<td>In-group reciprocity</td>
</tr>
<tr>
<td>Maintaining Norms schema</td>
<td>Need for norms</td>
</tr>
<tr>
<td></td>
<td>Society-wide view</td>
</tr>
<tr>
<td></td>
<td>Uniform categorical application</td>
</tr>
<tr>
<td></td>
<td>Partial society-wide reciprocity</td>
</tr>
<tr>
<td></td>
<td>Duty orientation</td>
</tr>
<tr>
<td>Postconventional schema</td>
<td>Appeal to an ideal</td>
</tr>
<tr>
<td></td>
<td>Sharable ideals</td>
</tr>
<tr>
<td></td>
<td>Primacy of moral ideal</td>
</tr>
<tr>
<td></td>
<td>Full reciprocity</td>
</tr>
<tr>
<td></td>
<td>Rights orientation</td>
</tr>
</tbody>
</table>

focus contradicts the purpose of the FCM, which proposes to provide a comprehensive picture of moral functioning. Furthermore, Walker (2002b) has argued that the distinction between macro- and micro-morality has yet to be debated for its philosophical validity. At best, “anything beyond a somewhat superficial distinction can be maintained given the interdependencies between living a virtuous life, relating to others with integrity and interacting with secondary institutions of society within a moral framework” (Walker, 2002b, p. 360-361).

In summary, Rest’s theory of moral judgment and the neo-Kohlbergian approach to moral thinking is an expansion of Kohlberg’s theory. Rest (1979, 1986a) suggests that moral judgment has four main processes, as defined in his FCM of moral functioning. Morality is based on social justice and moral maturity occurs in schemas. While the neo-Kohlbergian approach encompasses moral thought, emotion, and action, there continues to be a focus on cognition and macro-morality.

Limitations of Cognitive Moral Developmental Approach
Cognitive moral developmental theory is grounded on the assumption that moral judgment is based on principled reasoning occurring in sequential, hierarchical, and universal stages. Three main assumptions guide cognitive moral development theory. First, even though developmentalists disagree on

17 From Rest et al. (1999) and Narvaez and Bock (2002, p. 307)

26
the specific characteristics of certain stages of moral development, they do agree that moral maturity (the highest stage of morality) has a start and an end point, (albeit idealistic) that is perceived as the highest stage of morality (Crittenden, 1990; Gough, 1995). Second, moral maturity is conceived in terms of reasoning ability that is measured by the structure (form) and not the content of reasoning. Analysis of moral judgment is focused on why a person believes a judgment versus what they believe in making a judgment. Third, moral judgments or moral maturity are based on a specific moral principle such as justice, or care and responsibility. Finally, cognitive moral developmental theories are founded on the notion that moral judgment is limited to moral conflicts and excludes moral relevance problems. Moral conflict problems occur when two or more competing values conflict in a concrete situation (Kohlberg, 1975). Moral relevance problems occur in situations where persons are not sure which concept applies to the resolution of a moral problem (Wallace, 1988).

Even though the advancement of moral psychology is quite evident, Walker et al. (1995) indicate that this,

... influence has given the study of moral development a particular skew, which may constrain our ability to develop a more holistic understanding of moral functioning and its development, and perhaps it can no longer be considered a progressive research enterprise. (p. 373)

Criticisms of these individual moral development theories (Kohlberg, Rest, & Gilligan) are well documented (cf. Blum, 1994; Crittenden, 1990; Gough, 1995). I will broadly outline the general concerns identified in the previous paragraph regarding cognitive moral development theories, as these concerns were most pertinent to this study.

First, the claim that moral development occurs through universal and invariant stages has not been empirically supported (Blum, 1994; Crittenden, 1990; Rest et al., 1999). The explication of the various stages has not been clear. More specifically, the conceptions of higher stages of reasoning have been problematic (Crittenden, 1990). Boyd (1989) argues that content descriptions of very complex structures of judgment create ambiguities and make scoring questionable. In relation to the empirical support of stage theories, Crittenden (1990) accepts that Kohlberg’s first four stages can be supported empirically. However, he maintains that “within the account as a whole, the conception of forms of maturity, beyond stage four is particularly problematic” (p. 83). Kohlberg has received harsh criticism for the lack of empirical evidence, supporting stages five and six, post-conventional thinking. Rest et al.’s (1999) revamped theory of moral development does, however, provide empirical support for post-conventional thinking.

Second, cognitive moral development emphasizes the importance of examining the structure (form) of moral reasoning rather than the content. “Structure” refers to the way a person organizes the characteristics of a moral conflict or how a person reasons through a problem. Whether the answer is right
or wrong is not intended to be the focus of moral reasoning. This is problematic as Blum (1994) argues that how a person reasons through a problem will be influenced by what the person recognizes as the morally salient features of a situation. For example, if an athletic director recognizes a situation as consisting of features representative of racial inequities, then his/her moral perception will influence the structure of his/her reasoning. Blum (1994) and Crittenden (1990) argue that separating content and structure in moral reasoning is impossible. The values and reasoning used to justify a person’s moral judgment are interrelated and cannot be separated. For example, a compliance officer might believe that verification of information is important prior to declaring a student-athlete ineligible. The values of respect, accuracy of information, and procedural ethics, underlie the compliance officers’ reasoning not to declare student-athletes ineligible prior to the completion of their research. Analyzing the structures of the compliance officer’s reasoning independently from the content is problematic because these two features of moral functioning are interconnected and cannot be broken down into individual components (Blum, 1994; Crittenden, 1990).

Third, Blum (1994) argues extensively that Kohlberg’s principled approaches to moral judgment have three major flaws. First, moral perception is not recognized in principled morality. Blum argues that morality constitutes the accurate perception of a situation and identification of the morally salient features. Second, principled morality does not take into consideration the moral capacity that informs one that a particular situation falls under a given principle as an important feature of morality. Third, morality represents the ability to appropriately apply a principle in making a judgment. Even though Rest (1979, 1986) includes interpretation of a moral situation in his FCM, his definition of moral perception differs from Blum’s (1994). Interpreting a situation refers to imaging all possible courses of action and their consequences. Accurately identifying the existence of a moral problem is not critical during interpretation of the situation rather, Rest (1986b) argues that the focus relates to a person realizing that his/her actions could affect other people. This definition of moral sensitivity does not explicitly include the importance of accurately recognizing the existence of a moral situation and understanding the different levels of moral saliency within the situation. In addition, Rest et al. (1999, 2000) and cognitive moral developmentalists in general, do not overtly state that the way a person perceives a situation as moral and his/her ability to identify the morally salient features is related to the general features of that person’s character and moral make-up (Blum, 1994; Sherman, 1989). Furthermore, there is no explicit recognition that a person’s moral make-up and moral perception inform the moral reasoning process.

Finally, cognitive moral development theories are also problematic because they only pertain to problems of moral conflict and exclude problems of relevance (Wallace, 1988). Wallace (1988) maintains that problems of relevance arise when we are uncertain whether a concept applies to a situation. Contextualist notions of moral problems include both problems of conflict and relevance. These require acknowledging the “existence of many different moral considerations reflecting the complexity of human life and the variety of problems faced in living such a life” (Wallace, 1988, p. 54). Suggesting that
individuals only encounter one type of moral problem provides a limited notion of what constitutes a moral problem.

"Ethical" Decision-Making Model: Jones' Issues Contingent Model

In the business ethics realm, several researchers have engaged in theoretical and empirical studies examining managers' moral decision making. Dissatisfied with normative approaches to moral decision-making in organizations, several scholars have developed what they refer to as positive ethical decision-making models (cf. Ferrell & Gresham, 1985; Hunt & Vitell, 1986; Jones, 1991; Trevino, 1986). Normative approaches to decision-making describe what should happen in resolving moral problems whereas positive models describe "what actually happens" when managers are confronted with moral problems (Loe, Ferrell, & Mansfield, 2000, p. 185). The theoretical assumptions identify critical constructs that aid in furthering the understanding of the elements that have the most significant effect on people's moral decision making in organizations. Ferrell and Gresham (1985) and Hunt and Vitell (1986) developed ethical decision making models for marketing managers. Trevino (1986) and Jones (1991) provide general business ethical decision-making models. Jones' model is the most comprehensive as it is an extension of all three models (Ferrell & Gresham, 1985; Hunt & Vitell, 1986; Trevino, 1986) and Rest's (1979, 1986) FCM (Jones, 1991; Loe et al., 2000).

Jones' (1991) Issue-Contingent Model integrates Rest's (1979, 1986a) four moral processes, moral intensity, and environmental factors that influence moral decision-making. Underpinning this model are two key definitions (Figure 3). First, Jones' (1991, p. 367) defines a moral issue as the result of a person's action, which results in harming or benefiting others. Ethical decisions are those which are "both legal and morally acceptable to the larger community" (Jones, 1991, p. 367). Jones (1991) uses the terms moral and ethical interchangeably. Moral intensity refers to the characteristics of the moral issue itself, excluding the characteristics of the moral agent and the organizational context (Jones, 1991). Moral intensity affects every component of moral decision-making and behavior, including: "magnitude of consequences, social consensus, probability of effect, temporal immediacy, proximity, and concentration of effect" (Jones, 1991, p. 372). Unlike contemporary moral philosophers (cf. Blum, 1994; Kekes, 1989; Sherman, 1989) who discuss moral perception and sensitivity, Jones' (1991) conception of moral intensity does not include a moral reasoner's moral character. Organizational factors refer to group dynamics, authority factors, and socialization processes and influence the establishment of moral intent and moral behavior. Jones' (1991) description of what constitutes an organizational factor is vague. In his explanation, he refers to other scholars' understandings of organizational factors. For example, he indicates that Trevino's (1986) and Ferrell and Gresham's (1985) models include situational variables. The reader is left to presume his model also includes these same variables.

Most business ethicists use the term ethical decision-making.
Figure 3 Jones' (1991) Issue-Contingent Model

While Rest's (1979, 1986) FCM has sound validity and reliability scores, the limited empirical research using Jones’ (1991) Issues-Contingency Model (cf. Loe et al., 2000; Paolillo & Vitell, 2002) has not provided sound support for the validity and reliability of Jones’ model. Whereas it is clear that organizational factors affect managers’ moral functioning, these have not been adequately fleshed out. In addition, there is not a clear connection between organizational factors and how they inform moral decision-making, as conceived by Jones, and as conceived by moral philosophers (e.g., organizational and moral intensity factors). Further, the collapsing of the moral and the legal is problematic as it is clearly the case that a particular legal decision could be construed as immoral.

*Haan’s Interactional Theory of Morality*

Haan’s (1977, 1978, 1983) interactional model of morality employs everyday morality as its starting point. Morality is deemed a social and emotional dialectic where people resolve moral conflicts through practical reasoning (Haan, 1985; Haan, Aerts, & Cooper, 1985). People determine moral truths based on their intersubjective agreements (Haan, 1978). Morality is also defined as balancing self-interests with others’ interests. Haan et al. (1985, p. 38) posit that “people with moral dilemmas are actors

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19 Adapted from Jones (1991, p. 379)
involved in real or imagined dialogues and negotiate moral claims so that balanced, equalized relations with others can be achieved or established.” The focus is on how people engage in moral interaction in concrete situations, which leads to moral action (deciding to act). People’s moral interactions are understood to be a form of moral action.

Three central concepts underpin Haan’s model (1978, 1983; Haan et al., 1985): moral balance, moral dialogue, and moral levels. The first two concepts relate to the interpersonal approach to resolving practical moral problems. Moral balance is when people are in basic agreement (explicit or implicit) about respective rights and obligations. For example, a compliance officer is said to be in moral balance with a coach about a rule interpretation when they are in basic agreement about the correct interpretation and application of the rule. In contrast, moral imbalance is the result of people who are in disagreement about mutual rights and responsibilities. A moral imbalance can occur when a compliance officer holds a different and more conservative interpretation of a rule than a coach. When people are in disagreement about how to resolve a moral conflict Haan (1985) suggests that they engage in moral dialogue (i.e., the use of any kind of communication-verbal or nonverbal-to convey one’s perspective, needs, wants, and desires) to restore moral balance. Haan (1978) posits,

that people engage in dialogues with each other with intents of achieving new or maintaining old moral balances, which may represent compromises or identifications of mutual interests, in order to protect and enhance their sense of themselves as moral beings among other beings. (p. 287)

The compliance officer and coach would attempt to resolve their difference of a rule interpretation by engaging in dialogue: to explain their respective interpretations, to explain how they formulated their interpretation, and with the aim of reaching an agreement and deciding the most appropriate rule interpretation given Association and Conference rules. This shift to resolving moral conflicts through intersubjective agreements, therefore, rejects Kohlberg’s notion that people make independent moral judgments based on the application of generalized universal principles.

Moral levels, the third concept articulated by Haan, refer to the quality of dialogue developed and used by participants engaged in moral interaction. This interpersonal dialogue leads to moral development, which defines a person’s ability to participate in complex dialogue. People’s increased ability to engage in skilled dialogue is evolutionary. Through practice, people improve their ability to resolve moral conflict through various forms of communication. Moral development is therefore, the “gradual accruing personal social skill and tangible power, which then allows the social disequilibrium of moral conflict to be more sensitively resolved” (Haan et al., 1985, p. 997). In resolving moral conflict, people consider situational specifics and sociopsychological aspects of the participants, including their emotions, moral understandings, motivations, and cognitions. This notion of moral development is based on the assumption that young children can understand basic human reciprocity. The essential ingredient
of moral development, therefore, contains skills and tangible resources that are used in dialogue to resolve conflict problems.

According to Haan (1978, 1983), five levels define moral development (see Table 4). Each level illustrates a different understanding of appropriate structuring and engagement of moral balance and dialogue. The Assimilation Phase contains the first two levels where a person thinks that moral balances should be made that give preference to one’s own needs and wants. The Accommodation Phase contains levels three and four. During dialogue, people seek to provide more to the exchange of ideas than they receive and they have a greater ability to perceive the needs and desires of others. The Equilibrium Phase encompasses level five. People engaging in this standard of dialogue give equal recognition to all parties’ interests.

The model employs the concept of ego processing. Ego processes perform two psychological tasks: first, they manage the contribution of various psychological structures (e.g., moral and cognitive structures); and second, they manage internal functioning with environmental experience. Ego processes shape people’s moral perceptions, and sensitivities and organize the weighing, organizing, deliberation, and acting on moral information. The interactional model also explains how certain ego regulations come into play to aid in seeking moral balance. There are two sets of ego processes: ego coping and ego defending. Ego coping involves addressing stress in an appropriate manner. Ego defending processes are triggered to facilitate one to maintain a coherent sense of self and can include behavior that is rigid or distorting. A person’s moral action reflects his/her ability to engage in ego coping processes. Unlike Kohlberg’s levels and stages, Haan’s theory incorporates phases and levels. These phases and levels represent a range of cognitive and affective abilities, thoughts, and emotions, which are necessary in achieving fair and impartial moral agreements. Haan’s phases and levels are not irreversible and invariant. She argues that people will not always respond consistently across various situations. The type of problem, the context, and case particularities all inform moral dialogue. Haan, therefore, rejects Kohlberg’s notion of a universal morality and argues that situational characteristics will influence people’s use of levels (lower and higher) of dialogue.

Haan’s (1978, 1983; Haan et al., 1985) interactionalist model represents moral action. This claim is problematic. Haan suggests that moral dialogue is moral action. She does not distinguish whether or not deciding not to act on one’s judgment, which was formulated from moral dialogue, represents a person who is continuing to “do” moral action. This lack of clarity of whether deciding not to act is representative of moral action is perplexing. Coombs (1984, p. 3) posits that practical reasoning usually infers the “intention to do what there is good reason for doing.” His notion of moral action also includes deciding not to act or going against one’s intent because of a weakness of will. Jones and McNamee (2000) argue that moral action and moral reasoning are two distinct concepts. They argue that if we accept Haan et al.’s (1985, p. 68) notion that dialogue is the structure of all moral activity then “Haan’s theory is one of moral action only if we study actual moral dialogue” (Jones & McNamee, 2000, p. 138.).
Table 4
Haan's (1978) Five Levels of Interpersonal Morality

<table>
<thead>
<tr>
<th>Assimilation Phase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level one: Power balancing. The person is unable to sustain a view of others' interest apart from self-interest. The person vacillates between compliance with others when forced and thwarting others when able to do so. Balances reflect self-interest except for situations where the self is indifferent or forced to compromise.</td>
</tr>
<tr>
<td>Level two: Egocentric balancing. The person is able to differentiate others' interests from self-interest but does not understand that both may coincide in a mutual interest. People are viewed as essentially self-interested and out for their own good. To get what one wants, trade-offs or compromises are made.</td>
</tr>
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<table>
<thead>
<tr>
<th>Accommodation Phase</th>
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</thead>
<tbody>
<tr>
<td>Level three: Harmony balancing. The person differentiates others' interest from self-interest but assumes that a harmony of these interests can be found because most people are believed to possess altruistic motives. Balances are sought that rest on good faith of all. People of bad faith are disapproved and dismissed from moral consideration.</td>
</tr>
<tr>
<td>Level four: Common-interest balancing. The person differentiates all parties' self-interests from the common interest of the group. Balances of compromise are sought that conform to the system-maintenance requirements of the group. Because the moral culpability of all is recognized, externally regulated patterns of exchange are sought that benefit all while limiting personal vulnerability.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Equilibrium Phase</th>
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<tbody>
<tr>
<td>Level five: Multi-interest balancing. The person differentiates all parties' self-interests from the common interest of the group in a search for situationally specific moral balance that will optimize everyone's interest. In such a search, the person recognizes the need to consider the specific values, desires, strengths, and vulnerabilities, of the parties involved. Solutions may achieve harmony of interests or may represent compromises of interest, whatever the particularities of the situation and participants allow.</td>
</tr>
</tbody>
</table>

Given this point, Haan's work is more illustrative of how people engage in actual everyday moral dialogues (moral reasoning processes), and not moral judgments.

Haan's theory is also problematic in its emphasis on moral development and measurement of moral maturity. Similar to the criticisms of cognitive development approaches argued earlier, Haan assigns participants a score that reflects levels of reasoning regarding hypothetical dilemmas, and normative group scores (Haan, 1977). She is critical of Kohlberg's approach yet her scoring does not adequately address her criticisms since she neglects to provide a comprehensive picture of participants' conceptions of morality and their moral functioning. Finally, her theory only acknowledges the existence

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20 Taken from Haan (1978, p. 288) and Bredemeier and Shields (1986, p. 15-16).
of one type of moral problem (i.e., moral conflict), which, as previously stated, overlooks the existence of problems of relevance (Haan, 1977, 1983).

Given the above outlined theories and their respective limitations, this study was framed using a holistic theoretical approach. As stated in the previous chapter, the theoretical approach incorporates Frankena’s (1980) theory of morality, Coombs (1984, 1997), Wallace (1988, 1996), and Winkler’s (1993) theories of practical reasoning, and Dworkin’s (1977, 1985, 1986) theories of interpretation and resolving hard cases. In corporation, these theories allowed for a broad conception of morality that permitted pluralistic notions of right and wrong, individual moral perceptions and sensitivities, and allowed for the examination of compliance officers’ resolution of practical moral problems, including hard cases, in relation to related organizational standards, values, beliefs, rules, and polices, and personal values and beliefs.

The next section will present the findings of relevant studies that used the theories outlined in this section to study sport and professional stakeholders’ moral functioning.

Studies Relating to Sport Stakeholders’ and Professionals’ Moral Functioning

The research investigating sport stakeholders’ morality and moral functioning is limited. The majority of studies on sport stakeholders have focused on measuring moral reasoning (Beller, & Stoll, 1995; Bredemeier & Shields, 1986a, 1986b; Goeb, 1997, Malloy, 1991; Timmer, 1999). Some researchers have sought to discover the types of moral problems athletes, coaches or athletic directors have experienced and their resolutions to these problems (Bergmann Drewe, 1999, 2000; Thompson, 1992). Studies on professionals’ (business, law, & military) moral functioning have received much more attention. This research has focused on measuring moral reasoning (Landwehr, 1982; Weber, 1996; White, 1997) while contemporary research has shifted toward investigating factors that influence moral functioning (cf. Armstrong, 1996; Butterfield, Trevino & Weaver, 2000; Carlson, Kacmar, & Wadsworth, 2002).

The next section will present an overview and critique of the related research on morality and functioning of athletes, coaches, athletic administrators, and professionals. This section is not intended to present a comprehensive account of all related literature on sport and professional stakeholders’ moral functioning. Rather the aim was to provide a general picture of what is understood regarding sport stakeholders’ and professionals’ morality and moral functioning, and what remains unexplored.

Athletes’ Moral Reasoning

Studies examining athletes’ levels of moral reasoning have sought to demonstrate the connection between sport participation and lower moral maturity (Beller & Stoll, 1995; Bredemeier & Shields,
1984a, 1984b, 1986a, 1986b; Hall, 1981; Priest, Krause, & Beach, 1999). The findings reported, rather boldly, that sport participation leads to less developed moral reasoning. Beller and Stoll (1995), Bredemeier and Shields (1984a, 1984b, 1986a, 1986b), Hall (1981), and Priest et al. (1999) found that non-athletes have higher reasoning scores than athletes. These researchers also found that athletes used different types of moral reasoning in resolving sport and general life moral problems.  

Hall (1981) studied intercollegiate athletes’ moral reasoning in resolving sport-specific and general social dilemmas. Using Kohlberg’s (1981, 1984) theory of moral development and his Moral Judgment Questionnaire, the findings showed that athletes’ stages of moral development were lower than their age group norms, and athletes’ stages of moral development were lower in resolving sport specific situations than in social situations. Similarly, Bredemeier and Shields (1984b) examined high school and intercollegiate athletes (basketball players and swimmers) and non-athletes’ moral reasoning and found that the athletes used different levels of moral reasoning when deliberating about hypothetical sport-related and everyday moral problems. Based on Haan’s (1978; Haan et al., 1985) interactional model of moral development they reported that all participants’ levels of moral reasoning used to resolve the sport problems were lower than the levels used to resolve everyday moral problems.

Based on these findings they conjectured that the context of the sport one participates in elicits lower levels of moral reasoning, rather than participating in sport, in general, elicits lower levels of moral reasoning. Based on Bredemeier and Shields (1986a, 1986b) findings they suggest that athletes employ different levels of moral reasoning in resolving moral problems in sport settings versus in social settings. Bredemeier and Shields (1986a, 1986b, 1995) refer to the reasoning employed in sport contexts as game reasoning or bracket morality. Bracketed morality is defined as “a legitimated, temporary suspension of the usual moral obligation to equally consider the needs and desires of all persons” (Bredemeier & Shields, 1986b, p. 257-258). These findings support the argument that the context along with its supporting norms, values, rules, and standards inform moral reasoning.

Bredemeier and Shields (1986a) proceeded to examine the moral maturity of high school (basketball players) and intercollegiate athletes (basketball players and swimmers) versus non-athletes in resolving sport and real life moral problems. Using Haan’s (1978; Haan et al., 1985) interactional model of morality, they reported that no difference in moral maturity existed between high school athletes and non-athletes’ moral reasoning. Female high school athletes were more morally mature than their male counterparts. The college non-athletes displayed higher moral reasoning scores than the athletes. Basketball players’ scores were significantly lower than the non-athletes and swimmers. Intercollegiate swimmers’ moral reasoning scores did not differ from non-athletes scores. All athletes scored lower on the sporting reasoning than on the real life reasoning problems. Bredemeier and Shields argue that the type of sport, contact versus non-contact, might influence an athlete’s moral reasoning. They further

21 General life moral problems refer to everyday moral experiences or nonsport situations.
concluded that caution be exercised in generalizing about their previous assumption concerning the
connections between sport participation and moral reasoning. Swimmers showed no significant difference
in moral reasoning scores when compared to non-athletes. Bredemeier and Shields postulated that contact
sports encourage situationally specific moral reasoning that create more morally salient issues; this
provides one explanation for the basketball players’ lower levels of reasoning.

Bredemeier and Shields (1986a, 1986b) further suggested that the highly formalized context of
sports restricts individuals from formulating high-level moral responses. In a follow up study, Bredemeier
and Shields (1986b) showed that, when people deliberate about sport moral problems, their reasoning is
more egocentric than when they reason about everyday life moral problems. One hundred high school and
college basketball players were interviewed and asked to resolve two scenarios about everyday life moral
problems and two scenarios relating to sport moral problems. The findings showed that the basketball
player’s moral reasoning about the sport scenarios diverged from their reasoning about the everyday life
problems. Thus, the sports’ contextual features influenced the athletes to engage in “bracketed morality”
that was different from their everyday life moral reasoning. Essentially, decisions are made on what is in
the best interest of the team and adhering to rules. Bredemeier and Shields’ (1986b) notion of game
reasoning suggests that athletes’ understandings of right and wrong were only related to various
egocentric related virtues-winning and gaining an advantage.

Bredemeier and Shields (1986a, 1986b) assertion that in sport related moral problems athletes use
egocentric and immature moral reasoning is problematic, and perhaps an unfair claim. Organizational
standards and rules, in addition to other contextual features (including organizational values, norms, and
beliefs) act as guidelines that help organizational members in their decision-making. People, in highly
formalized contexts (law, sport, medicine, and business) are expected to uphold these organizational rules
and standards, even when they are opposed to certain rules or the rules are discriminatory. For example, if
judges do not like certain rules, they are not at liberty to dismiss them, and create their own. If they wish
to change the rules, they must follow prescribed legislative procedures. In a similar vein, if compliance
officers do not agree with the outcome from the application of a particular NCAA rule, they do not
possess the freedom to ignore NCAA mandated sanctions. Bredemeier and Shields’ (1986a, 1986b) claim
also suggests that when necessary, individuals involved in sports should disregard the rules and reason at
the post-conventional level. This view is perhaps impractical. When people decide to participate in an
activity, it is a free choice. They also agree to abide by the rules, policies, and procedures that are
formulated by organizational members. Once more, if a person does not agree on certain rules, policies or
procedures, then he/she should follow appropriate avenues to revise these regulations. Research should
seek to gain a better understanding of how individuals’ (athletic stakeholders) conceptions of morality
inform their reasoning in relation to the rules rather, than arguing that these stakeholders engage in
different or inferior reasoning.

One final criticism of Bredemeier and Shields’ (1986a, 1986b) assertion, relates to their mode of
data collection. Moral dialogue that occurred in a game situation was not observed. Data was collected through interviews about moral dialogues of ‘real life’ moral problems. These dialogues might differ from the dialogue that takes place in real sporting events. The data collection method detracts from Haan’s theory of moral dialogue in everyday experiences (Jones & McNamee, 2000).

Certain theorists suggest that people reason differently in resolving hypothetical versus real-life moral problems, and in resolving different types of real-life moral problems (cf. Krebs & Denton, 1997; Walker et al., 1995; Wark & Krebs, 2000). For example, athletes are expected to reason differently about a third party’s moral problem versus a moral problem they have experienced. In essence, people interpret and experience moral situations differently. These differences are believed to relate to individuals’ personal experiences, personal beliefs and values, and cognitive abilities. Moral philosophers, such as Blum (1994), Kekes (1989), and Sherman (1989), also endorse Wark and Krebs’s (2000) and Walker et al.’s (1995) arguments. They maintain that people’s moral characters, experiences, background, along with the type of problem, and the social context of the problem, all influenced their moral judgments.

Beller and Stoll’s (1995) and Priest et al.’s (1999) studies found similar results to Hall (1981) and Bredemeier and Shields (1984a, 1986a). Beller and Stoll (1995) examined the moral reasoning of high school athletes and non-athletes. They showed that athletes had lower moral reasoning abilities than non-athletes on the Hahm-Beller Values Choice Inventory (HBVCI). Priest et al. (1999) in a longitudinal study on college athletes, demonstrated that over a four-year period college student-athletes’ moral reasoning scores were lower than intramural student-athletes’ scores on the HBVCI. Based on these findings, they proposed that length of participation in collegiate sports resulted in decreased levels of moral development.

The HBVCI is a 21-question instrument that measures “cognitive knowing” in the sport context (Hahm, Beller, & Stoll, 1989). Thus, this instrument focuses on moral reasoning and not moral action/behavior. Informants are asked to rank, on a five-point Likert scale, how they might reason about various hypothetical sport moral scenarios. Using a deontological theory of moral reasoning, Hahm et al. (1989) contend that the measure has high validity and reliability scores. Gough (1995) and Holowchak (2001) both questioned the gross assumptions that underscore cognitive-moral development research (i.e., moral development occurs in stages, distinction between structure and content, and the notion of moral correctness). Gough (1995) criticizes Hahm et al. for claiming that the HBVCI and their research contains scientific objectivity and value-free conclusions. He argues this claim is impossible as the nature of their research is “so deeply and inescapably value-laden and normative” (Gough, 1995, p. 14). He concludes that in order to claim that sport morality research is scientific, it must present descriptive analyses of athletes’ responses to moral questions.

Bergmann Drewe (1999) investigated Canadian Interuniversity athletes’ interpretations of what makes a situation “ethical” and how they resolved the problems they encountered. A hermeneutic approach using moral theory and moral philosophy was employed in the analysis. The findings indicated
that the athletes had difficulty defining an "ethical dilemma". Their definitions of ethical dilemmas were categorized into these broad areas: rule breaking, deciding between right and wrong, harming the nature of the sport, and preparation for competition (e.g., taking drugs). Athletes' resolutions to their moral dilemmas were represented in the broad categories defined by moral theory and/or moral philosophy: doing unto others as you would have them do unto you, fairness, respecting others, not hurting the team, respect for the game, and fear of getting caught. Bergmann Drewe's (1999) study provides important insights into these athletes' understandings of what constitute a moral problem and their approaches to resolving one. These findings are limited, however, as she did not ask the athletes how they determined right from wrong. Asking this question would have provided a better understanding and a more holistic picture of the athletes' understandings of morality and how this informed their moral perceptions, sensitivities, and moral reasoning.

More recently, Hartung (2001) has explored the role of context in the moral decisions of college athletes. Using social cognitive learning theory, he asked athletes to reason about real life moral problems they had experienced and about sport related moral problems. Contrary to Bredemeier and Shields (1986a, 1986b) findings, he found that the context of the problem was not a consideration in athletes' reasoning. The types of moral problems identified by the athletes related to the rules, personal choice, and honesty. However, Hartung's (2001) assertion that contextual factors did not inform athletes' reasoning is problematic, since rules and personal choice factors are contextual and particular rules relate to specific circumstances, likewise, with personal factors. The athletes did not consider consequences in their deliberations. He reported that decisions were based on benefits and self-interest, which contradicts his argument that the athletes did not consider consequences in their considerations. The main considerations in resolving the problems included self, indifference, a disregard for authority, and a sense of invincibility. Hartung's (2001) findings emphasized the importance of examining people's experiences and understandings of moral problems from their own perspectives.

Coaches' Moral Reasoning

Research relating to coaches' morality and moral functioning is another understudied area. Duquin (1984) provided one of the earliest studies of moral reasoning in sport when she explored male and female coaches', and athletes' and non-athletes' rationales for making moral judgments. Participants were asked to resolve five scenarios where moral problems existed between athletes and members of an athletic organization. They were asked to determine if an injustice existed, and if it did, they were asked to rate the extent and then to determine responsibility. The findings illustrated that respondents' rationales differed in the type of justice appealed to, the attribution of responsibility, and the moral precepts emphasized. Five categories of moral rationales emerged from their answers with the ethic of care and self-interest being most prominent. The findings were analyzed using an asymmetrical power relationship approach that highlighted the difference in rationales between coaches and athletes.
In a follow-up to her 1999 study, Bergmann Drewe (2000) examined ethical issues experienced by coaches and how they resolved these. The findings suggested that coaches' perceptions and resolutions of ethical issues varied from athletes' perceptions and resolutions of ethical issues. Coaches identified the following kinds of ethical issues: intentionally harming opponents, pushing the rules, pushing athletes, and the potential to develop intimate relationships with their athletes. The coaches’ problems focused on addressing hard cases such as determining where the line was drawn between hurting someone versus playing hard. In resolving these problems, the coaches considered their own personal moral values and what was in the best interest of the athlete or the team. Differences between the athletes' and coaches’ perceptions and resolutions of ethical issues related to the notion of autonomy. The coaches' coaching philosophy influenced whether or not the athletes’ felt that they were able to independently resolve the problems they encountered. Athletes who played for authoritarian coaches were less likely to feel empowered to resolve problems. In contrast, athletes who played for democratic coaches felt more empowered to resolve their own problems.

Contradicting Duquin’s (1984) and Bergmann Drewe’s (2000) findings, Goeb (1997) study reported no significant difference between NCAA DII athletes’ and coaches’ cognitive moral reasoning. Fifty-six coaches and 366 students representing 28 sport teams completed the HBVCI. Differences in moral reasoning scores were reported between male and female student-athletes, with female athletes displaying higher levels than male athletes. The importance of these findings is questionable because of theoretical and methodological issues previously identified.

**Athletic Administrators’ Moral Reasoning**

Unfortunately, athletic administrators’ morality and moral functioning is an extremely unstudied area. Malloy (1991), Thompson (1992), and Timmer (1999) have conducted the most notable studies in relation to my study. Malloy (1991) researched physical education majors’ moral reasoning which showed they reasoned at Kohlberg’s pre-conventional and conventional levels. Thompson (1992) studied high school female athletic directors’ recalled moral problems, which showed they experienced problems relating to eligibility, discipline, and personnel. The participants predominantly used the principle of justice to resolve their moral problems. Timmer’s (1999) study on NCAA DIII athletic directors showed that religiosity and educational level significantly influenced their moral reasoning about sport-related problems.

Malloy (1991) studied the moral development of Canadian physical education university students. Students’ reasoning about hypothetical moral problems reflected both the pre-conventional and conventional levels on Kohlberg’s model of moral development. Malloy (1991) concluded that the sporting environment fosters rule-bound behavior, limiting thoughtful moral thinking and judgment.

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22 “Pushing the rules” refers to engaging in gamesmanship.
23 “Pushing athletes” refers to situations when coaches demand athletes to perform at an exceedingly high level.
Furthermore, he maintained that sport leaders should not rely solely on the rules or consequences to resolve moral problems. Malloy's (1991) study had several limitations in relation to its research design and implications. First, a convenience sample of students was used for data collection. Newman and Kreuger (2003) insist that convenience samples (e.g., student samples) can seriously misrepresent and distort populations. The findings from convenience samples cannot be generalized (Newman & Kreuger, 2003). Second, participants only reasoned about hypothetical moral problems. As stated earlier, the context and type of problem necessitate different interpretations and deliberations. Third, the theoretical framework developed by Malloy (1991) is problematic, as outlined in the above critique about cognitive moral development theory. Fourth, Malloy's (1991) description of data collection and analysis is incomplete. The method of data collection is unclear and the level of expertise of those who engaged in data analysis was not reported. The validity and reliability of the study, therefore, are problematic. Fifth, the participants were students and we are unaware of their athletic administrative experience or depth of knowledge. Experience in, and background knowledge of an organization's policies, rules, and regulations will influence consideration of the alternatives (Coombs, 1997). Finally, the implications of the study are problematic. Malloy is critical of participant's reasoning to the level of the rules or policies. Surely, Malloy would not want participants to disregard the rules. Formalization in sport organizations is generally necessary to create a "level-playing field" and provide stability. If organizational members seek to change rules for whatever reason then appropriate avenues should be followed. Suggesting that sport administrators' moral reasoning is restrained by sport policy/rules does not take into consideration that members abiding by the rules are justifiable. Studying how sport administrators reason in hard cases and their application of sport policy/rules would be more useful in furthering our understanding of their moral functioning.

Thompson's (1992) examination of high school female athletic directors' moral reasoning explored the moral problems they experienced in their work and the ethical principles utilized to resolve these problems. Using an interview guide, Thompson (1992) carried out face-to-face interviews with seven women. Four thematic moral problems were identified from the interviews: eligibility, discipline, personnel, and gender. Athletic directors resolved these problems based on: rights and responsibilities, utilitarianism, justice, enlightened egoism, and social contracts. The principle of justice was the most dominant standard that influenced their judgments. The participants also described how their personal moral values would often conflict with their professional moral code. These findings support the notion that athletic administrators work within a framework where organizational rules and their personal moral codes informed their moral judgments.

Timmer (1999) conducted a correlational study examining the influence of educational level, religiosity, and years of athletic administrative experience on NCAA DIII athletic directors. Using the HBVCI and the Gladding, Lewis, and Adkins Scale (1981) of religiosity, 121 DIII athletic directors were surveyed. The results showed that religiosity and educational level are significant predictors of athletic
directors' moral reasoning about sports. Experience as an athletic director did not influence moral reasoning; however, collectively all three variables (religiosity, educational level, and experience) significantly informed the athletic directors' moral reasoning. The findings contradict both Beller and Stoll's (1995) and Priest et al.'s (1999) findings where they found that athletes' moral reasoning scores decreased in relation to the number of years they participated in interscholastic or intercollegiate sport. Context is an important factor to consider in relation to these findings. A NCAA DIII athletic director operates under less formalized conditions, less emphasis is placed on winning, and has less financial pressures than a NCAA DI or DII athletic director. Different contexts might change how an athletic administrator would resolve moral problems (Walker et al., 1995; Wark & Krebs, 2000). The HBVCI scenarios are also hypothetical and not context specific to athletic administration.

These research findings have important implications about assumptions made regarding athletic administrators' moral functioning and directions for future research. Malloy's (1991) and Timmer's (1999) research was conducted using the theoretical assumptions of Kohlberg. The research findings, while important, have only confirmed what is already known about moral functioning theory (that is, people in formalized organizations reason at Pre-Conventional and Conventional levels and various personal characteristics inform moral reasoning). Malloy's (1991) and Timmer's (1999) research findings raise more questions about athletic administrators' morality and moral functioning, such as what other moral values inform how athletic administrators decipher right from wrong, what role do these moral values have in their moral functioning. Thompson's (1992) findings are significant, as they have provided further understandings about the various moral precepts that female high school athletic directors used in resolving their moral problems. Additionally, her findings have provided insights about the participants' moral perceptions and sensitivities as she discovered the types of problems they deemed moral. Even though Thompson's (1992) research has added to our understandings of athletic administrators' morality and moral functioning, future research should seek to provide a more holistic picture of athletic administrators' morality and moral functioning.

**Professionals' Moral Reasoning**

In general, studies measuring professionals' moral reasoning in highly formalized organizations (law, military, and business) have predominantly employed cognitive developmental (Kohlberg and Rest), theoretical approaches, and methodological designs (cf. Daicoff, 1996; Weber, 1990; White, 1997). These studies have demonstrated that professional's moral reasoning reflects the Pre-Conventional and Conventional Levels on Kohlberg's scale or on Rest's model.
Assessing levels of professional’s moral reasoning.

Studies investigating attorneys’ moral reasoning indicated that their reasoning paralleled Kohlberg’s Conventional level, stage four—law and order orientation (Daicoff, 1996; Landwehr, 1982). Utilizing Kohlberg’s theory of moral development, Landwehr (1982) examined 195 attorneys’ moral reasoning based on written responses of how they would resolve three scenario problems. The results indicated that attorney’s moral development disproportionately (90.3%) reflected stage four (law and order), while 7.2 percent reflected stage three (interpersonal concordance). Landwehr criticized lawyers’ rule or obligatory type of reasoning. He felt people using stage four reasoning would be less likely to question the legal system and less likely to advocate for social change. He supported the attorney’s commitment to upholding and providing stability within the legal system while indicating that social change should come from others. Studies measuring business managers’ moral reasoning were consistent with Landwehr’s (1982) findings, as managers’ moral judgments reflected Kohlberg’s preconventional and conventional levels (Weber, 1990, 1996; Weber & Wasielewski, 2001).

Similar findings were also reported by Weber’s (1990) and Weber and Wasielewski’s (2001) investigations of managers’ moral reasoning. Using Kohlberg’s theory of moral development, they demonstrated how managers’ reasoning reflected Conventional levels on Kohlberg’s scale. Managers reasoned at both stages three and four in their resolution of business related dilemmas and of Kohlberg’s (1981) Heinz dilemma. Noteworthy, Weber and Wasielewski (2001) indicated that the context of the problem, the managers’ type of work (managerial vs. technical), and the industry they represented (manufacturing vs. service) were all factors that informed their reasoning.

Daicoff (1996), in addition, reported that attorneys’ values, the type of problem, and its context all informed their reasoning. Daicoff (1996) surveyed 212 attorneys’ reasoning concerning five different real life moral problems. Where a code of Rules and Regulations was pertinent to the scenario, the attorneys’ reasoning resembled the code. Where problems were not related to a code of rules and regulations attorneys’ reasoning did not reflect the code, their judgments were informed by personal values/standards. Unfortunately, because data collection was limited to a questionnaire and no questions were included to discover the types of values the participants held, no data was collected that described the values/standards the participants considered when making their decisions.

In another highly formalized context, White (1997) examined the relationship between organizational design and ethics in the United States military. Rest’s DIT was used to operationalize Kohlberg’s theoretical framework as he surveyed 480 US coast guard personnel to determine if the US military’s rigid hierarchy restricted people’s moral development. The results indicated that military members’ moral development was lower than the general population and reflected value judgments that resembled obedience, discipline, and heteronomy. White (1997) defended the lower scores of the military saying they were not necessarily deficient and were actually a desirable characteristic of military personnel. He argued that performing military duties was tough and “in order to carry out its difficult and
deadly mission, the military places a high emphasis on discipline and obedience … this emphasis is at the expense of individualism, autonomy, and ultimately moral development” (White, 1997, p. 69). White (1997) further argued that bureaucratic institutions such as the military could not realistically allow administrators to act autonomously or question the rules/orders as per Kohlberg’s post-conventional level. Acting autonomously conflicts with the mission of the military. Thus, in certain contexts (such as in sport) Conventional reasoning is more appropriate and fulfills the purpose of the organization.

Investigating influencing factors of moral functioning.

In the business realm, the moral reasoning literature is broad. Studies have attempted to investigate variable influences on business managers’ moral reasoning (cf. Armstrong, 1996; Brady & Wheeler, 1996; Derry, 1989). These studies can be categorized into the following: awareness24, individual factors (such as age, gender, moral philosophy, education, Nationality, and moral development), organizational factors (such as codes of ethics, rewards & sanctions, and culture & climate), and moral intensity25 (Loe et al., 2000; Ford & Richardson, 1994).

Several studies investigating managers’ awareness of moral problems have reported a significant connection among various personal, environmental factors and moral perceptions and sensitivities (Armstrong, 1996; Butterfield et al., 2002; Davis, Johnson, & Ohmer, 1998; Dubinsky, Jolson, Marvin, Michaels, Kotabe, & Lin, 1992; Shaub, Finn, & Munter, 1993). Dubinsky et al. (1992) found that salespeople have different understandings of what constitutes a moral problem, while Armstrong (1996) discovered that cultural environment influenced marketing students’ moral perceptions and sensitivities. In a related study, Shaub et al. (1993) reported that Certified Public Auditing Accountants’ ethical orientations influenced moral perceptions and sensitivities. In two recent studies, Butterfield et al. (2002) and Davis et al. (1998) examined factors that influenced people’s ability to recognize morally ambiguous situations (hard cases). Their findings illustrated that the magnitude of consequences, working in a highly competitive context, and perceived social consequences influenced people’s ability to identify moral problems.

Limited empirical research exists that examines the influences of personal and professional values on managers’ moral decision-making. Moral and business theory contends that people’s personal and professional values underpin their moral reasoning. However, there is a void in the research supporting this notion. Derry (1989), Fritzsche (1995), and Singhapakdi and Vitell’s (1993) studies all endorse that an agent’s moral code informs his moral reasoning. Derry (1989) examined the predominant moral orientations of male and female managers’ resolutions to moral conflicts. They found that one third of the participants had never experienced a moral conflict at work, that justice-based reasoning was the

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24 Awareness refers to moral perception and sensitivity.

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predominant justification for decisions, and that there was no correlation between gender and moral orientation. These studies overall, showed that both managers' values and the type of moral problem influenced moral judgment (Derry, 1989; Fritzsche, 1995; Singhapakdi & Vitell, 1993).

Personal characteristics, such as education, age, and socio-cultural background, also inform managers' moral reasoning (Brady & Wheeler, 1996; Davis, Johnson, & Ohmer, 1998; Wimalasiri, Pavri, & Jalil, 1996; Wimalasiri, 2001). Wimalasiri et al., (1996) and Wimalasiri (2001) both used Rest's DIT and reported that age, education, and religious affiliation influenced managers' justifications; however, these personal demographic characteristics reportedly did not influence moral judgment levels. Interestingly, Elm et al. (2001) reported that age, education, and gender influenced moral reasoning.

Much controversy exists regarding gender and moral judgments. Some researchers believe that gender informs moral reasoning/moral orientation (Gilligan, 1982; Gilligan & Attanucci, 1988) while others believe that gender is not a factor (Walker, 1991; Wark & Krebs, 1996). Wark and Krebs (1996, p. 229) argue that, "people may invoke different forms of moral judgment in response to different types of moral dilemmas." People's invariant normative systems influence moral judgments. Further research can only assist in enhancing our understandings of this issue.

Considerable research has been conducted investigating the various organizational factors influencing managers' moral decision-making. The majority of studies show conflicting findings about specific factors that actually influence moral decisions. The literature however, does support the claim that organizational factors as a whole do influence managers' moral reasoning. Barnett, Cochran, and Taylor (1993) and Kaye (1992) suggested that formal policies generate increased levels of perception and subsequent reporting of violations. Glenn and Van Loo (1993) and Bruce (1994) indicated that codes of ethics are important and necessary for an organization. Noteworthy, codes of ethics are not as effective as organizational support and education in preventing unethical behavior (Bowie & Duska, 1990). However, McCabe, Trevino, and Butterfield (1996) reported that codes of conduct are positively associated with ethical behavior.

Contemporary moral functioning research has generally focused on examining the impact of moral intensity on managers' moral decision-making (Carlson, Kacmer, & Wadsworth; 2002; Harrington, 1997; Paolillo & Vitell, 2002; Singer & Singer, 1997). Harrington (1997) and Singer and Singer (1997) showed that according to situational characteristics, individuals respond differently to moral issues. Similarly, Paolillo and Vitell (2002) suggested that issue/situational factors influence moral decision-making and personal factors had limited influence on moral decision-making. However, Carlson et al. (2002) found that individuals' close relationships (proximity) to a moral situation significantly impacted his/her moral judgments. The closer a manager was related or involved in a moral problem the greater a manager's moral perception of the problem.
In summary, the theoretical assumptions of Kohlberg, Rest, and Haan have heavily influenced the research on sport stakeholders and certain professionals. In general, morality has been narrowly defined and the appraisal of moral development has been predominant, and therefore, the literature is characterized by two central claims: one, sport stakeholders tend to reason to the level of the rules, and two, they reason differently about sport issues than in their reasoning regarding real-life moral problems. Current research also indicates that coaches and administrators experience different types of moral problems. In the professional domain, however, research has sought to examine the personal and organizational factors that influence decision-making. The findings suggest that various features of a moral problem, organizational policies, and professionals’ moral values inform decisions. One critical component absent from the research is that all of these studies have neglected to explore the connection between people’s morality and moral functioning; that is, employ a holistic examination of sport stakeholders’ and professionals’ morality and moral functioning.

The call for enhancing our knowledge about how athletic administrators, in particular compliance officers, think about right and wrong, what kinds of problems they deem to be moral, and how they resolve practical moral problems is imperative. Given the above outlined theories and their respective limitations, and the pertinent literature about sport stakeholders’ and professionals’ moral functioning, I have chosen to examine compliance officers’ morality and moral functioning using a theoretical approach that is more holistic in nature. As stated in the previous chapter, the theoretical approach incorporates Frankena’s (1980) theory of morality, Coombs (1984, 1997), Wallace (1988, 1996), and Winkler’s (1993) theories of practical reasoning, and Dworkin’s (1977, 1985, 1986) theories of interpretation and resolving hard cases. In corporation, these theories allowed for a broad conception of morality that permitted pluralistic notions of right and wrong, the presentation of individual moral perceptions and sensitivities, and allowed for the examination of compliance officers’ resolution of practical moral problems, including hard cases, in relation to organizational and personal standards, values, beliefs, rules, and polices. In the next chapter, this theoretical approach is described at length.
CHAPTER THREE
Theoretical Approach

In chapter two, I outlined the predominant theoretical approaches that have informed studies on sports stakeholders' and professionals' moral functioning. Historically, these approaches have advanced our understanding of their moral thinking, while simultaneously narrowing our understanding of sports stakeholders' and professionals' moral functioning (Walker et al., 1995; Walker, 2002a). These theoretical approaches (stemming from Kohlberg and Rest) have fragmented contemporary understandings of sports stakeholders’ and professionals’ conceptions of morality and how they resolve hard cases. The focus on quantifying moral functioning has over shadowed the significance of examining the interdependent nature of people’s morality and moral functioning. In this chapter, I suggest a theoretical approach that addresses the concerns raised about the current narrow approach to the study of morality and moral functioning. My theoretical approach was selected based on the assumption that morality and moral functioning is an interdependent phenomenon. People’s morality and moral functioning are interconnected, meaning that a person’s understanding of right and wrong, the problems they deem moral, and how they resolve hard cases are interrelated and inform each other.

Given the above assumption, and as previously stated, the theoretical approach that informed this study included Frankena’s conception of morality. Frankena (1980) maintains that morality is a social endeavor that has both interpersonal and social implications. Morality informs people’s social interactions, regulates their behavior, and assists in the adjudication of their problems. My theoretical approach also includes Contextualist practical reasoning. Contextualism was defined according to the theories of Winkler (1993) and Wallace (1988), who assert that problems should be resolved in consideration with the particularities of a case, along with considering relevant historical, social, institutional, and cultural standards pertaining to a situation. Rational choices are based on people’s understandings and applications of moral concepts and their supporting reasons; hence, practical reasoning includes moral reasoning. Practical judgments, including moral judgments, are formulated based on fulfilling certain standards of reasoning (Coombs, 1984, 1997). Finally, Dworkin’s (1978, 1985, 1986) theories of interpretation and resolving hard cases also informed this study by providing a basis for examining how NCAA DI-A compliance officers interpret and deliberate about hard cases they encounter in their work. In this chapter, these theories are explicated.

Morality

In this study when I am speak of morality, I am referring to thinking about answering first order substantive questions about what is right or wrong, or what is good or bad (Frankena, 1980). Frankena (1980) defines morality as:
a normative system in which evaluative judgments of some sort are made, more or less consciously, from a certain point of view, namely from the point of view of a consideration of the effects of actions, motives, traits, etc., on the lives of sentient beings as such, including the lives of others besides the person acting, being judged, or judging (p. 26).

This conception of morality suggests that an individual's normative system is a social endeavor that involves the consideration of other individuals and sentient beings, and avoidance of harm in determining what is morally good, bad, right or wrong.

To assist people in answering first order questions about what is good or bad or determining what is right or wrong, Frankena (1980) contends that people possess an individual moral code or road map. This moral code-normative system-consists of "a set of moral beliefs" that an individual or society subscribes to" (Frankena, 1980, p. 17). Frankena (1980) maintains that an individual's moral beliefs are based on various moral values or principles that she/he accepts to possess certain significance and directs how one should live his/her life.26 For example, a compliance officer's individual moral code consists of a variety of moral values that could include justice, fairness, honesty, responsibility, equality, empathy, respect for life, respect for people, respect for rules and laws, respect for authority, and so forth. These values or principles assist a compliance officer in making moral judgments in their work. Drawing from Frankena's (1980) theory, each compliance officer's moral code consists of a set of values or principles that is independent from another compliance officer's moral code. Similarities might exist between the two compliance officers' moral codes yet distinct differences would be notable. Frankena (1980, p. 17) also accepts the existence of "many moralities" within an individual's moral code, such as a professional morality, a personal morality, a legal morality, or a religious morality.

Frankena (1980) also maintains that individuals and societies can possess moral points of view that do not necessarily reflect one another. An individual's moral viewpoint can vary from his/her society's moral viewpoint. For example, a compliance officer's moral beliefs and values might vary from his/her athletic department's moral beliefs and values about what is morally right or wrong, or morally good or bad. A compliance officer's moral make-up is formulated over time based on his/her experiences, background, social interactions and influences, institutional influences. Typically, a compliance officer's general moral point of view will be analogous with the athletic department's general moral point of view that he/she is a member as one could assume that person would choose not to work within that organization. Their moral viewpoints however, could differ when deciding what is morally right, wrong, good or bad in certain hard cases because the athletic department and the compliance officer might espouse different moral beliefs or values. Individual societies' moral codes can also vary from other societies or from

26 Frankena (1980, p. 23) refers to Moral Gens, which he explains is a "neutral term for all sorts of general ethical statements: rules, precepts, principles, ideals, etc." and informs individuals or society about how to interact with one another.
“larger society” in their moral point of view. One athletic department’s moral point of view might vary from another athletic department’s moral perspective. For example, Oregon State University’s athletic department’s moral code more than likely varies from the University of Arizona’s, which varies from the University of California, Berkeley’s. These institution’s moral viewpoints also vary from the Pac-10 Conference’s, which also varies from the NCAA’s moral point of view. Differences between these organizations’ moral points of view are not to be perceived as one society’s morality to be normatively “better” than another society’s. Rather, the main point of emphasis is that Frankena’s (1980) conception of the moral point of view is broadly defined, which accepts the notion that differences exist among individual and societal understandings of right and wrong within a pluralistic society.

Contextualism

Contextualism, also known as particularism (McDowell, 1979; Wallace, 1996; Wiggins, 1987), developed as a response to scholars in the related areas of professional ethics, moral education, and moral philosophy who were questioning the relevance and applicability of ethical theory in guiding people’s moral judgments (Beauchamp & Childress, 2001; Winkler, 1993). Specifically, these scholars questioned the perceived emphasis given to Kantian deontological moral theorizing and the supremacy place on the principles of justice (Baier, 1994; Blum, 1980; Gilligan, 1982; Murdoch, 1970; Noddings, 1984). This emphasis placed on the principle of justice is believed to be an inadequate representation of moral theorizing as this principle masks the complexities of human relationships, understanding the importance of emotion (Blum, 1980; Nussbaum, 1990) and camouflages the inequalities among people (Kozol, 1991; Young, 1990).

In resolving practical problems, an ethical theory approach suggests that moral decisions are justified using a “top-down” application of a general rule (principle, ideal, right, ethical theory) to a particular case. Using the top-down approach, justification is deductivist in nature, as a decision is defended by demonstrating that it falls under a particular rule, which is derived from a particular principle, and the principle is grounded in a particular ethical theory (Beauchamp & Childress, 2001; Nash, 2002; Winkler, 1993). This top-down model is perceived as problematic as it over simplifies the complex nature of real-life moral problems (Beauchamp & Childress, 2001; Winkler, 1993). Winkler (1993, p. 354) contends that top-down models overlook “the complexities of interplay between our understanding of practical issues and our understanding of principles.” Furthermore, this approach assumes that certain ethical theories and principles take priority over institutional rules, traditional practices and case judgments (Beauchamp & Childress, 2001). Ethical principles and rules are said to be too abstract and do not allow for the consideration of case particularities (Beauchamp & Childress, 2001;
Wallace, 1988; Winkler, 1993). Contextualism, in contrast, uses a “bottom-up” or inductive approach to moral justification Beauchamp & Childress, 2001; Winkler, 1993). The starting point is moral interpretation and assessment of case particularities, then comparative case analysis is used which assists in deriving at a decision. Principles are derived from the decision and provide normative force to our justifications (Winkler, 1993; Wallace, 1996).

Contextualism posits that practical problems should be resolved in consideration of the concrete particularities of a situation (Wallace, 1988; Winkler, 1993). Winkler (1993) emphasizes justification as the key factor in addressing real-life moral problems as judgments are justified by appraising them “against objections and rivals” (Winkler, 1993, p. 360). In contrast to ethical theory approaches to resolving practical moral problems, the justification process is essentially case-driven and inductive in nature where the goal is to “seek the most reasonable solution to a problem” which is conducted within a framework that is comprised of various standards, that are informed by relevant “central cultural values and guiding norms, professional functions, obligations, and legal precepts” (Winkler, 1993, p. 360). For example, a compliance officer confronted with a situation where one of the men’s basketball staff communicated with a prospect student-athlete who was attending a summer-certified event as a spectator. The prospect was traveling with a participating team but was not actually partaking in any of the event activities. In resolving this problem and deciding if a NCAA violation had occurred the compliance officer would gather all necessary background information, including NCAA rules and policies, talking with relevant people to identify and assess the accuracy of the information. Specifically, he/she is seeking to determine whether the prospects actions were within NCAA recruiting guidelines. Using NCAA rules as a guideline and perhaps comparing past cases, the compliance officer is attempting to determine if the coach’s actions were within the rules and decide if a rule violation has occurred. Based on the information collected and assessed, the compliance officer has inductively made a judgment, versus making a deductive judgment and justifying his/her decision based from a starting principle of guilt (violation occurred) or innocence (no violation).

The justification process in Contextualist practical reasoning “is a matter of adapting and readjusting” our strategies, understanding our/the concepts, our values and beliefs, or principles we espouse, when we are confronted with problematic cases (Wallace, 1988, p. 122). Wallace (1988, p. 123) maintains that, the strategies and “their associated values do not remain fixed” when resolving practical problems. Rather, this approach necessitates the continual intelligent ability to modify relevant concepts and strategies, as “such changes require further adjustments” in novel circumstances. The justification process is continual because people’s interpretations and deliberations in resolving hard cases are based on them drawing on their knowledge, reflecting on their understandings of applicable strategies, concepts,

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27 In basketball, NCAA bylaws do not permit any institutional coaching staff member to communicate with a prospect who is participating in a summer-certified event unless the prospect was not participating in any activities. See NCAA Bylaws 13.1.6.3 (contacts subsequent to national letter of intent signing or other written commitment) and 13.1.7.2.1-(b) (additional restrictions-basketball) [NCAA Manual, 2003-04].
values, and norms, and contemplating how these relevant factors were utilized to resolve similar cases. This type of reasoning is not simply a matter of following the rules, for example. Contextualism requires people to draw upon their practical knowledge, which informs them in deciding the correct interpretation and application of a rule in specific situations. Contextualism's guiding assumption, therefore, is the understanding and accurately modeling of practical moral reasoning (Winkler, 1993).

The notion of complete grand ethical theories is rejected by Contextualism, as these normative theories are perceived to be incompatible to the moral life (Winkler, 1993). Winkler (1993, p. 360) maintains that normative theories seek to outline basic principles, which ideally inform "the whole of the moral life." Normative theories assume the existence of perfect moral justification where judgments are based on placing a particular case under a principle that has supreme normative power. Contextualism, conversely, argues that morality is a social instrument, which serves "certain very general ends, within the context of real time, pervasive uncertainty, and continually evolving historical circumstances" (Winkler, 1993, p. 360). Morality is assumed to consist of a heterogeneous collection of various norms, practices, beliefs, or a collection of practical knowledge that guides our actions in different situations (Wallace, 1988, 1996).

Wallace (1988, p. 54) also notes that Contextualism "accepts the existence of many different moral considerations reflecting the complexity of human life and the variety of problems in living such a life." When people encounter problematic cases, they generally do not rely on one specific moral principle/value to help guide their decision. People will draw upon their moral points of view, which as Frankena (1980) suggests encompasses a broad range of moral values/principles. Based on this assumption, moral considerations are believed to exist as "phenomena internal to individuals" (Wallace, 1988, p. 55). Wallace (1988) claims that a moral consideration is a character trait and thus is an internal "learned disposition that exists within an individual that develops to formulate a person's practical knowledge. Character traits refer to "complex learned dispositions consisting of know-how, skills, concerns, values, and commitments" (Wallace, 1988, p. 55). Overtime, individuals develop their practical knowledge through moral learning as they gain knowledge from other people about the various means of addressing issues. How these elements are incorporated in order to resolve practical problems within Contextualism's guiding assumptions is further outlined in the next section on practical reasoning.

Practical Reasoning

Contemporary theorizing about practical reasoning in ethics often takes Aristotle as a point of departure. (Kant, 1969; MacIntyre, 1984; Mill, 1957; Rawls, 1971). The theory of practical reasoning used in this study was based on the works of Jerrold Coombs (1984, 1997) and James Wallace (19988, 1996). Practical reasoning describes standards of good reasoning that inform how individuals do and
should deliberate about real-life moral problems. Suggested standards provide reasoners with the capability to provide sound justifications for their decisions, which as Winkler (1993) and Wallace (1988) contend is the focus of Contextualist practical reasoning. Coombs (1997, p. 1) defines practical reasoning as “any reasoning about the desirability of actions, practices, policies, and programs of action”, including “reasoning about the morality of the wisdom of pursuing a course of action and its overall desirability.” This conception of practical reasoning includes moral reasoning because circumstances that place moral importance to a judgment imply that the decision is conceived to be normatively right or wrong, or normatively good or bad. Reasoning about the desirability of actions also assumes that all actions are motivated by values and beliefs. Coombs’ (1984) contends that practical reasoning entails two types of reasons, which are internal in nature. He states practical reasoning:

Involves deciding what to do as the result of considering two logically different kinds of reasons: (1) motivating reasons in the form of value standards accepted by the agent, and (2) beliefs about the degree to which the actions under consideration fulfill or fail to fulfill the value standards. (p. 3)

An individual’s decision is based on the values that underpin reasons and beliefs that a specific judgment will fulfill certain value standards. Judgments possess an internalist character because our values and beliefs influence our rationally chosen way of life. However, as previously explained judgments are also made in consideration of relevant facts, institutional norms and values, legal precepts, obligations, and standards of practical reasoning. Practical reasoning standards are underpinned through the justification process.

Practical reasoning is essentially comparative, as judgments are made based on whether a course of action is “more or less desirable in relation to alternative courses of action including the alternative of not acting” (Coombs, 1984, p. 3). The soundness of practical reasoning is evaluated by assessing which sets of reasons (or premises) hold more weight or which alternative is supported by the prevailing argument (Coombs, 1984). Consistent with Contextualism’s emphasis on the justification process in resolving practical problems, Coombs’ (1984, 1997) practical reasoning also emphasizes the justification process as one attempts to fulfill standards of reasoning. For example, a practical problem might entail a compliance officer deciding whether to report a possible rule violation where an athletic department booster bought a student-athlete a $55 lunch. The student-athlete and the booster had been friends prior to the student-athlete’s enrollment. The two parties involved had lunch together on a regular basis prior to the student-athlete’s enrollment and continued doing so after the athlete’s enrollment. Both parties were aware of NCAA rules that stipulate that people associated with the athletic department cannot buy student-athletes meals. The compliance officer must decide whether he/she should report the violation or provide a verbal warning to the two parties. In addition, the problem constitutes a
moral problem because he/she must decide whether choosing to report or not to report the possible violation is morally right or morally wrong.

Practical reasoning, therefore, entails collecting relevant information, assessing reasons, scrutinizing relevant values, and making a decision based on the reasons (Coombs, 1997). In relation to the above example, the compliance officer’s decision is determined by which set of reasons fulfill his/her values (e.g., the compliance officer’s values adhering to NCAA rules, honesty, the magnitude of the situation, and the right of a booster to buy a student-athlete lunch. The compliance officer would have to determine which set of values most support his/her decision to report or not report the booster’s lunch).

These standards of reasoning entail both evidential and conceptual claims that require standards identified in the critical thinking literature (Bailin, Case, Coombs, & Daniels, 1999a, 1999b). Standards of practical moral reasoning will be further delineated in succeeding sections on moral reasoning, moral perception and sensitivity, and standards of practical reasoning.

Moral Reasoning

As previously defended, practical reasoning includes moral reasoning in instances where a normative importance is placed on a judgment. For example, a compliance officer deciding whether to document all conversations with athletic department stakeholders could entail moral reasoning if the compliance officer believed that not keeping detailed and accurate records was wrong. Practical reasoning, as previously defined, entails making a decision based on two types of reasons: a) motivating reasoning and b) beliefs that a decision fulfills certain value standards. Since moral reasoning involves practical reasoning, subsequently moral justifications are also based on these two types of reasons.

Motivating reasons are determined through appraising empirical or definitional claims, which ensures that practical reasoning is well grounded, accurate, and reasonably comprehensive. Based on these appraisals a judgment is made that displays the set of reasons that support the soundest argument. For example, the NCAA values the standard of amateurism in competition and believes that allowing “professional athletes”28 to participate in NCAA DI competition is unfair. Given this belief, the NCAA has determined that International NCAA DI student-athletes, who have received prize money for winning various event(s) are deemed professionals, and thus lose a portion of their NCAA eligibility. The NCAA’s judgment that International NCAA DI student-athletes who receive prize money for winning sporting events are deemed professional athletes is based on a set of reasons that value the notion of amateurism. The NCAA’s reasons mostly likely include: (a) the Association believes that a clear demarcation between intercollegiate athletics and professional sport must exist. Allowing athletes to accept prize money blurs

28 Professional athlete being defined in this instance as any athlete receiving money for his/her athletic talents outside of intercollegiate athletic or educational scholarships.
the line between intercollegiate athletics and professional sport; (b) the Association believes that member institutions should adopt and adhere to the Association’s legislative and rules systems in order to create an equal playing field for its members to compete in. Permitting student-athletes to accept and keep prize money creates an unfair advantage for those athletes because they possess more resources to aid their training. Allowing athletes to accept and keep their prize money also is a violation of NCAA rules and contradicts the principles under which the Association operates. These types of reasons, combined, generally support the NCAA’s decision.

Assessing beliefs and, to what degree these beliefs realize value standards, is the second type of reasoning that inform decisions. A reason for making a decision implies two conditions. First, an individual holds certain beliefs about the characteristics and consequences of the action; and second, an individual has a principle/rule for making a judgment. It is the belief that a decision has a particular consequence that motivates the individual to make a decision. This belief becomes a reason for the decision when the consequence is something the individual values or wants. People’s beliefs act as motivating reasons for people’s wants and values. In the above amateurism problem, the NCAA’s beliefs about the nature of amateurism will act as motivators in determining the standards of amateurism that should be upheld. Upon the NCAA assessing their beliefs about amateurism in this context, they would also have to assess if allowing International student-athletes to compete in NCAA DI-A athletics fulfills or fails to fulfill the value standard defined as amateurism. The NCAA’s beliefs about what constitutes amateurism will act as motivating reasons and influence their judgment on how this rule should be applied in relation to International NCAA DI-A student-athletes’ eligibility. Included in this deliberation is the NCAA’s attempt to select the alternative that is supported by the best or most compelling reasons.

Finally, sound moral reasoning is also characterized by deliberations that are initiated by certain value principles and empirical beliefs that are justifiable. Justification of a judgment requires that the factual beliefs being appraised in reasoning meet two conditions: “they must be true or at least well supported by the bulk of available evidence; and they must be comprehensive enough to encompass all of the morally relevant features of the situation” (Coombs, 1980a, p. 18).

**Moral Perception and Sensitivity**

Engaging in moral reasoning first requires accurately recognizing the existence of a moral problem (cf. Blum, 1994; Coombs, 1998; Kekes, 1989). In the previous example regarding the booster providing a student-athlete a meal, if the compliance officer did not accurately understand NCAA rules and standards he/she would most likely overlook the potential rules violation by the booster and the student-athlete. Blum (1994) states:

Although an agent may reason well in moral situations, uphold the strictest standards of impartiality for testing her maxims and moral principles, and be adept at deliberation, unless she perceives her moral character accurately, her moral principles and skill at
Moral perception is the accurate recognition or consciousness of a situation as being moral (Blum, 1994; Kekes, 1989; Sherman, 1989). Moral sensitivity or making moral discriminations is accurately recognizing the salient features of a moral situation. Individuals' moral perceptions and sensitivities are related to their moral characters, histories, experiences, education, and so forth (Blum, 1994; Kekes, 1989; Sherman, 1989). Organizational norms, standards of behavior, rules, and values also inform organizational members' moral perceptions and sensitivities. Therefore, compliance officers' moral discriminations are interrelated with their moral make-up, their personal and professional experiences, their backgrounds, NCAA rules, norms, values, and standards of conduct.

Based on an individual's background, experiences, contextual features, and moral make-up, he/she will be more aware of perceiving particular situations as being moral in relation to these moral characteristics (cf. Kekes, 1989; Murdoch, 1970; Sherman, 1989). People's understandings of moral concepts and therefore, their interpretation of situations are informed by their moral learnings. Kekes (1989) asserts that people's understandings of moral concepts is learnt by observing how the concept was conceptualized and applied in past cases, in addition to their formal and informal education. For example, a compliance officer's understanding of gender equity is related to his/her teachings of the meaning of the concept -gender equity and through their observation of the application of gender equity principles in previous cases.

Consequently, individuals' relationships to a moral problem also influence their understanding and application of moral concepts. Kekes (1989) posits that:

A large part of the complexity of moral situations comes from the participation in them of the people who need to judge them. The ways in which they participate and judge are intertwined, they change together, and they reciprocally form each other. (p. 131)

The compliance officer who has experienced a Federal gender equity audit will have a different conception of the meaning and application of gender equity than a football coach from a highly ranked football program who has not experienced such an audit, or in cases where male athletes have had their sport program cut to apparently meet Title IX gender equity compliance requirements.

Moral sensitivity is interconnected with moral perception and our emotions. People's ability to identify the salient features of a situation is based on their understandings of moral concepts. Sherman (1989) contends that people see not only through their understanding of moral concepts but also from their emotional awareness. People develop relevant points of view for discrimination because of their emotional dispositions. Individuals notice through feeling. Emotions inform what we see and how we see. Blum (1994) and Sherman (1989) also maintain the existence of varying degrees of saliency. People will understand some features of gender equity, for example, but not recognize other features. Different aspects of a person's moral reality and emotional awareness will aid in their ability to identify various
levels of saliency in a moral situation. Sherman (1989, p. 29) adequately summarizes this point by stating, "a given circumstance may have multiple descriptions, and yield competing ethical claims to equally virtuous individuals who simply see things differently as a result of having developed the virtues differently within their lives." Moral perception occurs prior to making a moral judgment\textsuperscript{29} in moral reasoning. Blum (1994, p. 31) defines "moral judgment" as the process that bridges the gap between moral rules and principles, and particular situations. In this study, moral judgment is the result of accurately recognizing the existence of a moral problem and the morally salient features, deliberation, judgment making, and action\textsuperscript{30} (Blum, 1994; Kekes, 1989, Sherman, 1989). This conception of moral reasoning illustrates how a reasoner’s individual thoughts and feelings are an interdependent part of practical reasoning and provide one with an explanation as to why two people who are similar in age, experience, education, and historical and social backgrounds will often make varying interpretations and judgments about a particular situation.

Standards of Practical Moral Reasoning

Practical moral reasoning occurs in a variety of contexts. The context of a problem will also inform the standards of reasoning used in practical moral deliberations (Coombs, 1997; Wallace, 1988). Coombs (1997) has outlined the standards of sound practical reasoning in three different contexts: deciding among acceptable alternatives, resolving any emerging moral uncertainties, and group (social) and individual deliberations (see Table 5). The aim in striving to meet these standards is to gain confidence in our decisions and trust that our decision is justified. Practical reasoning problems range on a continuum from simple to difficult practical problems. Simple moral problems are less complex and the consequences of a judgment are less significant, meaning there are less possible alternatives and their related consequences to consider, and the magnitude of the problem is minor. A compliance officer who is asked to interpret and apply the institutional countable contest\textsuperscript{31} rules is an example of a simple problem. At the other end of the continuum, a compliance officer might be faced with an extremely difficult practical problem such as being forced by his/her superior to manipulate information to help a team/their program gain an advantage or he/she is requested to define and apply certain NCAA rules, such as relating to amateurism, recruiting, or academic assistance.

\textsuperscript{29} Blum (1994, p.3) defines "moral judgment" from Henry Richardson’s notion of “specification” of norms “in which an initial general norm is brought to bear on the specific situation in question by means of a more particularized norm that both counts as a modification of the original one (preserving its original moral thrust), and at the same time makes it clearer than the original norm which act should be performed in the current situation”.

\textsuperscript{30} That is, if one decides to act.

Deciding Among Acceptable Alternatives

Practical reasoning judgments are based on reasoners' values and their belief that the judgment made will realize these values. The purpose of meeting this standard of deciding among acceptable alternatives is to gain confidence in the values that underlie our decisions and determine if the judgment is supported by good reasons. Coombs (1984, 1997) articulates several important standards for gaining confidence in our judgments and assessing the motivating reasons for a decision. The first step is gathering all the pertinent background information and meeting the standard of sufficiency of information. Research is carried out to identify any related policies, rules, procedures, values, beliefs, and laws related to the situation. Collecting as much related data and case specifics as possible is required in meeting this standard. In the rule violation case, the compliance officer would first gather all necessary background information. This would entail researching all pertinent information about rules and
definitions of concepts the Association has about extra benefits. In addition, he/she would conduct interviews with relevant people to gain further understanding of the scope and nature of the problem. Upon gathering all necessary information, the compliance officer would assess what group(s) of people is/are involved (e.g., the booster, any coaches, other athletic department administrators, and the student-athlete[s]). The compliance officer would assess which values pertain (e.g., extra benefits, established prior relationships, institutional control, and determining the classification of the violation-secondary or major).

The compliance officer would proceed to evaluate the information using four main standards: accuracy of information, undistorted values, inclusiveness of envisioned alternatives, and rational considerations. Assessing the accuracy of information is accomplished through critically verifying empirical claims and the accuracy of definitions of terms, determining if beliefs (such as extra benefits) are warranted, and appraising the evidence or claims supporting the beliefs and the credibility of relevant authorities. For example, the compliance officer would verify the nature of the relationship between the booster and the student-athlete, and determine if there was sufficient evidence to support their prior relationship. He/she would also question the two parties belief that their actions were within the parameters of NCAA rules. The compliance officer would also assess his/her beliefs about the nature of the relationship, the intent of the rules, and his/her responsibility to report NCAA violations. Asking these types of questions, aids in fulfilling the standards of practical reasoning, which would ultimately aid in the compliance officer making a sound decision.

Meeting the standard of undistorted values requires imagining the outcome if a value was realized, imagining if a disvalued state of affairs was realized, reflecting on experiences to examine how one acquired the value, and scrutinizing these values to ensure the values are genuine. In relation to the rule violation example, the compliance officer would need to imagine what some of the consequences would be if he/she did not report the violation versus reporting the violation. Should the compliance officer explain the rules and give each party a warning? What if another institution discovers the potential violation and reports them to the NCAA. What if the compliance officer reports the violation and the institution is sanctioned for having a lack of institutional control? Asking, deliberating about, and answering these kinds of questions will aid the compliance officer in gaining confidence that the reasons for his/her decision are based on genuine value standards.

Identifying all possible alternatives and the desirability of their consequences meets the standard of inclusiveness of envisioned alternatives. Coombs (1997) believes that failing to think of alternatives might result in overlooking a more appropriate option. Similar to judging the adequacy of background information, contextual factors are also used to appraise the possible alternatives and their outcomes. In regards to our Booster buying the student-athlete lunch example, the compliance officer should think of as many plausible alternatives courses of action and their outcomes as possible, followed by, assessing their
prior relationship, if there was a special circumstance, or other contextual features that might be considered in making a decision.

Finally, the standard of rational consideration "requires persons to make a reasonable attempt to identify the alternative that would contribute most to realizing the way of life they genuinely want" (Coombs, 1997, p. 6). Borrowing from Taylor (1961), Coombs (1997) argues that by selecting a particular alternative a person is selecting a particular way of life in which they wish to live. Taylor (1961) suggests that selecting a rational choice that aims for a certain way of life must meet three conditions: it should be free or uncoerced, it should be enlightened or aware of other alternative ways of being, and it should be impartial or free from indoctrinated beliefs or unsubstantiated prejudices.

Referring back to the Booster example, the compliance officer would consider what kind of life the compliance officer wishes to live and decide whether to report the incidence. The compliance officer might choose to report the incident because he/she wishes to be honest and responsible in his/her position. However, depending on the culture of the athletic department, he/she might or might not be respected by the athletic department staff and his/her decision might contribute to working in a hostile environment. In contrast, the compliance officer might choose not to report the incident, as he/she believes that it is more beneficial to address the issue by talking to the respective parties and educating them about NCAA rules. The compliance officer perceives this approach as creating a work environment that is educational and cooperative rather than a legalistic atmosphere that is institutional and authoritative. The set of reasons why the compliance officer would choose or choose not to report the Booster for buying a student-athlete a $55 lunch would support the kind of life he/she wishes to pursue.

**Resolving Moral Uncertainties**

Wallace (1988) argues that moral problems come in two forms: problems of conflict and problems of relevance. Problems of conflict occur when two or more moral concepts that a person holds, come into conflict with each other. This is the case when one moral concept a person accepts clearly points toward one course of action, while another moral concept, which also is equally valued, suggests an opposing course of action. Problems of conflict also can arise in cases where two or more people's goals differ but a decision must be made. For example, an athletic department needs to have the college's gymnasium scoreboards replaced. The athletic director operates on a very limited budget. This year's athletic budget falls short in allowing the athletic department to purchase a new scoreboard. The athletic director is faced with a conflict problem when the local brewing company (where many students' parents receive employment) has offered to replace and maintain the gymnasium's scoreboards (without the company's logo) free of cost for the next 5 years. While the brewing company can solve the problem of the budget shortfall by replacing the scoreboards, the athletic director is concerned that alcohol companies should not be associated with educational institutions. If the athletic director accepts that college sports programs should not be associated with alcohol companies, but he/she also accepts that a local company
has the right to give back to the community when there is an obvious need; then the athletic director is forced to choose between these competing options and if at all possible, strive to realize both competing values.

Moral relevance problems arise when we are not sure if a given moral principle or concept applies in a particular situation. Problems of relevance generally occur in new situations (ones we have not experienced before) and when we are uncertain if a moral principle/concept is applicable. For example, can NCAA DI-A International student-athletes who earn prize monies for winning or competing in an event yet gives their money to their coach, be classified as professional athletes? This is an example of a problem of relevance, as it is unclear how the moral concept (amateurism) applies in this situation. For example, we may accept the moral belief that professional athletes should not be eligible to participate in NCAA DI-A athletics, but be unsure about whether or not an individual who gives their prize money to their coach, counts as a professional athlete. In this instance, compliance officers should assess comparable cases to determine how the concept is defined and applied in similar cases. For example, NCAA DI-A student-athletes who are also U.S Olympic athletes can receive and keep up to $3,000 for winning an Olympic event. The compliance officer would assess how this definition and application of the meaning of amateurism in relation to NCAA student-athletes who are Olympic athletes corresponds with current understandings of amateurism. If the definition and understanding of amateurism were different then the compliance officer would decide where the differences in the meaning and application of the value occur. This assessment would also include, evaluating how the concept of amateurism is applied in terms of U.S Olympic NCAA DI-A student-athletes who won more than $3,000 yet gave their winnings to their coach or a third party related to the athlete’s training team. Resolving problems of relevance requires the examination of our current understanding of applicable moral concepts relating to amateurism and determining if they can be adapted and applied to this new case (NCAA DI-A athletics).

Resolving these two types of problems requires meeting certain standards of practical reasoning. Problems of conflict require meeting the standards of value preservation, consistency, and universality. Meeting the standard of value preservation necessitates the realization of both competing values as much as possible in the case at hand (Wallace, 1988; Coombs, 1997). This approach is distinct from traditional theory application approaches in resolving problems of conflict where one would weigh his/her moral principles in order to resolve the problem. As previously mentioned, moral principles hold different weights in various domains. The domain and circumstances of a particular case influence the ordering of importance and application of principles. For example, alcohol companies sponsoring high school athletic programs are generally perceived to be inappropriate by certain community groups. Whereas, alcohol companies sponsoring professional sports programs are perceived as appropriate by these same community groups.
Wallace (1988) posits that problems of conflict are resolved by attempting to preserve the competing values in the case at hand. This is related to the standard of value preservation. Reasoners should consider which of the values in conflict would be most compromised by failing to follow one of the concepts in the particular case. In relation to the alcohol sponsorship example, this would entail the athletic director examining past cases to determine if he/she has accepted similar companies' funding offers and deciding what good the sponsorship would secure. The athletic director would then consider the extent to which the good realized would be compromised if he/she did or did not accept the alcohol company's offer. If both goods are equally compromised then the athletic director would have to consider which good is more important to compromise, for example, the image of the program versus receiving free equipment and maintenance, and receiving community support.

In resolving moral uncertainties, Wallace (1988) contends that our moral concepts should be applied consistently in relation to their past application and use. The standard of consistency is achieved through the consistent application of moral concepts in relation to past understandings of the concept and in their past use in similar cases. This is accomplished by first considering previous straightforward cases in which the moral concept was applied. The point of this exercise is to ascertain the specific features of the past case that led to the belief that these features fell under the category of the moral concept in question. An appraisal of the particulars of the case is conducted in order to determine whether similar reasons and circumstances exist for applying the concept in the current problematic case it was applied in previous cases (Coombs, 1997; Wallace, 1988).

The resolution of problems of conflict also requires considering if the realization of these competing moral values, or selection of one moral concept over another, is applicable in all situations to which it relates. This decision then meets the standard of universalizability. Finally, problems of conflict should meet the standard of impartiality. This standard indicates that no judgment should be made through the result of indoctrination or unfounded prejudices.

The standards we strive for in resolving problems of relevance are chiefly the standards of consistency and universalizability. The standard of consistency calls for moral concepts to be applied consistently in relation to their prior use. Meeting this standard will also require acquiring and assessing relevant information about this problematic case and determining whether there are similar reasons for applying the concept in past cases and in the new case. Wallace (1988) suggests that in this exercise we are attempting to construct a theory about how the moral concept has been appropriately used in the past and in what manner the moral concept can be modified to help reach a decision in the present case. Imagining other cases that are relatively similar to our original problematic case, or thinking of cases that we might not want to judge in the same way, and discussing the cases critically with other people can enhance our notions of related moral concepts.

Upon making a judgment, we can increase the confidence and appraise the reasons for a judgment through principle testing (Coombs, 1980a). Coombs (1980a) suggests that:
principle testing is a means to determine if a principle used in making a moral judgment conforms to three standards: (a) the moral decision can be accepted and the moral principle can be followed in all cases that apply, (b) the consequences of the principle being acted on would not be disastrous for all those affected, and (c) the principle can be publicly advocated without defeating the point of the principle. (p. 31)

The ability to test principles is, to a considerable extent, a matter of knowing what questions to ask, being disposed to ask those questions, and knowing how to adjust one's reasoning in light of the answers to these questions. Coombs (1980b) suggests four kinds of tests that can be used to teach people to review their moral reasoning: new cases, role exchange, subsumption, and universal consequences tests.\(^3\) The new cases and universal consequences tests replicate Wallace's (1988) suggested strategies for gaining confidence in our moral judgments. The new cases test consists of determining whether the principle yields acceptable judgments when applied to other similar cases. The role exchange test consists of determining whether the principle yields an acceptable judgment when viewed from the perspective of the person likely to be most adversely affected by the action being judged. The universal consequences test consists of determining whether the consequences of everyone's acting on the principle for the same reasons would be acceptable. Finally, the subsumption test consists of determining whether the principle can be deduced from a more general principle already regarded as acceptable. Not all tests carry equal weight or should be applied in all cases. The type of problem encountered will determine which tests to employ.

**Individual and Social deliberations**

Practical reasoning judgments include both individual judgments (a decision regarding what the individual should do) and social judgments (a decision regarding what a group should do) (Coombs, 1984). Individual and social judgments have slightly different challenges and criteria for arriving at a decision. An individual strives to realize two aims: first, he/she attempts to realize one’s rational plan of life (standard of greatest benefit), and second, the decision should not be immoral (standard of moral acceptability). The standard of greatest benefit "refers to realizing one's own rationally chosen conception of the good life" (Coombs, 1997, p.4). Each alternative course of action considered by a reasoner, in an individual judgment, reflects the fulfillment of a different value standard. The selected alternative is based on the belief that it contributes most to one's benefit and is morally acceptable.

Deciding whether or not to follow up on information on a “student-athlete’s statement” form\(^3\) is an example of an individual judgment. Resolving this problem requires meeting the standard of greatest benefit...
benefit and appraising what consequences of all available alternatives allows you to best realize your values. Before considering this question, a compliance officer should consider if his/her decision affects only him/her, or does it affect other people (even indirectly), in addition, to oneself (La Bar & Wright, 1983). As shown in Table 6, the answer to these questions will influence the types of values and interests that must be considered in meeting the standard of greatest benefit. If the compliance officer’s decision only affects his/her values and interests, then these are the only factors that need consideration. The decision to follow up on information on a “student-athlete’s statement” form potentially affects other people (e.g., the athlete, the coach, the program, the athletic department, fellow colleagues, and the institution) then the compliance officer’s deliberations should consider those potentially affected people’s values.

Arriving at a sound decision on whether or not to follow up on information on a “student-athlete’s statement” form requires asking several questions. The compliance officer’s decision affects other people, therefore the values and interests that he/she would need to consider include both his/her values and the values of the people affected. As indicated in Table 6 upon gathering all necessary information, the compliance officer would then proceed to list all the alternatives and their consequences for deciding whether or not to follow up on information on a “student-athlete’s statement” form. Each alternative should be judged to determine the relative importance of each value in pursuing this position. The compliance officer would assess such alternatives by asking such questions as what if he/she does not follow-up on the information required and part of the information disclosed by the athlete was incorrect, what if he/she asks the athlete one or two follow-up questions and on face value the information appeared legitimate, what if he/she asked the coach some questions and the coach verified all of his/her questions, or what if he/she extensively researches all of the information on the form and discovers that the athlete’s eligibility is in question. Upon assessing all the possible alternatives and their consequences, the compliance officer then rank-orders these options to determine which is the best alternative in terms of values and long-term benefits. Upon rank ordering the alternatives, the compliance officer would assess if the judgment is morally acceptable. Coombs (1984) also stresses that the standard of moral acceptability holds more weight than the standard of greatest benefit.

Social judgments also appeal to the same standards as individual judgments; however, the standard of greatest benefit has a social rather than personal emphasis (Coombs, 1984). Coombs (1984, p. 6) argues that the standard of greatest benefit is ideally “fulfilled to the highest degree by that program of action which most nearly realizes the rationally chosen way of life of every person in the society.” Answering the question whose good is to be realized and to what extent, is resolved through appealing to the standard of moral acceptability, which Coombs (1984, p. 7) suggests, “particularly as it is embodied in the principle of justice or just distribution.”
Table 6
Resolving Individual Judgments

<table>
<thead>
<tr>
<th>Situation exists that requires some form of decision</th>
<th>Individual judgment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Situation does not affect others</td>
<td>Situation affects others in addition to oneself</td>
</tr>
<tr>
<td>What is my long-term interest?</td>
<td>Who else is affected?</td>
</tr>
<tr>
<td>Which of my basic values are involved</td>
<td>What basic human values are involved?</td>
</tr>
<tr>
<td>What are the alternative courses of action?</td>
<td>What are the alternative courses of action?</td>
</tr>
<tr>
<td>Have I considered all alternatives?</td>
<td>Have I considered all alternatives?</td>
</tr>
<tr>
<td>Can I consult other people to identify other alternatives?</td>
<td>Can I consult other people to identify other alternatives?</td>
</tr>
<tr>
<td>What are the likely consequences of each alternative?</td>
<td>What are the likely consequences of each alternative?</td>
</tr>
<tr>
<td>Are the alternatives consistent with my values and in my long-term best interest?</td>
<td>Are the alternatives consistent with my values and in my long-term best interest?</td>
</tr>
<tr>
<td>Have I collected information and assessed it for accuracy?</td>
<td>Are the alternatives consistent with basic human values?</td>
</tr>
<tr>
<td>Have I been objective?</td>
<td>Have I collected information and assessed it for accuracy?</td>
</tr>
<tr>
<td>Taken enough time?</td>
<td>Have I been objective?</td>
</tr>
<tr>
<td>Should I consult others for advice?</td>
<td>I have taken enough time?</td>
</tr>
<tr>
<td>How feasible is each alternative decision?</td>
<td>Should I consult others for advice?</td>
</tr>
<tr>
<td>Rank order alternatives to assess which is best in terms of values and long-term beliefs?</td>
<td>Is the decision one that may have consequences for others which I could accept if they were to happen to me?</td>
</tr>
<tr>
<td>Is this decision morally acceptable?</td>
<td>Is the decision one that may have unacceptable consequences were everyone to make this decision?</td>
</tr>
<tr>
<td>Make a decision</td>
<td>How feasible is each alternative decision?</td>
</tr>
</tbody>
</table>

34 Adapted from La Bar, C. and Wright, I. (1983, p. 7).
The standard of just distribution requires that, other things being equal, benefits must be distributed equally (Rawls, 1971; Coombs, 1984). Coombs (1984, p. 7) contends that the principle of equality holds conditional priority over the standard of greatest benefit, "for one cannot apply standards of greatest benefit without first determining who is to benefit" which is resolved through the conditions of morality. In certain situations, the standard of greatest benefit can trump appeals to equality. The outweighing of greatest benefit over equality can occur in circumstances where it is "justified by reference to wider considerations of justice and morality" (Coombs, 1984, p. 7). Once a decision is made, the standard of moral acceptability is applied.

Situations can become problematic when realizing one group’s basic good restricts the realization of basic goods for another group. The amateurism case illustrates this point, as NCAA student-athletes who are U.S. Olympic athletes and receive up to $3,000 in prize money, maintain their amateur athlete status, and their playing eligibility is not affected. Conversely, International NCAA student-athletes who are Olympic athletes and receive prize money are considered professionals and their playing eligibility is affected. In resolving this kind of amateurism case, the NCAA should ask certain questions. In relation to Table 7, the parties involved are identified, and the NCAA should appraise the meaning of amateurism and its application. The NCAA would determine what values are in conflict. Preceding this analysis, the NCAA should list all the possible alternatives and their likely consequences. For example, if the NCAA decided that all athletes who received any amount of prize monies for their athletic ability were deemed professionals and that all professional athletes were to lose two years of eligibility, the NCAA would have to assess the effect of these decisions on the Association. The NCAA would contemplate how these kinds of consequences would affect all of their members and society as a whole. For example, if the NCAA permitted membership to strictly amateur student-athletes who have not received any prize money or benefit from their athletic ability, they would have to consider how this restriction would affect all people within society. What impact this decision would have on: people who support intercollegiate athletics, other intercollegiate athletic organizations, individuals in society who participate in professional or Olympic competition and would be restricted from NCAA competition, or individuals who wish to participate in NCAA athletics, yet are unable because “professional” student-athletes are being awarded those positions on athletic team rosters. Once they have listed all the alternatives and their consequences, appraised them for accuracy, their trade-offs, and their values, then the NCAA would rank-order these alternatives. The ranking is determined by basic human values and the interests of all those involved. The NCAA would then make a decision and determine its moral acceptability.
Table 7
Resolving Social Judgments^\textsuperscript{35}

<table>
<thead>
<tr>
<th>Situation exists that requires some form of decision</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Social judgment</strong></td>
</tr>
<tr>
<td>What group(s) of people is/are involved?</td>
</tr>
<tr>
<td>What values are in conflict?</td>
</tr>
<tr>
<td>What are the alternative courses of action?</td>
</tr>
<tr>
<td>Have all the alternatives been considered?</td>
</tr>
<tr>
<td>Should other people be consulted to point out other alternatives?</td>
</tr>
<tr>
<td>What are the likely consequences of each alternative? On society at large?</td>
</tr>
<tr>
<td>Are the alternatives consistent with basic human values?</td>
</tr>
<tr>
<td>What are the trade-offs involved in each alternative?</td>
</tr>
<tr>
<td>Have we collected information and assessed it for accuracy?</td>
</tr>
<tr>
<td>Has each alternative been assessed objectively?</td>
</tr>
<tr>
<td>Has enough time been devoted to seriously considering each reasonable alternative course of action?</td>
</tr>
<tr>
<td>How feasible is each alternative course of action?</td>
</tr>
<tr>
<td>Rank in order alternative decisions to assess which is best in terms of basic human values and the interests of all those involved.</td>
</tr>
<tr>
<td>Make a decision.</td>
</tr>
<tr>
<td>Is this decision morally acceptable?</td>
</tr>
<tr>
<td>Final decision</td>
</tr>
</tbody>
</table>

^\textsuperscript{35} Adapted from La Bar, C. and Wright, I. (1983, p. 7).
The NCAA could quite feasibly make a judgment that provides greater total benefits but distributes them unequally; this would require the NCAA to provide “sound” justifications for their decision including placing themselves in the position of the most disadvantaged by the decision. Providing this type of justification, Coombs’ (1984) argues, appeals to the standards of universality and impartiality.

It must be noted, that practical reasoning in practice, is not linear. Apart from identifying the existence of a problem and understanding the type of problem, engaging in practical reasoning and meeting the standards can occur at any time during deliberations until the point of making a decision about how to act. The nature and context of the problem will determine what types of strategies to employ and the standards to be met. A group (sporting organization) might be faced with a situation where several courses of action might be in conflict. In such a case, the group would employ all appropriate standards of practical reasoning in order to arrive at a decision that is considered morally acceptable by the group. In other cases, the moral problem might be much less complex (e.g., the rule violation case) and might involve less deliberation. Finally, Coombs (1997) does not propose that these three practical reasoning contexts: deciding among morally acceptable alternatives, resolving moral uncertainties, and individual or group deliberations are exhaustive, as practical reasoning potentially involves a plethora of forms and contexts. Compliance officers also use practical reasoning when interpreting, and deliberating on, NCAA rules. The next section describes Dworkin’s theory of interpretation and resolving hard cases.

**Dworkin’s Theory of Interpretation**

In Dworkin’s (1986, p. 255) theory of interpretation he argues that judges (in this case compliance officers) should decide hard cases by constructing rule interpretations that reflect the “political structure and legal doctrine of the community”. This statement represents Dworkin’s (1986) notion of integrity as law. Integrity implies that the law should speak with one voice. Rule interpretations should “fit” and be consistent with the overall voice of the law. In this study, the overall voice refers to the NCAA’s legislative system and their notions of an equal playing field and amateurism.

Dworkin (1986, p. 226) maintains that law, as integrity is “both the product of and the inspiration for comprehensive interpretation of legal practice.” Resolving hard cases is a continual interpretive process, rather than an independent interpretation. “Law as integrity asks them [legal professionals] to continue interpreting the same material that it claims to have successfully interpreted itself” because the meanings of legal concepts evolve overtime (Dworkin, 1986, p. 226). Dworkin (1986) rejects what he refers to as conventionalist and pragmatic interpretation of the law. Conventionalism would dictate that compliance officers study NCAA legislative reports and records to discover how Association decisions were made. In essence, conventionalist interpretations are mechanical and require assessing what the

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36 Dworkin (1985, 1996) also uses the terms interpretivism and integrity as law interchangeably.
words in the rules mean and what they meant when they were written. In order to form interpretations that fit with the overall voice of the NCAA and the Conference, compliance officers should repeatedly appraise past interpretations, the application of past rules, and assess reasons why the rules were implemented. The primary weight of interpretation is based on the actual text and structure of the constitution. Fundamentally, the law consists of what legal institutions have decided in the past (Dworkin, 1986.) Legal pragmatism would advocate that compliance officers instrumentally determine what rules would provide the greatest benefit for the community’s future or collective goal. Compliance officers do not have the liberty to determine, in all cases, what rules provide the greatest benefit for a community. The NCAA legislation is constructed to allow Association members to make decisions about what rules provide the greatest benefit. Making decisions based on a community’s collective goals are decisions based on policy (Dworkin, 1977). Engaging in pragmatic interpretations entails assessing, in certain situations, legislative documents beyond the Association and overlooking certain moral ideals of justice and fairness.

Dworkin’s Theory of Resolving Hard Cases

In the previous section, I have demonstrated that on a daily basis athletic administrators engage in practical reasoning. These administrators are faced with many situations where they must decide about a specific policy, procedure, or desirability of an action. Likewise, legal professionals (including, judges, lawyers, and attorneys) are also faced with situations where they too must make decisions regarding program formation, policy adoption, legal interpretations, or principle formulation for long-term action (Gall, 1945; Jonsen & Toulmin, 1988). As well, the scope of practical judgments for these legal professions ranges from simple to complex. Complex issues arise where rules or laws are ambiguous in their application or the rules or laws are contrary to one another and require adjudication. Jonsen and Toulmin (1988) argue that the resolution to these types of practical problems should be inductively determined by examining case particularities, considering past cases and their applications, and examining relevant standards, laws, policies, historical factors, and so forth. Dworkin’s (1977, 1985, 1986) notion of law, which includes his theories of interpretation and hard cases, is most appropriate in providing a descriptive analysis of how legal professionals and compliance officers engage in practical reasoning in their respective lines of work.

Dworkin (1977, 1985, 1986) defends law’s normative content through his rights-based conception of the law. He contends that the fundamental purpose of the law is morality, defined by the principles of justice and fairness, which assumes that the political community should act in a coherent and principled manner toward its members. He argues that legal rules fall short in resolving hard cases and thus legal principles, policies, and norms become important during deliberation and judgment making, as
they inform the standards that a judge should draw upon in forming his/her decision. Dworkin (1977, p. 22) defines principles as standards that secure justice and fairness or some other dimension of morality. He contends that an argument of principle justifies “a political decision by showing that the decision respects or secures some individual or group right” (Dworkin, 1977, p. 82). The NCAA standard that Association activities should be conducted free of gender bias is an example of a principle (NCAA Manual, 2001-2002, p. 4). Principles possess an element of importance and when principles conflict their level of importance is weighed in making a judgment. Dworkin (1977, 1985) claims that hard cases are more appropriately resolved by arguments of principle rather than arguments of policy as principled decisions more aptly incorporate the use of precedent in hard cases than arguments of policy. Dworkin (1977) asserts that decisions should not be made in isolation, rather (reflective of Wallace’s (1988) and Coombs’ (1984, 1997) notion of resolving moral uncertainties) decisions should be consistent based on the application of a rule in past cases. These decisions reflect a coherent theory of political morality representing a community’s standards of justice and fairness.

Deciding which principles are relevant in any given case, and the weight the principle carries, relative to other principles, is inevitably an interpretative and moral endeavor. Judicial decision-making, like practical reasoning, in hard cases requires judges or compliance officers to interpret the law and make decisions that are consistent with the legal system and political morality of society (e.g., NCAA). Although a judge’s character or conception of the law will influence his/her interpretation of the law, justifications and decisions must be consistent with the legal system and should not create new laws. Judicial decision-making, like Contextualist practical reasoning, requires examining the institutional history of precedence in particular hard cases. Studying previous similar cases, aids in our understanding of how similar rights have been interpreted and adjudicated. Dworkin (1977, p. 87) argues that, “institutional history is an important factor in judicial decision-making as “institutional history is part of the background that any plausible judgment about the rights of an individual must accommodate”. These rights are part of “both history and morality: what an individual is entitled to have, in civil society, depends upon the practice and the justice of its political institutions” (Dworkin, 1977, p. 87).

In relation to Contextualism and resolving practical problems, we can observe the connection in resolving hard cases. Winkler (1993, p. 344) argues that moral problems must be resolved “within concrete circumstances ... by appeal to relevant historical and cultural traditions, with reference to critical institutional and professional norms and virtues”, and through comparative case analysis. Dworkin (1977, 1985) suggests that in resolving hard cases, individuals should also consider historical factors in order to possess an understanding of a community’s standards of justice and fairness whereby he/she can make interpretations that are consistent with institutional members’ standards of the law and notions of

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37 Political morality refers to the virtues that a community holds in high regard. These virtues reflect a set of principles regarding a community’s rights and duties, that is, the principles that reflect the community’s standards and “the structures of institutions and decisions” (Dworkin, 1986, p. 256).
morality. Furthermore, using precedence in resolving hard cases requires that analogous cases be interpreted and adjudicated similarly and consistently. Consistency in this sense refers to the comparable application of principles and rules in resolving similar hard cases. Therefore, in deciding new cases, judges would “test” the acceptability of the principle used in their deliberation as described in Coombs’ (1980b) principle testing: (a) assessing a proposed principle for consistency with other principles, (b) assessing the consequences for adopting the principle for all parties who might be affected, (c) assessing the consequences of adopting the principle in other similar cases, and (d) assessing the cumulative consequences of adopting the principle in repeated instances. Dworkin (1977, 1985, 1986) and Coombs (1980b) both contend that the purpose of principle testing is to secure confidence in our decision-making and in the principle that underlies the decision, so the decision reflects, rather than contradicts, decisions of the past and is consistent with the community’s conception of morality.

As stated previously, Dworkin’s (1977) rights thesis requires judges to resolve hard cases by confirming or denying concrete rights. There are two forms of concrete rights: institutional and legal rights. Institutional rights can be found in various contexts and can exist, partially or fully, in autonomous institutions. The NCAA is an example of an autonomous institution, as “its members understand that no one may claim an institutional right by direct appeal to general morality” (Dworkin, 1977, p. 101). The NCAA is a private organization and its members do not have authority to claim that any of its rules or procedures might create injustices. NCAA institutional rights are fixed by constitutive and regulative rules that belong distinctly to the Association. These rights determine membership requirements, legislative procedures, operational bylaws, or general institutional duties in order for the Association to operate; these rights do not determine a general political right such as minimum wage requirements.

Even though the NCAA possesses a comprehensive and formalized rules system, certain rules require interpretation or elaboration before compliance officers can enforce them. In the NCAA’s legislative system compliance officers are not entitled to employ their own moral beliefs or values in deciding such hard cases. The NCAA has developed and implemented extensive structural features in an attempt to minimize an individual’s personal interpretation of the rules. As mentioned in chapter one, several infrastructures have been implemented to ensure “the correct” rule interpretation (i.e., legislative database, conference compliance officers, and Association compliance officers). However, Dworkin’s (1977) rights thesis suggests that in the NCAA context, compliance officers are required to interpret and apply NCAA rules that are consistent and reflect the philosophy or character of the Association. Understanding what the character of the NCAA represents requires a compliance officer to examine the institution’s history, conventions, attitudes, and manners. These institutional features will ultimately make up the Association’s character and aid their adjudication of hard cases.

Legal rights represent the second feature of concrete rights. Dworkin (1977) asserts that legal rights encompass two key concepts. The first concept suggests that hard cases should be resolved by examining the intention or purpose of a rule or statute. Dworkin (1977, p. 105) believes that “this concept
provides a bridge between political justification of the general idea that statutes create rights and those hard cases that ask what rights a particular statute has created.” Hence, in an NCAA context, compliance officers seek to discover the intent or substantive nature of a rule in order to resolve a novel case. The second focuses on the concept that principles underpin the positive rules of law. Dworkin (1977, p. 105) argues that this concept “provides a bridge between the political justification of the doctrine that like cases should be decided alike and those hard cases in which it is unclear what that general doctrine requires”. Compliance officers thus would examine the underlying NCAA Principles of Conduct in order to determine what the rule means.

Summary

In this chapter, I have explicated a Contextualist approach to morality and moral functioning. Morality can be understood and analyzed through Frankena’s (1980) work on the moral point of view which suggests that morality is the social consideration of others and prevention from harm. Morality informs our moral and practical reasoning along with case particularities by appealing to standards outlined in Coombs’ (1984, 1997) theory of practical reasoning and Dworkin’s (1977, 1985, 1986) theories of interpretation and resolving hard cases. Winkler (1993) refers to the ideal of moral reasoning as Contextualism. This framework allows for a holistic examination of how compliance officers think about morality, in terms of the moral codes they exhibit, the tensions involved in their moral deliberations, what kinds of issues they perceive to be moral in their roles as compliance officers, their moral perceptions and sensitivities, their rule interpretations, and how they go about resolving these moral issues. In the following chapter, I outline an appropriate methodology that corresponds with the above described theoretical approach. This method allowed for the suitable data collection and analysis of compliance officers’ conceptions of morality and moral functioning.
CHAPTER FOUR
Research Methodology

In the previous chapters, I argued that, in order to gain a holistic understanding of compliance officers' morality and moral functioning, an appropriate theoretical approach is warranted. The previous chapter described a theoretical approach that provided an inclusive portrayal of the interdependent nature of people's understandings of right and wrong and their moral functioning. The theoretical approach allows for a pluralistic understanding of morality and the examination of the range of processes involved in compliance officers' moral functioning. In this chapter, I have outlined one research design that compliments this theoretical approach allowing for a holistic examination of compliance officers' morality and moral functioning. Specifically, this chapter begins with an overview and critique of moral functioning methodologies, which formed the basis for the selected research design. Following this critique, I explain the overall approach and rationale of the study's research design. A description of the researcher's role and the pilot study follows the critique. Next, I explain the process for selecting the research setting and participants, which are followed by the data collection and analysis procedures, defend the trustworthiness of the study, and acknowledge the limitations of the study.

Overview and Critique of Moral Functioning Research Methodologies

The selection of an appropriate theory and method to investigate morality has historically been problematic (Walker et al., 1995; Walker, 2002a). As previously argued in chapters one and two, the study of morality has been heavily dominated by cognitive moral psychology. The theoretical assumptions underlying cognitive moral psychology have narrowed the study of professional's moral functioning because they have been framed from one independent theory and were aimed at quantifying moral reasoning (Walker et al., 1995). Various theoretical extensions from cognitive moral psychology have attempted to address these theoretical concerns. These extensions have also led to certain research methods that predominantly aim to measure moral functioning. This next section provides an overview and critique of research methods used to examine various organizational professionals' and athletic stakeholders' moral functioning.

The Moral Judgment Interview (MJI)

The MJI is a tool that measures an individual's level of moral development (Colby & Kohlberg, 1987). In 1987, Kohlberg and his colleagues developed the MJI based on Kohlberg's stage theory of moral development. The MJI entails conducting semi-structured interviews consisting of three parallel forms (Form A, B, C). Each Form contains three hypothetical moral dilemmas relating to a moral conflict.
The dilemmas relate to six universal issues: life, law, morality and conscience, punishment, contract, and authority. For example, Form A contains three dilemmas: (a) the Heinz dilemma, should Heinz, a poor husband, steal an exorbitantly priced drug in order to save his dying wife; (b) Son’s dilemma, a father promises his son that he can keep his self-earned money in order to go to camp. Subsequently, the father changes his mind. Should the son refuse to give the money to his father? And (c) Officer Brown’s dilemma, Heinz did break into the store, stole the drug and gave it to his wife. Officer Brown knew Heinz stole the drug. Officer Brown wonders if he should report Heinz. Participants are asked to accept the dilemma as factual and are prohibited from asking clarification questions. Colby and Kohlberg (1987) claim the dilemmas are cross-cultural and thus will elicit similar responses from people of different cultures.

Each participant is read a dilemma and then asked nine to 12 standardized probing questions that focuses on determining what they believe is the right solution versus discovering what they would do. Probing questions aim to elicit justification/reasons, elaborations, and clarifications of the participant’s decisions. Administration of the MJI takes approximately two and half hours-45 minutes to complete each form.

Data analysis requires trained and experienced scorers. Analysis is time consuming as scoring is complex and requires following strict guidelines in order to assess stage structure(s) and moral type. The analysis focuses on determining the structure of the reasoning, specifically consistent use of reasoning across dilemmas. Assessing structure establishes the stage of moral judgment. Analysis also assesses individuals’ normative type, which defines their valuing of rights and obligations (Colby & Kohlberg, 1987). Participants are given two scores: global stage score (GAS) and weighted average score (WAS). GAS represent stage scores and the WAS represents overall reasoning.

There are three main advantages in using the MJI. First, participants must formulate their own moral responses without a prompt from an instrument. For example, participants are not provided a list of preconceived answers to select from and they must express their own position. Second, participants are required to explain what they should do and the reasons for their choice. Third, the MJI has high validity and reliability scores (Colby & Kohlberg, 1987; Elm & Weber, 1994).

The MJI also has been criticized for its limitations. The MJI neglects to obtain people’s conceptions of morality. Kohlberg’s theory assumes that people’s understandings of right and wrong are based on the principle of justice, the MJI neglects to ask people how they discriminate between right and wrong. Corresponding with this point, Blum (1994) and Rest (1979) also contend that moral perception and sensitivity is either assumed or implied in the examination of people’s moral reasoning. During the interviews, participants are not asked to indicate if a moral problem exists or identify the morally salient features of the problem. Based on these factors, one is led to believe that moral perception and sensitivity is either excluded or implicit in Kohlberg’s notion of moral reasoning. In addition, a participant’s accurate
recognition of a moral problem is not factored into Kohlberg's scoring of the MJI. Scores are based on structure and type.

Second, Kohlberg's assessment of moral development is also problematic. Critics indicate that the hypothetical dilemmas are unfamiliar, irrelevant, constrained, and devoid of contextual information for participants (cf. Gilligan, 1982; Krebs & Denton, 1997; Wark & Krebs, 2000). The abstract nature and limited amount of contextual information can shape justice-type reasoning (i.e., the Heinz dilemma) rather than allowing for reasoning from other moral orientations such as care, responsibility, or empathy. Additionally, moral problems/dilemmas (specifically real-life problems) are resolved on the basis of several factors, such as, content, case particularities, relationship to the problem, and individual differences (cf. Gilligan, 1982, Haviv & Leman, 2002; Krebs & Denton, 1997). Kohlberg's theory and method overlooks the importance of these considerations in resolving moral problems.

Most moral problems that people experience are not “moral dilemmas”. For example, people rarely encounter situations where they must choose to save a person's life while sacrificing another. People generally experience real-life moral problems or practical problems where they must decide what to do. These decisions are based on the consideration of the desirability of available alternatives (Coombs, 1997, 1984). Kohlberg's theory does not measure a person's moral reasoning in real-life or practical problems. Neglecting to examine how people resolve practical problems highlights one limitation of the Kohlberg's MJI (Rest et al., 1999; Walker et al., 1995). The hypothetical dilemmas also minimize emotional involvement. Some researchers argue that people reason differently about hypothetical versus real-life moral problems because there is no emotional connection to the people involved in the hypothetical dilemma. Therefore, MJI scores have limited transferability to scores relating to real-life moral problems (Carpendale & Krebs, 1995; Krebs and Denton, 1997; Wark & Krebs, 1997).

Other notable concerns relating to the MJI include: (a) participants having cognitive and verbal capability to articulate their moral responses, (b) coding and scoring requiring expert researchers, (c) the interviews are time consuming for both the researcher and the participant, (d) participants have to accept the facts of each dilemma as given, they cannot question them. In real-life, the facts of the case are often in dispute, and different evidence can lead to separate conclusions. For example, why can't Heinz appeal to the drug company for help, or request the help of the medical association; and (e) face validity is an issue when research objectives do not appropriately match Kohlberg's notion of moral development and research design (Rest et al., 1999).

The Defining Issues Test (DIT & DIT2)

Dissatisfied with Kohlberg's theory of moral development and his cumbersome and complicated MJI, Rest (1979, 1983) developed the DIT. The DIT is a non-interview instrument that requires participants to answer six hypothetical dilemmas, three of which are from Kohlberg's MJI. The dilemmas are based on social justice issues. The participants are asked to evaluate a series of 12 statements that they
believe are the most important considerations in deciding what to do. Participants are asked to rate the importance of each item on a five point-Likert scale and proceed to rank the 12 items from most important to least important. Rest (1994, p. 12) assumes that “people define the most important issue of a dilemma in different ways, and the selection of items indicates a person’s level of development.” Measurement of scores is based on a weighted index of the percentage of stage five and six reasoning used to resolve dilemmas. This measurement is referred to as a P score. The measurement of moral reasoning is therefore, based on an individual’s tendency to use concepts of justice based on social cooperation.

There are several advantages for using the DIT. First, the measure’s reliability and validity scores are well supported (Elm & Weber, 1994; Rest, 1979, 1986; Rest et al., 1999). Second, the DIT is relatively simple to employ. Limited investment of participants’ time is necessary for them to complete the test, allowing large samples to be examined. The ability to examine large sample populations from various geographical locations is also attractive to moral reasoning management research. Management research continues to focus upon positivist approaches to moral reasoning. The DIT allows for a qualitative type instrument that has reliability and validity scores and provides statistical data. Third, participants do not have to be able to articulate their justifications: The assumption here is that people know more than they can explain. The DIT is assumed to activate people’s moral schema capacity and assesses their abilities by importance of judgments (Rest et al., 1999).

Similar to Kohlberg’s MJI, the central limitations of employing the DIT are that identifying moral perception and sensitivity in the moral reasoning process is either implied or excluded. While Rest’s (1979) theory includes moral sensitivity (being aware that a moral problem exists, interpreting a situation, and interpreting how people’s actions affect other people), however, the DIT measures a person’s preferences for prefabricated answers, which limits the examination of the individual’s interpretation and understanding of the situation. Blum (1994) has argued that moral character influences the identification of a situation’s morally salient features, moral reasoning, and moral judgment. The DIT does not fully articulate the significance of a person’s moral character in the moral reasoning process. Hence, using the DIT in assessing moral reasoning provides a limited investigation because of its narrow conception of morality and the moral reasoning process. Another problem with the DIT is related to the conception of morality being grounded in social justice, which frames scoring and inadequately measures a person’s true moral orientation and reasoning abilities (Gilligan, 1982; Walker et al., 1995). Similar to criticisms of the MJI, if individuals reason from a different moral orientation, their thinking is perceived as inadequate.

The scoring of the DIT has been criticized on methodological and conceptual grounds (Elm & Weber, 1994; Walker, 2002b). Elm and Weber (1994) and Walker (2002b) claim the test is actually measuring educational achievement, direct moral training, intellectual skills, and social values rather than moral development. In addition, participants are required to rate list of statements. The participants are asked to rate the importance in considering how to resolve a dilemma, rather than articulate how they
would resolve a dilemma. Given the participants are asked to rate a list of options, the DIT may actually provide higher scores than the participant’s actual reasoning ability. The DIT provides what the participant should take into consideration when reasoning through the dilemmas; thus, essentially the test gives the individual the answers where he/she is required to rate them. Lind (1995) argued that asking participants to rate reasons for their decisions is basically, an attitude rating scale. He believes that the most appropriate mode of assessing cognitive development is to assess the consistency of the ratings and not people’s preferences.

Rest (1979) also indicates that correlating scores to other psychological variables provides enhanced usage of scores. This suggests that the test is probably more appropriate for studies examining variables that may influence the moral reasoning process, rather than a strict examination of moral development. The DIT also has a lack of face validity because the hypothetical dilemmas are not related to specific real-life contexts, and as I previously indicated, research shows that individuals reason differently about real-life and hypothetical dilemmas (Walker, 2000a; Walker et al. 1995).

In response to the above criticisms, Rest et al. (1999, 2000) revised the DIT, and replaced it with what is referred to as the DIT2. The DIT2 has revised scoring, updated dilemmas and items, streamlined instructions, reduced length, and improved validity scores. Rest et al. (1999, 2000) suggest that the DIT2 has improved validity because the P score was replaced with a developmental index N2 score. The N2 is produced through analyzing two types of data: the ranking of post-conventional items and the difference in ratings between the post-conventional and the personal interest items. The DIT2 has a new method for checking the reliability questionnaire data (determining if the participant is giving false answers) and purges fewer participants. To this date, few if any, studies in sport management have used the DIT2 to examine managers’ moral functioning.

Given the improvements made by the neo-Kohlbergians, Walker (2002b) and Thoma (2002) continue to find the DIT2 problematic. First, the cognitive demands of the measure have made the DIT2 inappropriate to assess children’s moral judgment. Second, the measure requires participants to respond to “brief fragmentary items”. These items are based on three developmental schemas, which restricts measurement discriminations.

Interviews and Recall of Moral Problems

An alternative method to hypothetical and real-life scenario moral problems asks participants to recall and discuss real-life moral problems that they have experienced (Walker et al. 1995, p. 376). This mode of data collection is referred to as recall moral problems. Walker et al. believe recalling moral problems “ensures that the dilemmas are regarded as moral issues and are relevant to individuals’ lives.” Recalling real-life moral problems entails a semi-structured interview format. The researcher asks general probing questions that help identify a person’s conception of morality, moral character, moral reasoning, and moral judgment. The interview questions generally involve asking participants to articulate how they
determine right from wrong, to recall and discuss a recent real-life moral problem they experienced and
describe how they resolved the problem, to generate an example of a difficult moral problem and how
they resolved the problem, identify two highly moral people, and to justify their choices. The components
of this interview are determined by the research questions.

The recall approach to examining moral reasoning provides the researcher with verbal
descriptions of the participants’ actual moral experiences. These descriptions offer an enhanced
representation of how they resolved a moral problem (Walker et al. 1995). The recall approach also
allows for a wider range of moral orientations to be expressed and discussed (Walker et al. 1995).
However, I do acknowledge that asking participants to discuss their experiences with real-life problems
also places some limits on assessing participants’ moral perceptions and sensitivities to moral problems.
Requiring participants to recall an already perceived moral problem and articulate why the problem was
salient does not adequately assesses participants’ moral sensitivities, perceptions, or orientations to
problems the individual has not experienced. Recall studies only identify what orientations the participant
is aware of, and can articulate. Presenting real-life moral problems that are related to the participant’s
domain (i.e., professional occupation) is a more appropriate measure of moral sensitivity and perception
because the participant has to correctly identify a “new” moral problem and provide reasons as to why the
problem is considered a moral problem.

Using recall moral problems is also beneficial because this technique provides for a broader range
of moral domains that can be identified and discussed supporting different ethnicity, race, sexuality,
gender, and religious beliefs (Walker et al., 1995). Another important aspect of using recall moral
reasoning methods is that the moral theoretical framework is generally grounded in everyday morality
(Rest, 1986; Walker et al., 1995). Thus, the theoretical framework allows the examination of morality
from the participant’s viewpoint permitting individuals to express their perceptions and understandings of
morality and how they resolve moral problems.

Questionnaires and Real-Life Moral Problems

Several studies have used questionnaires that contain a number of scenarios representing real-life
moral problems as a means of examining ethical decision-making (Sims & Keon, 2000; Singhapakdi &
Vitell, 1990, 1993). Researchers selected this questionnaire method to help address instances where
participants might feel uncomfortable recalling moral problems that they experienced in their place of
employment. Singhapakdi and Vitell (1990, p. 9) believed that “responding to ethical questions could be a
sensitive matter to some subjects” and thus scenarios were selected to protect their participants from
feeling anxious. The scenarios also provided the opportunity to examine participants’ moral sensitivity
and perception. Similar to the DIT, in Singhapakdi and Vitell’s (1993) and Sims and Keon’s (2000)
studies, respondents were asked to rate their preferences of the decision they would most likely make.
Singhapakdi and Vitell (1990) also asked participants to decide whether or not, an ethical problem was evident by rating their perception on a seven point Likert scale.

Using scenarios as a means of examining moral reasoning is considered a trustworthy methodology (Walker et al., 1995). In the above studies, however, presenting the scenarios in a questionnaire format is problematic. First, neglecting to ask why the participants deemed the situation as moral eliminates an important aspect of moral reasoning—moral perception and sensitivity. Second, asking participants to select their justification for a judgment from a list of answers provided by the researcher also limits the examination of people’s moral functioning (Walker et al. 1995). The investigation of moral functioning involves “looking at morality from the subject’s viewpoint, understanding what the subject is saying in his or her own words” (Colby & Kohlberg, 1987, p. 1-2). Providing the answers from which to make a judgment falls short in providing this description.

Real-Life Moral Problems and Interviews

A semi-structured interview that entails presenting real-life moral problems in the form of scenarios is another valid mode for examining moral functioning. One of the main benefits of using scenarios is that the scenario can be constructed to contain a moral problem that is related to a specific context. The format of scenarios involves the participant reading a scenario and then being asked a series of probing questions to: identify if an moral problem(s) exists and why or why not, identify the morally salient features of the problem and why these features are salient, identify what factors and which people one would take into consideration and why, make a judgment and justify it, and indicate if any factors would alter the decision and why. Prior to the scenario, preliminary questions regarding the participant’s conception of morality can be asked. This questioning helps the researcher to connect the participant’s conception of morality with moral perception, moral reasoning, and moral judgment. This real-life scenario approach to examining morality and moral functioning makes two general assumptions. First, reasoning cannot occur without accurate recognition of a moral problem and the capability of explaining why or why not a problem is considered moral. Second, an individual’s moral functioning is guided by the succession of probing questions (Rest, 1979; Walker et al., 1995).

Weber (1990) and Weber and Wasielewski (2001) used an abbreviated MJI in their examination of managers’ moral reasoning. Through interviews, participants’ moral reasoning was assessed in response to three real-life business scenarios. MJI probing questions were used to elicit justifications and scoring was based on an abbreviated MJI system. Kohlberg’s probing questions narrowed the scope of participants’ answers to rights-based justifications. Questions relating to moral perception and sensitivity were not part of the series of probing questions. These probing questions, therefore, fell short in exploring whether the participants accurately recognized the existence of moral problem. Probing questions relating to moral perception and sensitivity are fundamental to investigations of moral functioning.
Walker et al. (1995) have several criticisms of using real-life scenarios as a method to examining moral functioning. First, even if the moral problems are real and morally realistic for the participants, the researcher constructed the dilemmas and the participant did not think of the moral issue. In addition, the content of the moral issue may not be central to the participant’s thinking or conception of morality. Therefore, the dilemmas can be questioned for their authenticity. Second, when using real-life scenarios, the participants are “not free to reinterpret the situation or introduce other considerations” (Walker et al. 1995, p. 375). Individuals vary in their interpretation and resolution of moral problems because of their historical, social, economic, and religious backgrounds. Accordingly, analysis should take into account that the moral domain may be defined broadly or narrowly depending on one’s orientation. However, I disagree with Walker et al.’s (1995, p. 375) claim that a participant is “not free to reinterpret the situation or introduce other considerations.” An interview can be conducted allowing the participant to interpret the situation from his/her perspective and indicate freely which considerations they choose. The researcher is responsible for asking open-ended questions that would elicit answers explaining the respondents’ understandings of the situation. My criticisms of Walker et al.’s work were influenced by Kohlberg’s moral dilemma protocol. Kohlberg dictates the participants’ considerations in the resolution of the dilemmas. Participants are not permitted to bring other considerations to the problem other than the ones presented within the problem.

In spite of these limitations, there are significant benefits to using real-life moral problems as a means of examining moral functioning. Rest (1979) indicates that open-ended questions allow the participant to construct their own interpretation and resolution to answers without constraint. This increases the trustworthiness of the study, as the researcher is linking theory and research design to the investigation without placing any constraints on the conception of morality or method used to examine morality. The concrete nature of the scenarios does not require the participant to have worked out a reflective philosophy to answer the questions and the method is effective in uncovering various moral orientations, which is valuable for moral philosophy research (Walker et al., 1995). This method is also valuable in an ethical sense because participants from certain professions may not feel comfortable in telling stories about moral problems they experienced in their work. Revealing these types of moral problems could have negative consequences for the participant as they might be terminated from their organization. Assuming that moral functioning entails moral perception, assessing alternatives, deciding whether to take action, moral judgment, and judgment performance (Blum, 1994), then the scenarios and corresponding probing questions provide an adequate means for analyzing this process. In light of the above discussion, the next stage involved developing an appropriate research methodology, which is detailed in the next section.
Choosing an appropriate research method to investigate morality and moral functioning has historically been problematic (Walker et al., 1995). Many moral functioning researchers have displayed concerns in selecting a research paradigm where the researchers’ conception of morality is not imposed in the research design or the types of moral problems that define people’s moral experiences are wide-ranging (Gilligan, 1982; Haan, 1983; Walker et al., 1995). This caution is based on their criticisms of cognitive moral psychology’s reliance on specific philosophical theories of morality (e.g., Kohlberg) where Blasi (1990) and Walker et al. (1995) claim have constrained the field. For example, Walker et al. (1995) noted that:

our research paradigm for too long has been unnecessarily constrained - subjects haven asked to react to “canned” moral problems within a restricted perspective on morality. It is now time to explore individuals’ moral understandings and moral conflicts without posing such restraints and to base our theory and research more on everyday morality. (p. 377-378)

In response to these concerns and in light of the selected theoretical approach, a qualitative research design was chosen for this investigation. Given the descriptive and explanatory nature of inquiry for this study, the qualitative approach was also deemed suitable to investigate the holistic and complicated nature of compliance officers’ morality and moral functioning. The purpose of the study was focused on gaining insights into how compliance officers define and experience their moral world and make and justify their practical judgments. Specifically, I was interested in discovering what values/principles informed their moralities, what kinds of problems they described as moral, how they resolved hard cases, and lastly, how the participants’ morality in relation to the NCAA’s and Conference’s standards, values, and beliefs informed their moral functioning. This type of research emphasizes the compliance officers’ individual moral perceptions and experiences. Their moral perceptions and experiences also define their “reality” and what it means to be moral in the compliance world. Based on these assumptions this research design was also informed by phenomenologism.

Phenomenology maintains that understanding human behavior requires taking “into account that human beings are cognitive beings who actively perceive and make sense of the world around them,” have the ability to conceptualize and ascribe meaning to these experiences, and possess the capacity to narrate these meanings and experiences (Palys, 1997, p. 16). This process of denoting meaning is based on interpretation. People are constantly interpreting their environments and communicative actions with others and themselves. Through the analysis of people’s interpretations, researchers can gain a better understanding of how people construe and define their moral activities and how their morality is representative in their daily experiences.
Given these philosophical assumptions regarding how people interpret and experience the world and the focus of inquiry was compliance officers, an in-depth interview strategy was selected for this study. The purpose of this strategy is “to capture the deep meaning of experience” in the participants’ own words (Marshall & Rossman, 1999, p. 61). Marshall and Rossman (1999) maintain that qualitative in-depth interviewing is flexible in nature as the researcher is able to explore participant’s views while allowing the participant to frame the responses. The ability to gain detailed description and acquire understanding of compliance officers’ moral reality and how they navigate and make meaning of their moral world within intercollegiate athletics required a personal and simplistic research strategy. This strategy allowed participants to interpret phenomenon from their perspective, in their own words, and in relation to their own experiences. Furthermore, this research strategy emphasizes the importance of dialogue between the participants and the researcher. Palys (1997) argued that quantitative measurements remove researchers from directly understanding human experience. He claims that phenomenological research designs bring researchers closer to people’s experiences as they are able to listen to their explanations and the nature of their experiences. This type of dialogue also aided in implicitly conveying the participant’s views and knowledge.

The in-depth interview strategy also enabled me to ask suitable probing questions, enhancing my ability to gather thick description about compliance officers’ varying perceptions and thoughts about their moral experiences in a competitive athletic environment. Furthermore, this strategy allowed me to place myself into their roles, enter their world, and gain insight into how they approached rule interpretations and justifications, how they addressed the moral tensions they experienced within their competitive formalized intercollegiate athletic environments, and how they defended their moral decisions. These were critical to answering the study’s research questions. Data collection was therefore, in a natural setting where compliance officers’ experienced, interpreted, and engaged in moral action.

Researcher’s Role

Marshall and Rossman (1999) argue that, in qualitative research, the researcher is the instrument—the recruiter, negotiator of entry, data collector, and data analyzer. My presence in this study was fundamental to the overall research paradigm and my effectiveness in performing the role as researcher and data manager directly impacted the quality of the study. In each phase of the study, my level of participation and interaction with the participants also brought about various strategic, personal, and ethical concerns (Marshall & Rossman, 1999).

The first strategic concern central to completing the study was negotiating access to the participants through informal gatekeepers. Gaining access to the participants was challenging because NCAA DI-A athletic administrators were the focus of study and the study was about their morality and moral functioning. Certain NCAA DI-A athletic administrators’ decision-making has been questioned for
its perceived inconsistency with the Association’s overall philosophy. Due to these questionable activities, many NCAA institutional stakeholders, in particular athletic administrators have been under much public scrutiny (cf. Lumpkin et al. 1999; Sperber, 1991; Zimbalist, 1999). Therefore, NCAA DI-A athletic administrators tend to be reluctant to agree to participate in research studies where their decision-making processes are perceived to be under scrutiny. The high profile nature of major athletic institutions and the public scrutiny athletic administrators are subject to, results in the majority of athletic administrators declining involvement in a research design that involves semi-structured interviews. Additionally, many athletic administrators will not agree to engage in a dialogue about morality because potentially they might be terminated from their place of employment. If an athletic administrator’s institution does not agree or like what an administrator has expressed, their position could be jeopardized. Thus, I was uncertain whether or not, compliance officers, from a high profile Conference and high profile programs, would agree to participate.

My prior professional relationships with various individuals in NCAA DI-A institutions facilitated my ability to gain access to the participants and their sites. A former colleague (also a personal friend), worked closely with one of the compliance officers from the Conference I wanted to study. This colleague spoke with the compliance officer about my study and, after details of the study were discussed, this compliance officer agreed to participate. This compliance officer sent out an introductory email about my study to help recruit people to participate in the pilot study and to participate in the actual research study.

The second strategic concern required making efficient use of the interview time. This was also crucial in developing trust and rapport with the participants. Respecting the nature and workload of their positions, I utilized the pilot study to ensure that interviews could be completed within 60-90 minutes. Another concern for efficient use of time involved sending the interview guides to the participants two to three days prior to the interview. The participants appreciated having the interview guides prior to the interview because it provided them with time to think about their own morality and how they resolved their work-related moral problems. Having the interview guide prior to the interview also relieved some of the anxieties caused with being involved in the study.

The last strategic concern related to the participants’ individual ability to clearly articulate their moral interpretations and deliberations. Marshall and Rossman, (1999, p. 61) indicate that the primary strategy of in-depth interviewing is “to capture the deep meaning of (people’s) experience in their own words” and assumes that research participants possess this ability. Nonetheless, I also gave the compliance officers the interview guide two to three days prior to the scheduled interview. This gave the participants sufficient time to read through the questions and reflect on their answers. Several compliance officers thanked me for using this strategy as they felt that, it assisted them in organizing their thoughts and helped them to provide detailed accounts of their stories. I acknowledge also that the participants may have utilized this time to think of guarded or safe answers. From this perspective, making the interview
guide available prior to the interviews might be perceived as a limitation. I believe, however, that it was appropriate. As a result, the data I collected allowed me gain an understanding of the major concepts the compliance officers were describing and how they deliberated about hard cases.

In completing the study, I had several interpersonal concerns. First, relieving the participants’ anxieties created by the nature of the study required establishing trust and rapport. Establishing trust and rapport was imperative in order to collect meaningful data. Hence, I was consciously as honest, sincere, friendly, professional, and patient as possible with the participants throughout the study. Maintaining trust and rapport also required an awareness of the organizational politics and legalities. I intentionally avoided questions and conversations where individuals were identified and, if our conversations did lead to topics that were sensitive, I either turned off the audio-tape recorder or omitted the sensitive topics from the transcript. At times, the participants were guarded in their answers but I think this caution was warranted given the nature of their position, the high profile of their institutions, and the potential backlash from the findings.

Determining whether or not the participants were providing complete and truthful responses was the second concern. Weiss (1994) suggests that as researchers we can hope that our participants will tell the truth. We cannot, however, presume that the whole truth will be provided, nor the exact truth. I cannot positively assume that the participants provided complete details of their moral experiences or general understandings of morality. For various reasons (they could not remember all the details, they felt uncomfortable, they did not think the story was worth telling, etc.), the participants may have chosen to withhold specific details, decided not to talk about particular incidents, or they had forgotten the precise details. The scenarios were helpful in addressing this concern as these questions provided some distance. Even though the participants may have experienced similar problems they were able to discuss their interpretations and deliberations without having to disclose information about themselves or their institutions. Several participants did indicate that they had experienced a similar problem in their scenario deliberations. Talking about the problem helped them in their interpretations and deliberations of the scenarios. Weiss (1994, p. 150) states that asking participants to react or discuss concrete situations helps researchers obtain “more reliable information and information easier to interpret.” Deliberating about the scenarios provided enough distance from the incidents that I generally felt that they were being forthright.

Given the nature of the study, some of the participants may have only discussed certain moral problems that presented a positive picture of themselves and their institution. Weiss (1994) argues that participants will shape responses, in particular, when they are asked to disclose personal values, beliefs, opinions, attitudes. For example, several participants indicated that their institution held the “best” record

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38 To my surprise, Dave typed up his answers and handed them to me when I arrived for our meeting. The last thing I had expected going into the interview was being handed a completed answer sheet. I had to quickly analyze the situation and determine an immediate interview strategy. I conducted the interview using his notes to aid my probing questions. Reflecting on this situation, I believe that Dave did not trust me. He wanted to be in control of the interview.
in the Conference for self-reporting rule violations. Admittedly, the compliance officers are in a situation where they have good reasons to present a positive image. I would not have expected any participants to disclose instances where they had engaged in deliberate questionable behavior (I am not saying that anyone had).

Skilled interviewers’ possess the capability to actively listen, are competent at interpersonal interaction, proficient at question framing, and are able to ask gentle probing questions for elaboration (Marshall & Rossman, 1999; Patton, 2002; Weiss, 1994)). Becoming a skilled interviewer requires practice, learning through mentors, and studying. Understanding the various nuances and complexities of interviewing is acquired over a career. While I had conducted a pilot study and had some experience in interviewing, I realize I am a neophyte researcher. I acknowledge in certain instances during the interviews that some key words went unnoticed and the framing of specific questions was awkward. To overcome these limitations, I was able to ask the compliance officers follow-up questions through email. This gave me time to thoroughly examine the transcripts and devise appropriate probing questions to gain further understanding of their thoughts. Additionally, I sought the help of an expert moral reasoning researcher to verify my follow-up questions which might aid in soliciting detailed answers.

In an attempt to deal with potential shading of answers or briefly explained stories, I used various probing questions such as asking the compliance officers to elaborate or provide reasons for decisions. These types of probing questions were an effective strategy in stimulating their memory and aided with providing more complete accounts of their moral experiences, their moral thinking, and their deliberations. For example, some of the participants defined a moral problem as something that was not right. I would respond by asking, “How do you know what is right?”, or “How do you decide between right from wrong?” These type of open-ended questions assisted the compliance officers to provide more complete accounts in their interpretations and deliberations. Despite the various concerns created by collecting interview data, Weiss (1994, p. 150) contends that “richly detailed accounts of vividly remembered events are likely to be trustworthy. Accordingly, I felt overall, that I had established sufficient rapport and trust with the compliance officers’ and their responses were forthright and honest.

Respecting the norms of reciprocity was the third area of concern. None of the participants had actively been involved in a qualitative research study and were unfamiliar with their role or rights as research participants. Thus, I was very forthright in explaining the qualitative research process. I explained the role of being active participants throughout the study, which included verifying transcripts and aiding with interpretations of data. My commitment to being open about the research process further enhanced the development of their trust. In addition, as they engaged in these roles I believed they felt more empowered and comfortable with how the results would be analyzed and reported. I also have maintained contact with the participants and provided them regular updates throughout the study. Gaining

39 Shaping of answers refers to providing information that presents a positive perception of the interviewee and or purposefully with holding specific details of an account (Weiss, 1994).
their trust and establishing professional relationships with each of the participants has been paramount to the completion of this study and collecting useful data.

Finally, a number of ethical considerations were present throughout the study. The first concern was ensuring the participants that the research focus was on moral functioning rather than on a “collecting dirt” exercise on each participant and their institution. Given the contentious nature of the topic and public scrutiny that high profile intercollegiate athletic programs undergo (especially in the Pac-10 Conference), I spent a considerable amount of time throughout the study reemphasizing to the participants the research focus and assuring them that their identities, their institutions, and people’s identities would remain confidential. Second, ethical concerns also influenced the use of both scenarios and recall questions. My intent in the study was not to implicate participants and their institutions regarding instances of unethical behavior. I was not using the study to paint a “bad” picture of the NCAA, the Conference, or the participants. I felt that if I asked participants only to recall moral problems they had experienced at their place of employment, they might perceive data collection as a means to incriminate them and their institutions. Third, ethical approval was gained from the University of British Columbia. Participants were sent an introductory letter outlining the study and a consent form, which guaranteed participant and institutional confidentiality and anonymity.

The qualitative research design also involved reflection of my own positionality in the research. I was the researcher. I am an Australian woman and former competitive athlete. For most of my life, I have participated in competitive athletics in Australia and in the United States, most memorably playing and coaching intercollegiate women’s basketball, and serving as a Conference commissioner in the United States. Throughout my various athletic experiences, I have encountered and observed a range of moral challenges (e.g., relating to violence, prejudice, racism, instrumental reasoning, cheating, lying, stealing, and so forth). These moral challenges included being placed in the position where my “gut feeling” would tell me the situation or decision at hand was wrong but the environment or authority figures would condone and/or encourage the behavior. In many instances, I was placed in situations where the rules allowed a certain action but personally, I did not believe the action was acceptable. Additionally, on several occasions my colleagues and I were often perplexed with what we should do. Through my own moral quandaries, I would often wonder whether people in highly competitive athletic contexts had similar experiences and how they went about resolving the moral problems they had encountered.

I also perceived myself as an “insider” (to a degree) in this study. I was an insider from the standpoint that I am considered a member of the “collegiate athletic club”; thus, I am family and not just an “academic”. Conversely, I was also simultaneously considered an “outsider”. My perceived outsider role was the result of me being a female doctoral student from a Canadian research institution and that I did not participate or coach in NCAA DI-A athletics. Hence, I believe I was perceived as a non-member of the collegiate athletic club. Additionally, my outsider role was further compounded by the personal nature of the study-morality. At times, talking about morality, made the participants feel uneasy. During
initial conversations and throughout the interviews, the participants acted as though they were going to be judged. During the interviews, the participants tended to continually seek my approval or expressed guilt for certain moral thoughts they expressed. When the participants were discussing their moral viewpoints, their perceptions, and resolution of moral problems, I felt that I was in a position of power and “studying up”.

Pilot Study

Assuming research participants were meaning-makers and capable of articulating their moral thinking, developing a method of inquiry that would allow the researcher to uncover what their inner thoughts on morality were, how they reasoned in hard cases, and how these thoughts and deliberations were reflected in their own moral situations was the focus of data collection. Palys (1997) and Marshall and Rossman (1999) emphasize the importance of conducting a pilot study to endorse the trustworthiness of the research instruments and highlight any unforeseen problems that may be lurking. A pilot study was conducted to test an interview guide that would allow me to enhance my ability to produce sound data for analysis and address my research questions. Palys (1997, p. 176) emphasizes the importance of conducting a pilot study, as he states, “[T]here are always things you take for granted without recognizing, and there are always surprises you never even considered when constructing the questionnaire.” Hence, the pilot study allowed me to ensure that the interview questions appropriately fit the goals of the research and the time constraints of the participants.

I initially developed various interview guides formulated from the research questions and supporting literature. The interview guide I selected for the pilot study had a tripartite structure, where each section was devoted to specific themes of the research (demographic questions, scenarios, and NCAA legislative questions). Originally, I had two research questions. First, I tried to examine what institutional constraints the compliance officers experienced in performing their duties. Second, I wanted to determine how compliance officers reasoned through hard cases in relation to NCAA rules. Interview questions in the first section, therefore, focused on various demographic matters, such as level of education, age, and experience in NCAA DI-A athletics and as a compliance officer, and their perceived role. Obviously, these interview questions did not correspond with the first research question (thus, revisions were warranted).

The second section of the interview guide required the participants to reason through various scenarios in relation to NCAA rules. The scenario questions were developed from NCAA DI-A rule issues experienced by various NCAA members. These issues were collected from reports in recent issues from the Chronicle of Higher Education (2000-01). I also asked various informants (i.e., coaches, athletic trainers, and compliance officers) about moral problems they had experienced while working at NCAA
DI-A institutions. Based on the information collected, I constructed five real-life scenarios that pertained specifically to NCAA DI-A rules and were presented as hard cases. Probing questions were directed at uncovering participants' moral sensitivities and perceptions, as well as uncovering how they resolved hard cases.

The findings first showed that compliance officers' interpretations of the scenarios varied. While some overlap occurred in their perception of the scenarios their individuality was evident. For example, one compliance officer indicated that there was absolutely no chance that the amateurism cases would occur at their institution. This compliance officer was reluctant to resolve the problems because the individual indicated that those kinds of scenarios would never occur in their institution, and thus, the individual would never experience the problem. Conversely, one compliance officer indicated in the amateurism cases that he/she could empathize with the athletes because of experiences with similar problems. These findings also supported the notion that people's backgrounds, experiences, and contextual factors inform their interpretations and deliberations of moral problems (Blum, 1994; Kekes, 1989; Sherman, 1989).

Second, the findings showed that the compliance officers generally meet the standards of practical reasoning in their resolutions to practical moral problems. Perhaps expected in this competitive context, the extent of fulfillment of these standards of reasoning tended to be related to the context of the problem. For example, in meeting the standard of sufficiency of information, the saliency of the issue influenced the amount of information collected. Additionally, the participants' interpretations of the problems informed the amount of background information collected, what kinds of questions they asked, and how they formulated these questions. All of these factors influenced their reasoning.

Noteworthy, the pilot study findings were also limited. The participants' conceptions of morality and how their conceptions related to their moral functioning were absent from the data. Furthermore, the data did not bring to light the kinds of moral problems the participants deemed to be moral and why. As emphasized previously, the study of morality and moral functioning requires gaining an understanding of the connection and interdependent nature between people's conceptions of morality, their moral perception and sensitivities, and their practical reasoning.

Data analysis also revealed that the institutional-focused questions were unrelated to the purpose of the study. I wanted to study compliance officers' conceptions of morality and their moral functioning. The first research question and the first section of the interview guide did not address the focus-morality and moral functioning. Therefore, the institutional-focused research questions were eliminated from the study and the related interview questions were removed from the interview guide. The demographic

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40 The five real life moral case scenarios included problems relating to: academic assistance, two different cases involving amateurism, eligibility and extra benefits, drug testing, and international recruiting.

41 Examples of probing questions included: if a moral problem existed, explaining why a problem was deemed moral, what moral concerns were evident in the problem, what a compliance officer should do if confronted with the problem, why did they make a particular judgment, and what factors might change their decision.
questions including level of education, age, experience, and perceived role as a compliance officer were kept. These demographic questions were important elements to consider in the analysis (Timmer, 1999). Given that the focus of the study was morality and moral reasoning in hard cases, the first set of research questions were reformulated. To adequately answer the revised research questions, the interview guide was rewritten. In addition to relevant demographic questions, the interview guide included questions that asked the participants to explain what a moral problem meant to them, how they knew when they were experiencing a moral problem, and to recall a moral problem that they had experienced related to their position, and how they resolved the problem.

Walker et al. (1995) supports the inclusion of these interview questions arguing that posing and answering these types of questions on morality provide more insight into how people think about morality in everyday life. Asking participants to only recall moral problems they have experienced and how they resolved the problem does not adequately provide the opportunity to examine participant moral sensitivities and perceptions to new moral situations. This argument may seem to contradict my initial interview outline where individuals are asked to recall a moral problem he/she had experienced. However, the recall question was aimed at identifying not only their moral sensitivities and perceptions but also how the participants determined right from wrong, and their moral deliberations. Including the scenario allowed the examination of participants' moral perceptions and sensitivities in real-life moral scenarios, which provided a more appropriate gauge of an individual's moral concepts because it permits an assessment of moral concepts the participants did not identify (Walker et al. 1995).

Creating authentic or “real” scenarios was one of the central concerns for data collection. The content of the scenarios required pertinent, real-life, and accurate information that related to NCAA issues and rules. Credibility of the real-life scenarios was addressed through two procedures. First, pilot study participants performed member checks to verify the accuracy and content of each scenario. Second, certain colleagues who work in the field (i.e., coaches, athletic trainers, and athletic administrators) also evaluated the merit/believability of each scenario from their experience(s). Based on the participants’ feedback, the literature, interview time restraints, and discussions with experts in moral reasoning, I eliminated two scenarios. Completion of the pilot study was critical to refocus the research questions, to develop the appropriate interview guide including the appropriate questions and probing strategies, and to enhance my interview techniques.

Setting

NCAA DI-A was the selected site for this study as the purpose of this research was to gain empirical evidence to address Gough’s (1994) criticism of NCAA DI-A athletic administrators’ moral decision making. As noted in chapter one, Gough argued that the stringent NCAA legislative and rules
system fosters myopic and legalistic attitudes, impeding athletic administrators, coaches, and support staff from making reflective moral decisions. Hence, these factors excluded any other Athletic Association (e.g., the National Athletic Intercollegiate Athletic Association or the National Junior College Athletic Association) or NCAA Division II or III institutions for consideration as an appropriate research setting to examine compliance officers' morality and their moral functioning.

The subunit of analysis was the group of member institutions from the Pac-10 Conference. Patton (2002, p. 236) states that the selection of such a critical case (i.e., the Pac-10 Conference) can be based on the assumption that it can “yield the most information and have the greatest impact on the development of knowledge.” Furthermore, Patton (2002) maintains that “logical generalizations” can be made from the weight of the findings produced from examining a single critical case. The Pac-10 Conference was selected for this investigation for several reasons. First, this Conference is subject to the most comprehensive NCAA rules, in addition to their own Conference and institutional rules. The Pac-10 is also the only Conference that penalizes its own members for NCAA rule violations earning a reputation for being serious about rule violations\(^42\) (http://espn.go.com, 2001). Second, the Pac-10 is considered a high profile NCAA Conference and the only major\(^43\) Conference on the West Coast. Furthermore, this Conference is also under contract with three major television broadcasting companies, (Fox Sports Net, ABC Sports, and TBS Superstation), enhancing their high profile status and commitment to NCAA rules compliance. Third, Conference selection was influenced by my professional contacts with individuals from some of the Pac-10 member institutions; and finally, selection of this Conference was based on the relatively close regional proximity to my location.

Selection of Participants

To examine NCAA DI-A compliance officers' morality and their moral functioning, a purposeful-intensity sampling technique was employed (Patton, 1990; 2002). The rationale for using purposeful intensity sampling was to select information-rich cases, where “one can learn a great deal about issues of central importance to the purpose of the research” (Patton, 1990, p. 169). Patton (2002) suggests that by selecting intense samples, the researcher is seeking rich examples or manifestations of the phenomenon of interest rather than gaining empirical generalizations. Therefore, ten compliance officers representative of each of the Pac-10 member institutions were invited and accepted to participate in this study. There were several reasons for selecting Pac-10 compliance officers for this study. My first

\(^42\) The participants translated this seriousness about compliance as “conservatism”, as several individuals stated that the Pac-10 was more conservative in their rule interpretations than several of the other major Conferences, such as the Atlantic Coast or Big East Conferences.

\(^43\) The Pac-10 is one Conference that are considered major or “big-time” Conferences. Other big-time Conferences include the Atlantic Coast, Big East, Big Ten, Big Twelve, Conference USA, Southeastern, and Western Athletic (Zimbalist, 1999).
concern was involving informants who had working knowledge of NCAA rules where their primary job responsibilities are to educate, manage, and enforce NCAA, Conference, and institutional rules within their respective institutions. The second important concern was asking participants who would most likely agree to participate in my study. I believed that the Pac-10 Conference compliance officers were more likely to participate in the study than administrators in upper level athletic administrator positions, such as an Assistant Athletic Director-Marketing or Associate Athletic Director-Business Operations. As noted, the higher-level athletic administrators would most likely not agree to be involved in such a study because of its contentious nature. Therefore, choosing Pac-10 compliance officers' provided an appropriate sample group to adequately examine NCAA DI-A athletic administrators' morality and moral functioning in a competitive and highly formalized athletic context.

Participants were initially contacted via email or phone. I sent a formal letter introducing the study, which included information on my institutional requirements for the ethical treatment of human subjects and an informed consent. Each participant signed and submitted their informed consent forms prior to their participation in the study.

Data Collection

Given that the research questions focused on examining participants' interpretations of morality and moral functioning, qualitative semi-structured interviews were selected as the method of data collection. Semi-structured interviews are based on the use of an interview guide (Bernard, 1994). This interview technique provides the most efficient mode for exploring, probing, elucidating and illuminating participants' moral functioning, while being a reliable and comparable data collection method (Patton, 1990). An interview guide delimits the areas for exploration by having a set of questions for all the interviews while allowing for individual perspectives and experiences to emerge (Patton, 1990). Furthermore, due to the participants' demanding roles I had only one opportunity to meet face-to-face with them and for a limited amount of time; thus, this method provided the most efficient use of time.44

As previously mentioned the interview guide was divided into two sections (See Appendix A). Section one contained the demographic and recall questions. Section two contained the three scenarios. The three scenarios were formulated from specific NCAA Manual (2001-2002) principles and rules (See Appendix C):

A. The Academic Assistance scenario was based on these NCAA principles:
   (i) Institutional Control and Responsibility

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44 I only had one opportunity to meet with the participants for three reasons. (1) the distance between the participants and myself, (2) the cost of travel, and (3), due to the participants' professional responsibilities, their schedules.
(ii) Student-Athlete Welfare  
(iii) Sound Academic Conduct  
(iv) Sportsmanship and Ethical Conduct  
(v) Rules Compliance  

The Academic Assistance scenario was based on these NCAA rules:  
(i) Bylaw, Article 10 Unethical Conduct (10.1)  
(ii) Bylaw, Article 16 Academic Support and Other Services (16.3)  

B. The Churches Charity scenario was based on these NCAA principles:  
(i) Amateurism  
(ii) Institutional Control and Responsibility  
(iii) Eligibility  
(iv) Rules Compliance  

The Churches Charity scenario was based on these NCAA rules:  
(i) Bylaw, Article 12 Amateurism  
(ii) Bylaw, Article 14 Eligibility (14.01.1, 14.01.3.1, & 14.1.3)  

C. The Drug Testing scenario was based on these NCAA principles:  
(i) Institutional Control and Responsibility  
(ii) Sportsmanship and Ethical Conduct  
(iii) Rules Compliance  

The Drug Testing scenario was based on these NCAA rules:  
(i) Bylaw, Article 3 NCAA Membership (3.2.4.6 & 3.2.4.6.1.1)  
(ii) Bylaw, Article 14 Eligibility (14.1.4)  
(iii) Bylaw, Article 15 Financial Aid (15.5.9.3)  
(iv) Bylaw, Article 30 Administrative Regulations (30.5.)  

These themes were selected for the scenarios as they were considered “hot topics” by the researcher and informants. These themes and Bylaws have also been problematic for the NCAA and some of their member institutions, and as a result, the problems had been actively discussed in various media (The Chronicle of Higher Education, The USA Today, The New York Times, ESPN, and so forth).  

The drug testing Bylaws, which require a NCAA student-athlete to consent to drug testing, have received little discussion in current media. NCAA student-athletes agreeing to submit to a drug test requires waiver of their Fourth Amendment Right\(^{45}\) eliciting arguments from sport ethicists (Hoberman, 1989; Simon, 1991; Lumpkin, et al., 1999) against athlete drug testing. Those against athlete consent to drug testing have three main arguments: (a) requiring them to submit to drug testing to be eligible to participate is unconstitutional and violates their right to privacy, (b) mandating athlete drug testing singles athletes out, and (c) athlete drug testing constitutes an unreasonable search. In contrast, advocates for athlete drug testing maintain that this procedure prevents athletes from harm, equalizes competition, and athletic organizations have the right to specify their own rules for competition.  

\(^{45}\) The Fourth Amendment of the United States Constitution guarantees equal protection of all individuals.
Face-to-face interviews were conducted with a compliance officer representative from each of the Pac-10 Conference institutions. The interviews lasted between 45-120 minutes in length. Interviews took place over the course of 14 months. Each interview was audio-taped to ensure the accuracy of the participants’ interpretations and explanations. Minimal note taking was carried out during each interview because I needed to focus more on the interviewees’ explanations. Focusing on their explanations was more important than note taking as this strategy allowed me to concentrate on what they were saying, to ask probing questions, and to avoid interfering with the flow of the conversation (Patton, 1990).

I transcribed the interview data verbatim. These transcripts were then reviewed on a continual basis throughout the analysis of data. Follow-up questions were developed where further explanations or clarity was warranted. Each participants’ interview transcript was coded with date and pseudonyms assigned for the interviewee and their institution.

The transcripts and follow-up questions were emailed to each participant for verification of the accuracy of the transcripts and a request was made to answer follow-up questions. These follow-up questions allowed the researcher and the participants to clarify and elaborate on key concepts raised during the interviews. All interview transcripts were verified and all but three participants completed the follow-up questions, which were returned to the researcher via electronic mail and regular mail. The follow-up questions and answers were inserted into the appropriate section of the participants’ transcripts. The interviews and follow-up process yielded 226 pages of text. Each completed transcript was clearly labeled, stored on three separate computer files, hard copies printed, and stored in a secured filing cabinet.

A research journal was also kept to document the research process. The journal contained descriptions of my experiences and observations, feelings, and reactions to these experiences and observations. After the completion of each interview, I recorded details about the location of the institution, the athletic department, and where the compliance office was situated. Interestingly, one compliance office was located, in what appeared to be an old storage area, separate from the athletic department offices. The majority of compliance offices were located alongside the administrative offices of the respective athletic departments. I also noted how I felt when I met each compliance person. I recorded their perceived opinion of me and the dynamics of the interview. For example, one compliance officer was extremely relaxed and interested in the study. I noted that I felt that we had developed a rapport and that he was comfortable discussing the various moral issues. While with another compliance officer, I felt concerned about her attitude. On the one hand, I honestly believed that she was interested in the study and was a willing participant. On the other hand, I believed that she was somewhat uneasy with discussing some of the questions. Additionally, I sensed some degree of rigidity in our rapport.

Various insights and interpretations that were generated throughout the study were also included in the journal. Upon completing each interview, I recorded initial connections with the participants’ answers and connections with theory. For example, I noted that a compliance officer employed a literal approach to rule interpretations in the majority of the scenario questions. I also noted the use of the term
Athletic Nexus and strategies in deciding when to seek an official interpretation. Prior to the study, I was unaware of the significance of these two phenomena in Division I athletics. During data analysis, I utilized the journal entries by reflecting on these initial thoughts and connecting this information with the themes that emerged from the data. This reflection aided in my ability to gain further insight into attaching meaning to the data.

Data Analysis

Data analysis is the process of bringing order, structure, and interpretation to the collected data (Marshall & Rossman, 1999). Analysis of the data started in the field, as I recorded and tracked my analytical thoughts during the data collection processes. Interviews were then conducted where I continued to reflect on concepts and ideas that were raised by the participants. Throughout the transcription phase, these reflections were further revisited and noted. Then I prepared the interview transcript files into a compatible format for the qualitative analysis Atlas.ti software program. Atlas.ti was selected for assisting with the analysis as this program provides the researcher with a systematic approach to examining complex phenomena in an exploratory manner (Scientific Software Development, 1997). This software program is unique in that it supports human interpretation, especially in managing large amounts of data, by offering tools to extract, compare, explore, theory build, and reassemble data, while still capturing the complexity of the context. For example, I was able to code segments of the transcripts with various key words, represent relations among codes and create networks, build higher order classifications and categories, write memos, and download these key segments into a computer file. Given the complex nature of this study, Atlas.ti proved to be extremely helpful in managing, analyzing, and writing up the findings.

Through thoughtful reflection on the interview data, field notes, research questions, and theoretical framework, I proceeded to analyze the transcripts. This stage of analysis evolved in five phases: initial reading, code creation and definitions, code structuring, code revisions, and code checking. Upon initial reading of the transcripts, I created a list of thematic codes both inductively and deductively. The inductive thematic codes represented the salient concepts/ideas held by the participants. This inductive coding technique reflected Strauss' (1987) “grounded” approach whereby the codes more aptly represent the data. Inductive coding allowed me to be more open-minded and context sensitive in code creation. “Moral intuition” and “seeking final interpretation” were examples of codes that were created inductively because these themes were representative of the participants’ approaches to their

46 Athletic Nexus refers to a relationship, of some shape or form between a student-athlete and one or more people who are associated with a particular student-athlete because of his/her athletic ability. A more thorough explanation regarding the strategies compliance officers employ in deciding when to seek an official interpretation is in Chapter six.
understanding of right and wrong or their approach to rule interpretations. This type of inductive code creation displays what Miles and Huberman (1994) refer to as, a “code-in-use flavor”; where the data is well molded to the codes that represent them. Rather than a “generic-code-for-many-uses” that is prefabricated and less representative of the features imminent in the data. The deductive thematic codes were created from Coombs’ (1984, 1997) and La Bar and Wright’s (1983) practical reasoning frameworks, and my outline for resolving the problems in each scenario. These codes were representative of Miles and Huberman’s (1994) generic-code-for-many-uses. One example of a deductive thematic code was “AA-PR ASSESSING FACTS-WHO REPORTED?” This code referred to the Academic Assistance scenario and compliance officers engaging in practical reasoning and seeking to fulfill the standard of assessing the information by determining who reported the incident. Another example was “CHURCH’S CHARITY-EP-YES-AMATEURISM”. This code referred to the Church’s Charity scenario and the participant believed a moral problem existed in relation to amateurism.

Codes were then operationally defined to allow for consistent application to the transcript data. Codes were constructed based on major categories and their relevant subcategories. A category represents “concepts derived from data that stand for phenomena” (Corbin & Strauss, 1998, p. 114) and a subcategory further delineates a category by providing specific explanatory information. In this study, categories were developed based on specific properties and dimensions relating to morality and moral functioning. The major categorical codes reflected more conceptually inclusive ideas and the subcategorical codes reflected more differentiated instances of the data. For example, a major categorical code was “conception of morality”. Conception of morality code described participant’s larger thinking about right and wrong, including the moral codes and their respective values that informed their moral judgments. An example of a subcategorical code was “conception of morality-right vs. wrong-background.” Conception of morality-right vs. wrong-background, identified a participants’ understandings of morality (i.e., how they determined right from wrong), and how their conceptions of morality were influenced by their backgrounds (e.g., their upbringing, their education, and their personal and work experiences). Each of the scenarios was coded into major categories and relevant subcategories. That is, each scenario was tagged with the appropriate title of the scenario (i.e., Academic Assistance, Church’s Charity, and Drug Testing), then assigned a subcategory of whether a moral problem exited, then assigned major categories and relevant subcategories relating to identified salient moral features, then assigned major categories and relevant subcategories relating to practical reasoning.

Check coding was then performed to enhance the clarity of the codes and their definitions. Check coding refers to the verification of the codes identified and characterized by an “expert”. Conducting check coding is one strategy used in the study to enhance the credibility and dependability of the analysis (Lincoln & Guba, 1985; Miles & Huberman, 1994). An expert researcher and an outside researcher verified the codes and their definitions, and coded one of the transcripts. Discussions among researchers
regarding the need for clearer codes and code definitions were undertaken. Respective codes and their definitions were revised to address these points resulting in the production of 89 total codes.

Due to the richness of the data, many sections of the data were assigned multiple codes. Emergent understandings were tested and alternative explanations were sought (Côté, Salmela, Baria, & Russell, 1993; Marshall & Rossman, 1999). Upon coding four of the transcripts, many codes were revised. Some codes were replicated or did not reflect well the concepts under study. I actively wrote memos throughout the coding process about occurring ideas relating to the formulation of codes and their relationship with the data, and when the level of “fit” between the data and the literature was contradictory.

The next stage of the analysis involved reading through each transcript and performing first and second order analyses to relate the codes with concepts and representative quotes. In order to effectively code the second section of the transcripts (the scenarios), I utilized Coombs’ (1984, 1997) and La Bar and Wright’s (1983) practical reasoning frameworks. Each scenario was outlined and analyzed based on this framework (Appendix B). I conducted both deductive and inductive analysis of each scenario to determine how the data either corresponded or diverged from the theoretical approach. Verification of data was performed throughout the analysis process to confirm the participants’ conceptions of morality and their overall moral functioning. This process included continuous comparisons of each participant’s interpretations and meanings of morality and their practical reasoning with one another, and then I related their understandings with the theoretical approach. Through this inductive and deductive analysis process, a description of the participants’ morality and moral functioning was developed. The findings were categorized into three general topic areas and are presented in the next three chapters. These topic areas include: compliance officers’ conceptions of morality, compliance officer’s moral perceptions and sensitivities, and compliance officers’ resolution of hard cases.

Trustworthiness and Limitations

In this study, the research design was utilized to provide a link between the research questions, the empirical evidence, and the interpretations that were reached. The trustworthiness of the study, in terms of ethics, credibility, confirmability, and dependability, was consciously addressed in several ways. First, I ensured that the research questions adequately corresponded with the theoretical approach and research paradigm. Second, a pilot study was conducted to support the suitability of the theoretical framework with the research design to ensure that the research was focused, and to assess the feasibility of the study. Third, the collection of rich descriptive data was accomplished through the completion of in-depth interviews, the recording of field notes, and memos. Selected interview strategies were used to assist with the “truth value” of the compliance officers’ responses such as developing trust and rapport, using an interview guide, asking suitably probing questions, providing the interview guide to the
participants prior to their interviews, asking follow-up questions, and performing member checks. During
data analysis a detailed account of the analysis was recorded, check coding was performed, and memo
writing was carried out. Last, a thorough account of how the study was carried out, including a detailed
description of the data collection, analysis, and interpretations was documented. Specifically, during data
analysis I searched for alternative characteristics, divergent patterns, and alternative explanations.
Collectively, these steps provided assurances of trustworthiness of the research.

My goal in documenting the process of this study was to provide enough evidence to allow
readers to assess the quality of the study. I wanted to assure readers of the care that was exercised
throughout, and to make explicit the evidence that pointed towards the interpretations presented to the
readers, or at the very least, allow them to make their own interpretations.

Summary

This chapter outlined how I implemented the study. The next three chapters provide a description
of the outcome of the interviews. Chapter five describes the participants’ perspectives and understandings
of morality: how they thought about right and wrong, and the tensions experienced in determining right
from wrong. Based on these descriptions I have provided my interpretation or explanation of these
phenomena. Chapter six presents Pac-10 compliance officers’ moral perceptions and sensitivities. Chapter
seven demonstrates the standards of practical reasoning compliance officers’ employed in resolving hard
cases.
CHAPTER FIVE
Compliance Officers’ Characteristics and their Thoughts about Morality

The quality of data that I was able to collect would not have been possible without the participants’ openness and cooperation throughout the study. I appreciated the participants’ willingness in allowing me to enter their worlds and discuss an area of their personal and professional lives that could undergo public and personal scrutiny. Given the highly contentious nature of this study, I was very conscious about protecting the anonymity of each participant and his/her respective institution. Due to my concern for protecting participant anonymity, I chose not to provide individual participant profiles. Instead, I reported a general profile of each participant. Pseudonyms were used when a participant and his/her institution was identified.

The ability of the research participants to clearly articulate their thoughts and ideas also enhanced both the quality of data collected and its analysis. Data analysis however, was challenging as in order to make sense of the participants’ morality and moral functioning, the material was scrutinized from varying angles. Data was examined for example, based on gender, formal training, and intercollegiate athletic experience. Certain compliance officers’ conceptions of morality were consistent with the literature on gender and moral reasoning; however, other participants’ conceptions were inconsistent with the literature. This point also held true in relation to their formal training, as no definitive patterns were identified about the compliance officers’ morality or moral functioning who were legally trained or were coaches. Upon exhausting these general areas in the analysis process I drew from the theoretical approach, which assisted in making meaning and organizing the findings into general characteristics. The reporting of the general findings was therefore descriptive in nature and deemed suitable to display and emphasize the complexity, diversity, and overlap of the participants’ moral points of view, characteristics of their moral perception and sensitivity, patterns of reasoning, and moral standards.

The three analysis chapters are organized as follows. First, chapter five presents representative demographic data of the participants, and the major findings regarding the moral values that defined their morality, the tensions they experienced in thinking about right and wrong, with the last sections characterizing the phenomena of hiding behind the rules, and their use of moral intuition. This chapter represented my endeavor to depict and explain the participants’ descriptions of their conceptions of morality. These descriptions of morality were rich, insightful, and illustrative of the complexity and individual nature of the participants’ thoughts about right and wrong. Second, chapter six presents compliance officers’ approaches to rule interpretations, and their moral perceptions and sensitivities relating to their recall and scenario problems. The rationale for presenting the findings as indicated was to emphasize the different approaches the participants used in their rule interpretations given specific contexts and to illustrate how their individual moral points of view, their experiences and the NCAA and the Conference standards, beliefs, and values informed their moral perceptions and sensitivities. Third,
chapter seven illustrates the standards of practical reasoning employed by the compliance officers in their resolution of recalled moral problems and the scenarios. The intention for this chapter was to illustrate that the compliance officers' reasoning was influenced by the type of problem, the context of the problem, the participants' conceptions of morality, and in relation to NCAA and Conference standards, values, and beliefs. The overall analysis represents a snap shot of the participants' morality and moral functioning, in their role as compliance officers. Finally, I do not claim that the analysis chapters were representative of the participants' morality or moral functioning in general athletic administrative contexts or in other contexts.

The Participants

Four women and six men participated in this study. This ratio of women to men generally reflects senior administrators working in National Collegiate Athletic Association member institutions where approximately 29.3% of women and 70.3% of men represent senior administrative positions (Lapchick & Mathews, 2001). The participants' ages ranged from 30 to 55 years, with the average age being 37.3 years. Each participant had earned at a minimum a bachelor's degree (see Table 8). In addition to earning their bachelor's degree, four participants had received Law degrees and three had earned Graduate degrees. Two of the compliance officers had served as coaches, while half of them had almost three years of intercollegiate athletic playing experience in various sports (baseball, basketball, and swimming) and had competed at different levels of competition.47

The administrative experience of the participants ranged from 4-20 years with the average length of experience being 10.85 years. Their administrative experiences ranged from general university or athletic administrative service to working in various positions related to athletic compliance (see Table 9). All of the participants had approximately 2.5 years experience in a junior compliance officer position at the Division I level, almost seven years of senior compliance experience at the Division I level, and 6.2 years serving in a senior compliance position at a Pac-10 Conference member institution. Also noteworthy was that four of the participants had dual reporting lines. These four participants were accountable to both the athletic department and to the university administration, the compliance officer was obligated to report on these issues (mostly instances of possible rule violations) and often utilized this dual reporting line with the understanding they were not jeopardizing his/her position. Specifically, three participants were directly accountable to both the University administration via the Faculty Athletic Representative (FAR) and the athletic department. The FAR is the institution's administrative representative outside of the athletic department. Mandated by the NCAA, the FAR position is appointed by the chief executive officer of each respective member institution. The FAR is required

47 Levels of competition ranged from National Athletic Intercollegiate Athletics, to NCAA DII, to NCAA DI-A.
Table 8
Participants' Level of Education Completed, N=10

<table>
<thead>
<tr>
<th>Participant</th>
<th>Undergraduate</th>
<th>Law</th>
<th>Graduate</th>
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<tbody>
<tr>
<td>#1</td>
<td>Bachelors</td>
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<td></td>
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<tr>
<td>#2</td>
<td>Communications</td>
<td></td>
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<tr>
<td>#3</td>
<td>Kinesiology</td>
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<td>#4</td>
<td>Business</td>
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<tr>
<td>#5</td>
<td>English Literature</td>
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<tr>
<td>#6</td>
<td>Sociology</td>
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<td>#7</td>
<td>Political Science</td>
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<td>#8</td>
<td>Sport management</td>
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<tr>
<td>#9</td>
<td>Sociology</td>
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<tr>
<td>#10</td>
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Table 9
Participants' Administrative Experience N=10

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<th>Nature of Athletic Experience</th>
<th>n</th>
<th>Level</th>
<th>M</th>
<th>Total Years</th>
</tr>
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<tbody>
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"to represent the institution and its faculty in the institution’s relationship with the NCAA and its member Conferences" (NCAA Manual 2002-03, p. 22).

These participant demographics are important as moral philosophy literature indicates that people’s understandings of “right and wrong”, the problems they deem to be moral, and their moral reasoning reflected their education, background, and experiences (Blum, 1994; Kekes, 1989; Sherman, 1989).
Compliance Officers: Roles and Responsibilities

See the great part about this job, and the point, you said before, we are like judges. No we are judge, jury, defense attorney, and prosecutor all at once. (Dave, February 18, 2002)

Individual institutions have assigned various titles for the position of compliance officer along with varying roles and responsibilities. The participants’ titles ranged from Assistant Director of Athletics for Administrative Services and Compliance, to Assistant Athletic Director for Compliance, to Associate Athletic Director for Compliance, to Director of Compliance. I asked Mike why compliance officers had various titles and he believed that it was simply each institution’s preference. He explained that, “every school had their own organizational chart and that is the way they do it.”

The tasks of the compliance officer have expanded considerably beyond the role of compliance and enforcement of NCAA and Conference rules. Compliance officers indicated that their main responsibilities included: providing education on NCAA and Conference rules, monitoring of NCAA and Conference rules, determining eligibility, providing advice and interpretations concerning the NCAA rules for the athletic department administration (various coaching staff, student-athletes, staff, and alumni), investigating possible rules infractions, and reporting violations to the Pac-10 Conference and the NCAA. Although each participant’s role varied, all of the participants indicated that their primary responsibility was compliance and enforcement of NCAA rules.

Jaime’s and Mike’s descriptions of their role reflected compliance officers’ overall roles and responsibilities:

I think it has always been accepted as the title as compliance because it is not just compliance it’s compliance and enforcement. So compliance I think of as the rules, education, and the rules’ interpretation portion and of course the enforcement as the people reporting infractions and following up, and figuring out why it happened. The hats are interchangeable, obviously because when you are investigating an infraction, part of the thing you do when you have an infraction is you figure out why it happened and you try and fix it. So to me, it’s what you end up fixing and developing a system to make sure it doesn’t happen again. That is more compliance the [the roles] go back and forth … (Jaime, December 15, 2000)

… my role is essentially to ensure that our department and our university adhere to the NCAA guidelines, and to the Pac 10 guidelines. Primarily we oversee recruitment of student-athletes, particularly eligibility and initial eligibility for all student athletes. Also financial aid … now there are a lot of other things [tasks] regarding with each sport. Like practicing and all the different administrative guidelines. More than anything I think the role of myself in the office, is to make sure that we as an institution are following the guidelines. (Mike, November 19, 2001)

The nature of the job also required compliance officers to constantly shift roles. Depending on the context, a compliance officer’s role could shift from educator, to enforcer, to investigator, to judge, to jury, or to attorney. All of the participants described their shifting roles, either implicitly or explicitly, as
metamorphic in nature. First, the compliance officers’ performed the role of “educators” of the rules. Second, they played the role of “enforcers” of the rules. Third, the participants became “investigators” when a potential rule violation was brought to their attention. Fourth, upon the completion of their investigation they put on their robes and acted as the “judge”. Fifth, compliance officers took their robes off and sat in the “jury” box, and developed recommended sentencing and forwarded this recommendation to the Federal Court (the NCAA). Last, upon the NCAA’s imposed sanctions the participants acted as legal representatives and became an “attorney” to help appeal the sanctions. One compliance officer explicitly described this process:

... first of all, I do the investigation and harass people to get to the truth. I do all the things that I need to do, you review the NCAA Manual, make them [the accused] read it and say okay now tell me the truth or you are in trouble. Then I get the truth. I let the person know they made a mistake. Now I have to decide how I am going to defend you (laugh). You are ineligible we need to get your eligibility restored. I know how to do that, I can do that let me change shirts (laugh). (Dave, February 18, 2002)

Obviously, preventing all athletic stakeholders from violating the rules was almost an impossible task. All of the compliance officers seemed to spend the majority of their time educating people, verifying information, and providing support.

Thinking About Right and Wrong

... there is something which goes on in the world to which it is appropriate to give the name of “morality”. Nothing is more familiar; nothing is more obscure in it’s meaning. Perry (1954, p. 86)

Four general characteristics were evident in the participant’s thinking about right and wrong. The individual nature of each person’s normative system was the first notable characteristic. A normative system is a moral code or set of moral beliefs that directs people’s moral decisions (Frankena, 1980). Frankena (1980) contends that people’s normative systems are comprised of various moral values or principles that they subscribe to, which guides standards of behavior. All of the compliance officers’ exhibited an individual moral code. Each of the participants’ moral codes was comprised of various values including: fairness, care, responsibility, obligation, empathy, honesty, equality, and so forth. Participant conceptions of morality and moral functioning exhibited these values. Compliance officer normative systems displayed some similarities, yet their normative systems were all distinctive. For example, all of the participants valued responsibility, fairness, and honesty. Mike, Terri, Erica, Sandy, and Matt also valued care, while Bobby and Andy, also expressed, in certain circumstances, empathy toward athletes.
Presumably, we would expect individuals to display a unique normative system, as individuals had a distinct moral upbringing, and they possessed distinctive emotions and cognitive processes (Frankena, 1980; Wallace, 1996). Wallace (1996) argues that the development of people’s moral characters occurs over time, which cultivates into practical wisdom. People’s experiences in resolving moral ambiguities enhance their practical wisdom. These experiences helped participants learn how to weigh various virtues in resolving problems. Their experiences included the type and level of education, work-related experiences (including, compliance, administrative, coaching, and playing), their own backgrounds, and the standards of conduct within their respective institutions, the Conference, and the NCAA set. Hence, the compliance officers’ practical wisdom is an accumulation of moral knowledge that has been formulated from not only the standards set by the Association, their teachings, and their professional experiences, but also from their various personal experiences or backgrounds.

The findings also contradict traditional cognitive moral developmental theorists’, such as Kohlberg’s, Rest’s, and Gillian’s, notions of the moral domain, where they assume that people’s morality is based on one philosophical domain (i.e., justice, social justice, or care). The participants’ normative systems were comprised of one moral domain, with several moral conceptions within their respective domains. As previously stated, as the participants thought about issues of right and wrong, they drew on several moral values.

The second illustrative characteristic that emerged from every participant’s moral thinking was that two separate moral codes dominated each compliance officer’s normative thinking; a professional code and a personal moral code. The uniqueness of each individual’s normative system created a challenge for me in painting a representative picture of the compliance officers’ conceptions of morality. While Perry (1958) stated that morality is obscure, I believe that we overlook and rarely discuss the individual and complicated nature of people’s morality. The next section of this chapter will identify and discuss emergent themes in the participants’ professional and personal moral codes, and the tensions displayed in their moral thinking.

Professional Moral Code

One aspect of each compliance officer’s moral code was values representative of a professional code of conduct. Moral values possess certain significance and direct our life decisions (Frankena, 1980). The values that comprised of the compliance officers’ professional code served as their “action guide” and assisted their decision-making. Their professional moral code was directed by: a) NCAA, Conference, and institutional rules and b) an array of values generally categorized under the rubric of “professional ethics”. Each participant’s normative system exhibited a unique professional moral code. However, many of the participants held similar professional values and beliefs.

The participants’ understandings of what was right or wrong in their rule interpretations and resolving hard cases were grounded in the NCAA Manual (2001-2002), Pac-10 Handbook (2001-2002),
and to some degree reflected their respective institutional policies and procedures. Many of the compliance officers (e.g., Dave, Bobby, Terri, Mike, Erica, Sandy, & Andy) talked about morality as ‘upholding a professional code’ or ‘abiding by the rules’, and ‘maintaining the integrity of the institution’. Adherence to their various professional organizations’ policies and procedures illustrated the value and sense of responsibility the compliance officers embraced in upholding substantive and procedural moral principles. All of the participants discussed the importance of understanding the intent and application of the rules, and the solemn practice of following organizational administrative procedures.

The professional values that became apparent in the interviews included loyalty, responsibility (including contractual and social obligation and being compliant to authority), honesty (including integrity and truth telling), fairness, and respect (including respect for rules and fellow co-workers). In a sense, these values were interrelated and were requirements of the position. These professional values defined standards of behavior for the participants. For example, a compliance officer is responsible for educating institutional stakeholders about NCAA and Conference rules and ensuring their compliance to these rules. This responsibility requires the compliance officer to be honest and report violations, ensuring fairness, along with displaying loyalty to the athletic department, the University, and the Conference. Solomon (1992) refers to these kinds of professional values as “metaduties”. Metaduties are context-bound, and define officers’ duties and subsequently direct their decision-making.


In summary, these professional values (honesty, responsibility, integrity, respect, fairness, and adherence to procedural and substantive ethics) were some of the features that were evident and contributed to the make-up of each individual participant’s professional morality. These values were tightly interconnected and related to their compliance officer duties. The compliance officer’s professional morality functioned as an action-guide or set a standard of conduct influencing their evaluative professional judgments.
Personal Moral Code

As each participant explained his/her understanding of right and wrong, discussed the recall and scenario moral problems, and their resolution to these moral problems, specific salient values beyond their professional morality became evident. These values represented personal values that acted as life-guides and directed standards of behavior in the compliance officers’ personal lives. Moral Gens in the form of personal morals, informed the participants’ professional and personal decisions. Certain personal moral values underpinned or overlapped with the compliance officers’ professional moral values (i.e., honesty, integrity, responsibility, respect, and fairness). The salient values that were apparent in the participants’ personal moral codes contained notions of honesty (including truthfulness and integrity), care\textsuperscript{48} (including helping others and maintaining relationships), empathy, compassion, responsibility, respect (including not harming others), and fairness. The participants appealed to different virtues when discussing their morality, moral thoughts, and their moral experiences. The context and their moral characters influenced the personal moral values the compliance officers drew upon. The next section describes compliance officers’ most significant personal values.

Care and fairness.

When I asked the participants how they knew they had made the “right” decision, the majority of them explicitly justified their decision based on the values of care and fairness. Interestingly, the values of care and fairness tended to be tightly intertwined and were overtly discussed by the participants in their deliberations about what constituted a moral problem, and in their deliberations of recall and scenario problems. The compliance officers’ broadly defined the values of care and fairness. The situation at hand, the compliance officers’ relationship with specific individuals, and case particularities influenced their understanding and application of these two moral concepts.

Some of the participants used similar notions of care, whereas other participants’ used a different definition of care. Providing similar treatment, prevention from harm, taking care of someone, or doing what was in someone’s best interest, for instance were some of the identified understandings of care. More specifically, Terri openly explained how “my heart decides” when she deliberated about what she believed was the right course of action. Her heart was the compassionate side of her morality and she used her compassion to aid in her moral deliberations.

Examples of caring were further displayed in the participants’ concern for the welfare of the athletes, in their compassion\textsuperscript{49} toward coaches and athletes, and in their empathy toward the student-athletes, and in certain instances toward the coaches. These personal values were directly and indirectly evident in the participants’ interpretations and deliberations of recall and scenario moral problems.

\textsuperscript{48}Noddings (1984) suggests that ethical caring represents different types of caring toward another person/sentient being, influenced by situational conditions and the type of relationship with the one being cared for.

\textsuperscript{49}I am using the term compassion to mean “feeling with” (Solomon, 1992, p. 227).
Noddings (1984) emphasizes that care is situational and transforms anew in each situation. Even though the compliance officers displayed a duty to enforcement and compliance, their context (athletic department and campus) indirectly required them to care about people - they liked helping people, were concerned about preserving relationships, and espoused what Noddings (1984) referred to as ‘Natural’ care.

While the compliance officers were obliged to uphold NCAA rules, the findings suggest that they understood the various difficult circumstances that athletes experienced. In addition, compliance officers often felt the coaching staff’s frustrations in a variety of situations as they attempted to uphold the rules. The compliance officers shared many stories and insights about how they genuinely felt “bad” for athletes if they lost their eligibility or were in dire straights. For example, due to Conference eligibility rules, Bobby felt awful that an athlete would lose his/her athletic scholarship and eligibility to participate with any other Pac-10 Conference institution. Likewise, Mike, Sandy, Dave, and Andy all felt empathy toward Sarah in the Church’s Charity scenario as a result of NCAA eligibility rules because she might be required to pay the NCAA the money she received from the Church’s scholarship.

Jaime’s, Andy’s, Robert’s, and Erica’s sense of care were also illustrated through their respective open door policies, being an impartial listener, and acting as a support system for student-athletes. However, almost half of the participants displayed little if any compassion or empathy toward the basketball player in the Drug Testing scenario. These participants believed that intercollegiate athletic participation was a privilege and not a right. The basketball player had various other opportunities to participate in basketball if he did not wish to sign a drug testing consent form. Interestingly, the participants expressed more compassion and empathy toward the coach than the student-athlete in the Drug Testing scenario. For example, Andy and Terri expressed how coaches have an enormous amount of responsibilities to manage without having to persuade student-athletes to sign a drug testing consent form. Andy stated, “I feel for the coach ... there are a lot of ways that you can lose a recruit, but losing one for standing up to this!”

All of the participants equated fairness with upholding the rules. In addition, the participants also defined varying conceptions of fairness, such as equality, equity, and justice. Throughout the interviews, the compliance officers emphasized that student-athletes should receive equal treatment no matter what sport they played. Fairness also meant a strict adherence to the rules and fair treatment. For example, Matt wondered whether admitting student-athletes to an institution where they were not academically prepared, constituted fair treatment or if this was an example of exploitation. Moreover, the participants discussed how they felt when athletes were being unfairly treated by the application of the rules and how some coaches treated athletes as a means to an end. For example, Erica believed that coaches who used athletes as commodities, were treating athletes unfairly. She argued that those coaches were acting irresponsibly

\[\text{\textsuperscript{50}}\text{Noddings (1984) uses the term ‘Natural care’ to refer to one being accepting of people no matter what their circumstances might be.}\]
because student-athletes are not products. When a coach decides that an athlete can no longer help them to win, he/she does not have the right to dispose of the athlete. Student-athletes and coaches sign a contract with the understanding that the athletes will attend school and commit to being part of a team for four years. Erica believed that coaches should fulfill the agreement in these contracts. Coaches should not be able to use athletes as a means to an end. According to Erica, coaches who make these types of decisions (attempt to dispose of athletes when they are no longer productive) were not operating within the spirit of the rules. The compliance officers' concerns for student-athletes as a result of the application of the rules or certain coaches' decisions reflect Frankena's (1980) conception of the moral point of view. Frankena (1980) contends that evaluative judgments should be made in consideration of the effects of the judgment on other individuals.

**Maintaining trust.**

Solomon (1992) asserts that effective management requires cooperation with fellow co-workers. The importance of maintaining relationships and providing support for athletic department stakeholders demonstrated another type of care. Maintaining relationships with various athletic personnel (i.e., athletes, coaches, and various athletic administrators) was an espoused value by the compliance officers for two essential reasons. First, based on the compliance officers' own moral character or moral experiences (previously described), they genuinely showed concern for their co-workers and student-athletes. Second, compliance officers cannot properly perform their duties without having an effective working relationship with their fellow co-workers or other constituents. The findings support that pragmatically, maintaining relationships was crucial to being an effective manager.

The compliance officers explicitly stated the importance of working on their image and not being perceived as the department "cop". The majority of the compliance officers were very cautious of this image (Mike, Terri, Andy, Matt, & Robert). Mike explained:

... be as fair as possible just because we want to continue to have a good relationship and I have to work with them ... and if I started walking around ... and they think that I am the cop then it is over ... I have lost what we are trying to accomplish ... so my goal is to try and help our coaches as much as possible ... and educate them as much as possible, there are times when I have to be the bad guy, I don't like when that happens ... (Mike, November 19, 2001)

The participants believed that the various athletic stakeholder stakeholders (coaches, staff, and student-athletes) would not confide in, or co-operate with them, if they perceived they were being “policed”. In order to prevent the policing perception, the compliance officers all strove to be supportive of the various stakeholders, rather than assume the role of regulators. The compliance officers displayed their support of the various stakeholders by treating them with respect, being fair, and showing a sense of care through employing an educational approach. An educational approach refers to teaching people to understand and
apply the rules. In contrast, a policing approach refers to holding people accountable for violating the rules without providing any assistance with teaching athletic stakeholders the meaning and application of the rules.

Compliance officers relied extensively on athletic stakeholders’ feeling comfortable with disclosing information, which required trust. In order to develop trust with the various stakeholders, the compliance officers were supportive and acted as confidants in situations when respective athletic stakeholders disclosed potentially damning information. If the stakeholders understood that a compliance officer’s role was to provide help and support and if a violation did occur, the compliance officers all indicated that respective parties would be more likely to cooperate with them during an investigation. Consequently, in order for a compliance officer to effectively carry out these duties and responsibilities he/she must establish and maintain a high level of rapport with the various above mentioned athletic department stakeholders. Dave described his approach in maintaining rapport:

I try to maintain some kind of rapport with them [staff and athletes] in the educational sessions ... I am trying to get them [the athletes] to understand that I am here to protect their eligibility ... (Dave, February, 18, 2002)

Fostering relationships also seemed an important factor when deciding whether or not to report a violation. Four of the compliance officers indicated that they weighed the value of maintaining a working relationship with respective athletic stakeholders versus reporting a violation. These four participants suggested that in some circumstances developing an ongoing liaison with people was more significant than reporting a violation. For example, Bobby indicated that the nature of how a compliance officer treats people could aid in promoting honesty and developing a positive rapport with his or her colleagues. He stated:

... in some cases, you can simply give the involved individual(s) a warning. If the violation was the result of a sincere lack of knowledge, was not something that he or she should have known, or was genuinely inadvertent, you give the individual(s) a break, but make it clear, that if it happens again, you will report it and take the necessary enforcement actions. In this regard, you may help to foster a relationship in which the individuals will be more apt to bring potential violations to your attention, knowing that they will be treated in a fair manner. (Bobby, October 26, 2002)

The compliance officers empathized with their various athletic department colleagues, as they too understood the difficulty of knowing and understanding all of the NCAA rules. The participants recognized that given the nature of the rules, people would make mistakes and violate rules. The majority of the compliance officers relayed that being supportive and showing understanding was crucial to maintaining a positive working environment. This positive approach was perceived as essential to help athletic stakeholders feel comfortable in asking compliance officers questions about the rules and disclosing possible rules violations. An educative approach rather than a regulator of the rules attitude
was believed to be more effective in promoting student-athlete compliance. In particular, Terri expressed this approach most vehemently. Developing relationships with the student-athletes and teaching them, not only the rules but additionally, how to become good citizens was her goal. She explained:

... when somebody [coaches, athletes, or staff] screws up you bring them in ... there is some measure of consequences but mostly you teach them. Teach them what they did, why they did it, how to prevent them [from repeating the behavior] and then how to have them turn around and be a better citizen in your area ... so we try to do that a lot ... I never stand in judgment. I am not going to say you are bad, I am not going to talk with you because you are not good ... I don't care what sport you are in, I don't care male or female ... everyone who walks in the door, I try my very best to treat every single one of them the same. I am teaching them lessons and they tend to respond to that ... really, really well. I think if you spend too much time policing them they are going to avoid you, they are not going to think what you are doing is valuable. They are going to be dismissive about the rules and the compliance things that you are trying to uphold ... and then you are going to have more problems than not ... (Terri, November 7, 2001)

Noteworthy, over half of the compliance officers also declared that their respective institutions held the best compliance record in the Conference. These participants declared that they reported “everything”. However, upon further probing, some of the compliance officers somewhat contradicted themselves as they admitted to using their discretion in reporting or not reporting certain instances of secondary violations.

These personal values (honesty, care, empathy, compassion, responsibility, respect, and fairness) were some of the features that contributed to the composition of each participant’s personal morality. These values underpinned all of the their professional codes. Thus, compliance officers’ personal morality functioned as an action-guide or set of standards of conduct that influenced their professional judgments. Moral theory supports the existence of various types of normative codes, such as personal and professional, which prevail at different times and places (Frankena, 1980). Frankena (1980) contends that in certain instances, moralities may change as different laws or professional expectations, for example, inform people's morality in those circumstances. The participants' personal and professional values were not only evident in their thinking about right and wrong, but as well in their moral perception and sensitivities, and during their practical reasoning.

These findings were consistent with Frankena’s (1980) theory of morality as he argues that people have an individual understanding of what morality means. Furthermore, he maintains that individuals’ conceptions of morality can differ from a larger social morality. While the compliance officers' conceptions of morality mirrored the NCAA’s understanding of morality (fairness and amateurism), variances between the NCAA’s and the participants’ moralities did exist. Similar to the NCAA’s morality, the participants valued compliance with the NCAA’s, the Conference’s, and their institution’s rules.
In contrast, many of the values that encompassed the compliance officers' individual personal moral codes varied from the NCAA’s morality. The NCAA’s morality reflects values mostly relating to a professional moral code or Solomon’s (1992) metavalues. The compliance officers’ personal moral values of fairness, care, empathy, maintaining relationships, and compassion generally were not reflected in the NCAA’s morality. For example, the compliance officers’ sense of fairness in relation to the application of the rules varied from the NCAA’s. The NCAA supports a definition of equality, that is, all athletes and member institutions should be treated equally. Equal treatment creates the ideal of an “equal playing field”, whereas certain compliance officers (Sandy, Mike, Bobby, & Erica), believed that fairness also meant addressing individual needs. In certain circumstances, the participants believed that differential treatment among student-athletes and member institutions was acceptable. In order to achieve fairness, compliance officers argued that circumstances did arise where differential treatment of athletes or member institutions was warranted.

Not reflected within the NCAA’s morality, was the compliance officers’ perceived value of employing an educational approach to compliance and maintaining relationships. The NCAA indicates that institutions take a strict approach to compliance. The Association requests the reporting of all known rule violations. However, the compliance officers believed that in special instances maintaining relationships and employing an educational approach was more important than reporting a violation. These variances between the NCAA’s and the compliance officers’ moralities created many tensions for the compliance officers. The next section discusses these tensions.

Moral Tensions

The third notable characteristic related to tensions that existed between the participants’ professional and personal moral codes. Solomon (1992) contends that because we are unique individuals with our own values and beliefs, we can expect to experience tensions. He maintains that, “in any organization, there are overlapping and concentric circles of identity and responsibility, and a virtue in one arena may conflict with a virtue in another” (p. 167). Consistent with Solomon’s (1992) argument, compliance officers’ personal and professional moral codes created various tensions for the participants within three main contexts. First, compliance officers experienced tensions when deciding right from wrong. Second, compliance officers experienced tensions when attempting to fulfill their duties. Third, compliance officers experienced tensions when interpreting and deliberating about rule interpretations.

Tensions when Deciding Right from Wrong

In deciding right from wrong, some of the participants weighed certain values from their professional moral code against certain values from their personal moral code. For example, Matt
expressed how his personal value of fairness conflicted with his professional value of responsibility in deciding whether a student-athlete who was ill academically or socially prepared for college life should be admitted into his institution. He weighed his personal sense of what was right, (i.e., he believed that it was wrong to admit student-athletes, who on paper, would most likely fail at their institution) with his professional responsibility of assisting the coaching staff with enrolling student-athletes who meet the entrance requirements of the institution and the NCAA. In deciding whether or not to report rule violations, several participants indicated how they weighed their personal value of care and maintaining relationships against their professional value of obligation and responsibility. The compliance officers valued their working relationships with their fellow colleagues and student-athletes, yet they were also responsible for reporting all rule violations to the NCAA and Conference.

Some of the participants also expressed how they weighed their professional and personal moral codes along with their moral intuition in deciphering right from wrong. These participants confronted with a potential rule violation, would consider both their moral intuition with the NCAA rules. Erica, Andy, Jaime, and Terri indicated that they utilized these mechanisms as they evaluated the source and manner of an accusation. Erica indicated however, that she felt obliged to refrain from getting too emotionally involved. She pronounced her tendency to over extend herself emotionally, which created tensions for herself. Erica explained:

"... well, there is a gut reaction and then there is the NCAA manual. I try and combine the two of them together ... I try to be really careful and not be too alarmist about things because things aren't always the way they seem on the surface. A lot of times we will get self reports or reports from outside agencies, saying, "Oh your coach is doing this or your players are doing that. A lot of times that is just not true. So, I try and look at it as objectively as I can and not get too emotionally involved in it, which is my tendency and so I kind of have to step back. (Erica, February 20, 2002)"

Terri also indicated that she weighed her professional moral code with her personal moral codes, and her moral intuition as she aimed to operate within the parameters of the NCAA, Conference, and institutional guidelines. She stated:

"For me it starts with my stomach and then it goes to my head, and then my heart decides. Other people, it starts with their head and they think with their stomach. But ultimately, I am not a lawyer or an attorney, I am in student services, apparently that is what I am doing. I am still trying to make everyone work, just work within the rules. (Terri, November 7, 2001)"

Based on her philosophy of student services, Terri explained how she determined right from wrong, while functioning in a high profile athletic context. Student services means providing support for students. Terri perceived her primary role as assisting students. Her secondary role involved helping the athletic staff and student-athletes to successfully navigate through the rules. In order to accomplish these two goals, Terri
weighed her intuition, the rules, and her own sense of what was right. Her own sense of right held the most weight in her decisions.

The participants also experienced tensions in situations where they perceived that certain application of the rules disadvantaged student-athletes. In these situations, the participants’ personal beliefs that people should not be deprived of opportunities conflicted with their professional beliefs where they are obligated to follow the rules. For example, Mike explained:

... sometimes I think the rules themselves ... there are certain things [situations] where it [following the rules] might be of a disadvantage for the student-athlete for the wrong reasons, whereas it is the right thing to do ... (Mike, November 19, 2001).

Mike was suggesting that sometimes when student-athletes were following the rules, they were unnecessarily disadvantaged or treated unfairly by their application of the NCAA rules. The compliance officers believed that in many instances the application of the rules imposed certain hardships on student-athletes. The participants (Mike, Sandy, Andy, Erica, Robert, & Jaime) all expressed their concern when their personal moral values of care and empathy conflicted with their professional value of abiding by the rules.

Tensions and Fulfilling their Compliance Officer Role

Tensions were further felt by the participants in fulfilling their compliance officer role and carrying out the application of the rules. The compliance officer worked on a daily basis with department staff and student-athletes. Hence, they built relationships with these people and as stated earlier became part of the athletic department team. Unfortunately, instances arose when the compliance officers were fulfilling one of their roles, which often required relaying unpleasant rulings from the NCAA/Conference office to student-athletes, coaches, or athletic department stakeholders. Quite often, performing this “conveyor” of rule interpretations created tensions for the compliance officers:

... the fact is that we have to continue to work with the coaches and student-athletes directly on a daily basis. If the NCAA or Pac-10 issues a ruling or interpretation, we are the ones who have to convey and explain the situation directly to the coach or student-athlete on a personal level. At that level you see how these things can really affect and change someone’s life. Many times they see us as the cause of those changes. I guess that is where we see the emotional or the “human” side of the rules. I don’t believe that those issuing the rulings or interpretations see that side. (Bobby, October 26, 2001)

The compliance officers also felt tensions between their personal beliefs about the NCAA’s right to legislate student-athletes’ prior relationships before becoming a NCAA member. NCAA legislation states that student-athletes can only receive funding from a family member or established family friend to attend a high school or an academy. Some compliance officers felt that the NCAA had no right to legislate people’s prior relationships. For example, Sandy stated that she understood the abuses of professionalism
that the NCAA was attempting to curb. However, she argued that it was almost impossible to monitor and was "it any of our business to monitor what kids are doing, receiving from high schools prior to attending our school." Jaime echoed Sandy’s statement indicating she had 700 student athletes to monitor and monitoring this legislation was almost impossible to perform:

... as a compliance officer it is completely overwhelming ... like I am suppose to know whether or not a student had their tuition paid for at a private school ... (Jaime, December 15, 2000)

Furthermore, the complicated nature of fulfilling the role as a compliance officer while being a member and colleague within four separate and yet tightly linked organizations (athletic department, University, Conference, and the NCAA) also created tensions. As previously explained, the role of a compliance officer is education and enforcement of NCAA and Conference rules. Simultaneously, compliance officer are expected to be loyal as well as acting as an athletic department resource by helping the various personnel navigate a legislative quagmire in an effort to successfully achieve their goals. In most instances, NCAA and Conference rules were the trump card in the compliance officers’ deliberations. That is, NCAA and Conference rules held the most weight in deciding a course of action. However, there were also instances where professional values or metaduties outweighed strict compliance. For example, in some cases (explained earlier), loyalty (to the program and relevant stakeholders) and providing support outweighed strict adherence to the rules. The participants also discussed instances where an action was not permissible according to the rules but felt that the action did not warrant reporting. In these instances, the participants believed speaking with the person/people involved was more valuable. For example, Terri stated:

... I found it best to go to the student and I think that is a lot more effective, gets the same result, and doesn’t sort of tie everybody down with an incredible amount [of time] ... and to be perfectly honest, our perception is, and I’m sure every school has this same perception, our perception is we are way pickier than anybody else, I write way more violation reports on really stupid little things than any other school does ... (Terri, November 7, 2001)

Whereas in other cases, the principles of responsibility and duty to enforce the rules holds more weight than the principle of loyalty to the institution, program, or supervisor(s).

Complicating matters even more, the bipartite values of loyalty and responsibility, were implicitly related, yet distinctive in participants’ judgments. The compliance officers displayed loyalty in two ways. The first related to the notion of ‘teamism’. Being a member of their respective athletic departments and institutions demonstrated a strong sense of belonging and allegiance that comes with being part of a team (especially in an NCAA DI-A athletic department). The compliance office subunit is an important component of the athletic department. As previously mentioned, compliance officers critical role on the
athletic department team was to provide support regarding rules compliance and maintaining the student-athletes' eligibility.

For example, Erica expressed her feeling of connectedness with the athletic department:

... I think we (I have an assistant too) feel, we see ourselves as team compliance sometimes, we feel like, even though we are not, we are outside of athletics, we feel like we are part of it [the athletic department] ... (Erica, February 20, 2002)

Compliance officers' affiliation with their respective “teams” yielded a sense of loyalty. The compliance officers had an obligation to their respective athletic departments to be cooperative and trustworthy in achieving their goal-success. However, this type of loyalty required balancing the compliance officers’ own best interests with the interests of the institution. The compliance officers’ sense of loyalty varied. They did not express strict loyalist support toward their respective athletic department. Most of the participants’ loyalties fell midway on a continuum from strict loyalty to disloyalty to their athletic department. For example, Robert’s philosophy of compliance displayed his loyalties to the “team” as he stated:

... this falls under my philosophy part too of compliance and this is what I tell all the coaches and kids when we meet every fall ... I look at my role in compliance as someone who is here to help the student-athletes and to help the coaches ... I perceive my role to help, I am part of the team ... you will never hear no until I have exhausted every possible angle and I like to play in what we call the gray area and you know I know what the coaches are going through because I did it for 4 years ... (Robert, February 19, 2002)

Adhering to a standard of excellence in compliance and maintaining the integrity of the athletic department, the institution, and the Conference illustrated the second notion of loyalty. The NCAA’s Principle of Institutional Control is one of the most significant standards to uphold within these Pac-10 member institutions. Several Pac-10 member institutions’ compliance Internet homepages (e.g., the University of Arizona, Oregon State University, & the University of Southern California) included a section regarding the importance of adhering to the Principle of Institutional Control. Furthermore, each institution’s Operational Bylaws contained a section on institutional integrity, which also contained at least one section on integrity in intercollegiate athletics. The Knight Commission Reports also emphasized the importance of adhering to Institutional Control and maintaining the integrity of the University as a means of reforming intercollegiate athletics. Terri’s statement echoed the compliance officers’ feelings regarding the importance of maintaining the institution’s integrity:

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51 The Knight Commission Reports (1991 & 2001) were each conducted to address college athletics issues, specifically relating to academic affairs, commercialization, and corruption. Each report studied these various issues and wrote various recommendations for athletic reform, one of those areas specifically related to Institutional integrity.
... I also think that I have a very inherent responsibility to the school and for me personally I am a faculty bride ... and that could reflect on him, my father [who was a faculty member], it could reflect on me, it could reflect on the department, it could reflect on all kinds of things. There is nothing more important than to protect on this campus than integrity ... if anything comes close to actively disregarding anything and thinking they are above or beyond the institution they are gone ... there is some self preservation involved here ... (Terri, November 7, 2001)

The starting point of practical reasoning within an organizational context is identifying the existing social and historical activities and practices (Wallace, 1988, 1996; Winkler, 1993). Organizational norms and beliefs underpin these organizational activities. Institutional and organizational norms and beliefs set standards of behavior that govern compliance officers’ actions. These governing practices possess authority for all NCAA, Pac-10 and institutional athletic stakeholders. Like any practitioners, compliance officers must learn and adhere to these norms and beliefs. (Wallace, 1996, p. 37) contends that the challenge in “mastering any complex activity is learning to observe simultaneously the many pertinent norms, and the solution of this recurring problem requires modifying and adjusting the norms so that they can be observed together.” Participants’ moralities were dynamic as certain norms and beliefs in one context would hold more importance than in another domain. For example, their understanding and application of notions of loyalty or responsibility changed in relation to a particular practice. These findings illustrated compliance officers practically juggling institutional values and norms in order to work within their own moral parameters.

Tensions and Rules Interpretations

The participants also experienced tensions in making rule interpretations. One of the roles of the compliance officer is to make correct rule interpretations. This role is critical because institutional stakeholders relied on these interpretations to ensure that they were operating within the parameters of the rules. The compliance officers provided several examples of circumstances where they carefully considered the correct interpretation of the rules. They discussed circumstances where a situation might be legal but questioned whether the decision was morally acceptable. For example, Matt explained:

... the rulebook might support the suggested solution (by someone else) but doesn’t feel right from an ethical standpoint, values that I may have prior to working with NCAA rules. (Matt, February 20, 2002)

The majority of compliance officers demonstrated loyalty by declaring that they would award their respective institutions with a high compliance rating. Many even went as far as stating that their individual institutions had the highest incidence of self-reports. For example, Dave and Robert proudly stated:

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52 Faculty bride refers to one who is the spouse of a faculty member.
We pride ourselves here because University No. 7 has had a tradition of being what they call a black hat school because of all the problems they have had in the past. We have really prided ourselves in [with our commitment to compliance] the last four or five years where we have come and to [obtaining] a model of compliance [where] we are actually getting recognized across the country now … (Robert, February 19, 2002)

In summary, the findings showed that several different moral values informed their respective normative systems suggesting that compliance officers’ understandings of morality were complex. A variety of factors (i.e., their background, their histories, their experiences, their character, and the highly formalized and competitive work environment) influenced the compliance officers’ understandings of morality, how they defined various moral concepts, how they interpreted moral situations or applied these moral concepts, and how they deliberated about moral problems. The participants’ conceptions of morality were consistent with Wallace’s (1988) Contextualist notion of morality. He contends that morality is “a heterogeneous collection of shared ways of solving problems of living together, ways developed by individuals in real-life situations and modified by countless other individuals in order to adjust the ways to one another and to changing circumstances” (p. 96). Wallace (1988) asserts that morality is complicated, and the participants’ moral thoughts illustrated this assertion. The next section discusses another aspect of the compliance officers’ multifaceted understanding of morality. This section describes some of the participants’ reliance on their moral intuition in their morality and moral functioning.

**Moral Intuition**

The fourth notable characteristic was that the participants also used their moral intuition in determining right from wrong and identifying the existence of a moral problem. Through our various experiences, education, and background knowledge people become more observant or perceptive to certain situations, yielding an intuitive power (Baier, 1963). Baier (1963, p. 22-23) notes that “our intuition or our conscience” can act as an aid in determining what is right or wrong. He argues that individuals develop this intuitive power through appropriate or reliable “techniques of confirmation,” that is, deliberation or reasoning. In order to make evaluative judgments, practical reasoning requires that individuals or groups survey the facts. Assessing the facts of a situation helps to determine the moral pros and cons or all the possible alternatives and their likely consequences (Coombs, 1997). Assessing all the
possible alternatives and their likely consequences helps the reasoner(s) to decide which sets of arguments best support a judgment. Over time, as people experience various situations and become knowledgeable about certain situations, they can predict the rightness or wrongness of an act. Baier (1963) suggests that people will utilize this knowledge to make "confirmable" claims, thus developing an intuitive power.

Similarly, Gall (1945) and Cardozo (1924) both suggest that judges will often use their intuition, or depend on hunches and feelings in their judgments. Gall (1945) posits that practical judgments made by judges are a creative art where over time and through experience they utilize feelings in addition to assessing "the facts", weighing alternatives, balancing interests, and so forth, in order to make sound interpretations and deliberations about particular cases. Dewey (1910) agrees with the notion that practical judgments can be intuitive. People's insights or instincts develop through their assessment of similar or past cases, and one's experiences. Dewey (1910) maintains that we can have confidence in our intuitive judgments because we base our judgments on thoughtful consideration of particularities and "intelligent selection and estimation." Dewey (1910) wrote:

... Long brooding over conditions, intimate contact associated with keen interest, thorough absorption in a multiplicity of allied experiences, tend to bring about those judgments which are called intuitive; but they are true judgments because they are based on intelligent selection and estimation, with the solution of a problem as the controlling standard. (p. 104-105)

Half of the compliance officers (Andy, Dave, Erica, Matt, & Terri) stated that they recognized a situation as not being right based on a "gut feeling". They made such statements as "my gut tells me probably something is wrong", "my stomach gets queasy", or "well there is a gut reaction." Based on their past experiences, they appealed to their intuitive power. The compliance officers would verify their intuitive feelings through practical reasoning. Consideration of the rules, legal and institutional experts (athletic director, faculty representative, coaches), other compliance officers, and past cases helped them verify their intuitive power. Moral philosophy rarely mentions intuitive power as a factor in resolving moral problems. However, Walker et al. (1995) contend that intuition is a viable means in evaluating the moral acceptability of a decision.

Hiding Behind the Rules

The last illuminating characteristic represented participants using the rules to release them from fulfilling their moral responsibilities as a compliance officer. Gough (1994) contends that the NCAA's strict legalistic atmosphere relieves respective athletic programs from engaging in practical wisdom and asking the question is "What is the right thing to do?" He believes that this assumed legalistic atmosphere has led to an attitude of strict conformity to the rules. Two participants (Matt & Terri) suggested that
compliance officers had the choice of whether or not to "hide behind the rules" and devoid him/herself from any moral responsibility. Matt believed that compliance officers could employ a strict compliance approach. A strict approach assumably relieved one from making moral judgments and asking the question of whether one was making the right decision even though the decision was within the parameters of the rules. He stated:

If you want to be completely free of any ethical responsibility you do it exactly the way they say and then you don't have to give it a second thought ...

I asked Matt if his statement suggested that following the rules to the letter was unethical and he replied:

I'm simply saying that following the conference or NCAA's advice on a particular situation lifts any cloud of responsibility from a compliance officer. You don't have time to dwell on whether their answer was morally or ethically correct, and since they don't know the parties involved, you don't question their motives. (Matt, February 20, 2002)

Terri also believed that a compliance officer was responsible for providing additional reasons in explaining why a particular action or judgment was wrong. In addition, Terri argued that compliance officers should provide reasons beyond the rules as to why an athletic department, a Conference or the NCAA make certain judgments. Terri explained:

... I think people, sometimes will hide behind the rules. What I do is, I won't hide behind the rules because there is no, you can't explain it like that [an interpretation or application of the rule], that is just not enough, what I do is go and face them [athletes, coaches, parents, etc.] with the rules as part of the deal ... because you can't do it without them ... but I don't think you should hide behind them either. (Terri, November, 7, 2001)

Noteworthy, is that Dave's judgments and deliberations tended to reflect this phenomenon as he based his interpretations and justifications on the NCAA rulebook. He declared that he was not required to make moral judgments because he just follows the rules:

What I try to do in this job is to say the book is right, the book is right I don't have to make moral judgments (hits rule book with hand) what it is says in the book is the way it is supposed to be. If it ain't that way then I have a problem. (Dave, February 19, 2002)

This notion of hiding behind the rules is comparable with the theories of obedience to authority as in the classic Milgram (1963) experiments and with Turiel's (1983) domain theory. Obviously, Dave's strict compliance to NCAA rules is nowhere near the severity of the harm inflicted by Milgram's shock experiments. However, Milgram's (1963) and Turiel's (1983) explanations of why people engage in this type of behavior is relevant in understanding why some compliance officers choose to hide behind the rules and others do not. First, consistent with the notion of Contextualist practical reasoning, Turiel...
(1983) believes that complex social judgments draw upon social cognitions from more than one “domain”\textsuperscript{53} of reasoning in deciding what one should do. In the above examples, Terri and Matt drew upon both their personal and professional moral codes in their judgments, while Dave chose to focus on his professional code while ignoring his personal code in making his judgments. Based on a person’s interpretation of a situation, one will elicit different domains to aid in making a judgment. This relates to Milgram’s (1963, p. 377) study as he argued that one reason why some people will strictly obey authority while others will not was related to the “particular conditions in which it occurs” and people’s perception of a situation. Matt and Terri both perceived their roles differently than Dave, explaining why they chose not to hide behind the rules.

Summary

The Pac-10 Conference compliance officers were well educated, had several years of experience in general administration, athletic administration, and in compliance. The data shows that the compliance officers’ believed their general role was enforcement and compliance. Preventing the various athletic department stakeholders from perceiving the compliance officers as the “resident cop” created various challenges for them. Their professional and personal moral codes and the nature of this position created several tensions for the compliance officers, namely in deciphering right from wrong, in fulfilling their role, and in making rule interpretations. The compliance officers also indicated that they utilized their intuition in deciding if “something wasn’t right”. Using one’s intuition is common practice for judges in many appellate courts (Gall, 1945). Gall (1945) contends that judges use personal insight to aid with legal interpretations and justifications. Furthermore, he suggests that using feelings in decision-making was also an important aspect of practical reasoning. Finally, some of the compliance officers argued that they should not hide behind the rules, as this would presumably shield them from any moral obligations.

In the next chapter, I demonstrate how the compliance officers’ individual normative systems, backgrounds, and experiences influenced their moral perceptions and sensitivities. Specifically, how these characteristics informed their approaches to NCAA and Conference rules interpretations and their discernment of the particulars in their recall of moral problems and the scenarios.

\textsuperscript{53} Turiel (1983) contends that people distinguish among social cognitive domains. He has argued that people reason differently within their personal (psychological), moral, and social domains.
CHAPTER SIX

Compliance Officers’ Discernment of the Particulars

In the preceding chapter, I presented the Pac-10 compliance officers’ various moral points of view. Noteworthy from these set of findings was the diversity and common value structures among the participants, and between the participants with the NCAA’s moral point of view. The purpose of this chapter is to link the participants’ moral points of view with their perspicacity of case particularities. Thus, connecting their moral codes with how they defined what constituted a moral problem, the moral problems they identified and their understanding of different moral concepts. Furthermore, the findings provide insights into why the compliance officers varied in their rule interpretations and moral perceptions and sensitivities. This chapter is divided into three sections. The first section examines the compliance officers’ approaches to rule interpretations. The second section examines their moral perceptions and sensitivities. Within this section, the compliance officers’ definitions of what constitute a moral problem are examined, the recalled moral problems are explored, and their interpretations of scenario problems. The last section connects the compliance officers’ moral perceptions and sensitivities with moral philosophy.

Compliance Officers’ Approaches to Rule Interpretations

Based on the interview responses, interpreting NCAA and Conference rules was not only seen as an essential job responsibility, but also as a moral practice. Rule interpretations can be considered a moral practice, as the compliance officers’ interpretations are required to reflect the NCAA’s legislative system and its moral ideals of justice and fairness. The context, the rules, and the individuals interpreting the rule influenced the interpretative approaches and one strategy that were employed. Factors that influenced participants’ interpretive approach or the strategy that they used included the importance of the rule, the person requesting the interpretation, the sport involved, and the compliance officers’ moral character. For example, if a coach was pestering a compliance officer about how a rule should be interpreted, then quite often a compliance officer would seek an official interpretation. Gaining an official interpretation relieved the compliance officer from any further pestering from the coach.

Compliance officers employed three different approaches and one discretionary strategy in their rule interpretations. The three different approaches to their rule interpretations I refer to as literal or rulebook, “working in the gray”, and “spirit of the rules” and they used weak discretion in deciding when to obtain an official interpretation. First, some compliance officers employed a literal interpretative approach. Literal interpretations were based on a strict reading of the words, which were based on past cases and current meanings of the words stated in a rule. This literal approach reflects Dworkin’s (1986) notion of legal conventionalism. Employing a legal conventionalist approach in resolving hard cases...
entails drawing on legal precedent and a positivist reading of the rules. For example, Bobby explained, “it is black and white the action is a violation or not a violation.” Sandy also applied this view in the Academic Assistance scenario, as she stated, “it is against all academic rules we have here as well as definition.” The compliance officers who employed this interpretive approach assessed how past cases were decided and therefore, made their interpretations based on past decisions. For example, some of the compliance officers discussed how they formulated their interpretation of academic assistance based on how the Minnesota case\textsuperscript{54} and/or how their own institutions had decided past cases of inappropriate academic assistance.

Operating within the spirit of the rules was the second interpretive approach compliance officers employed. This spirit of the rules interpretive approach reflects Dworkin’s (1986) theory of interpretivism. He contends that rule interpretations should reflect both the framers’ intent and how the concept relates to contemporary and future meanings in relation to an activity. Operating within the spirit of rules was articulated as important by many of the participants (Terri, Andy, Bobby, Erica, & Jaime). Even though a particular decision/action might be within the rules, they believed that the decision/action should reflect the intent or spirit of the rule. These types of judgments were considered “right” or “good” decisions. The participants that employed a spirit of the rules’ approach spent considerable time deliberating about what actions were within the general intent of the rules and what actions exceeded their conception of working within the intent of the rules. For example, Erica articulated her concern about an instance where an athlete was placed in the position of deciding between maintaining his eligibility or being placed on a medical hardship and losing his eligibility. Erica felt that placing the athlete in this conflicting position was not within the spirit of the rules, yet perfectly within the limits of the rules. She explained:

Because the spirit of the rule is that if you go on the medical scholarship, is that you are medically unable to play, well it [the question] is whether or not he is really medically unable to play and that is questionable.

She further added:

But on the other hand if the athlete is saying, “Look, you know, I don’t want to play anymore I mean I want to stay at university No. 9 and finish my degree and they are not going to play me anyway.” ... That is the whole issue, it is the coaches’ prerogative to play who they want to play and the coach is never going to play the athlete, the athlete either goes on a medical [hardship] or they cut your scholarship. What kind of choice is that for the athlete and that bothers me. But on the other hand it is within the NCAA rules and if the Doctor is going to sign off with their expertise that he is medically unable to play anymore, who am I to say that, that it is not true ... (Erica, February, 20, 2002).

\textsuperscript{54} In 1999, the University of Minnesota Men’s basketball program was involved academic fraud (Suggs, 1999). This case received much publicity regarding the extent and type of academic fraud that occurred. As a result, the NCAA and compliance officers use this case to compare and examine notions of acceptable academic fraud.
Even though Erica’s personal moral code was influencing her interpretation and questioning whether the coach’s and the team doctor’s actions were within the parameters of the spirit of the rules, reluctantly her professional code influenced her to take a literal interpretation of the rules. She declared that she did not have the authority to question the Doctor’s or the coach’s decision and their decisions were within the boundaries of the Manual. Bobby’s approach to rule interpretations also reflected Dworkin’s (1986) theory of interpretivism. Dworkin (1986) contends that the law should speak with one voice. Along these lines, Bobby’s interpretative approach was consistent with the overall legislative voice of the NCAA and Pac-10 Conference. Bobby proceeded with his analysis of rule interpretations by first conducting a thorough investigation, then collecting all necessary information, and examining similar past cases and their interpretations. However, Bobby believed that most rule interpretations were influenced by who was making the interpretation. He stated:

... you get all the details that you can. Go to the rules and look and try and apply them to that situation ... I don’t know if the rules are completely black and white, there are interpretations out there that give you factors to consider but a lot of times it comes down to ... who is making the decision. (Bobby, October 26, 2001)

At this point, if Bobby was still uncertain about the correct interpretation, he would seek the Conference or NCAA’s advice. He further added that he considered at similar situations, where similar rules applied, and assessed how the rule(s) were interpreted and applied. He proceeded to analyze the case at hand by appraising similar case particularities, appraising if similar rules and their meanings applied, and appraising how the meaning of the applicable rules related to the current case. Bobby emphasized that he always made certain his interpretations were within the parameters of the Conference and the NCAA-he would not go out on an “island”.

The spirit of the rule interpretative approach also mirrors Wallace’s (1988) notion of resolving problems of relevance. Wallace (1988) indicates four steps in resolving problems of relevance. Those participants who employed the spirit of the rules approach used two of Wallace’s (1988) four suggested steps. First, they attempted to uncover how the rule was applied in past cases by examining the reasons why the rule was understood to apply in those past cases. Second, they attempted to uncover if there were similar reasons for believing that the present rule applied to the new case by determining if the application of the previous rule to the current case secures the meaning and intent of the rule from previous cases. The participants did not explicitly indicate that they devised a theory about how the rule was used to appropriately explain past conventional uses of certain rules that helped them determine a judgment in a new case. The participants also did not explicitly indicate that they would accept all people using their reasoning for accepting their interpretation and justification of the rule in the new case. Even though the participants neglected to express these tasks, they might perform these tasks subconsciously.
The third interpretative approach, related to working in the “gray area” of rule interpretations, which as Robert felt was, “legally and ethically” acceptable. Working in the gray refers to situations were a rule has a considerable open concept to its meaning. Compliance officers can use that open concept to their advantage by making an interpretation to work in their (the program’s) advantage. One of the participants, who used this approach, explained what it meant:

Working in the gray to me means well I view the gray as still legal and ethical which in order for me to work in the gray you know I have got to either find a new interpretation or work with the Pac-10 to get an interpretation but I am not going to do something that I perceive to be ethically wrong just to get what I want.

LK: And ethically wrong would mean going beyond the rules?

Beyond the rules. (Robert, February 19, 2002)

The participants who used this approach indicated however, that they were cautious in working in the gray because their interpretation must not stray far from outside the boundaries of the NCAA’s or the Conference’s interpretation. If their interpretation is outside the gray and moves toward the black, then their interpretation might be considered incorrect. An incorrect interpretation can result in significant sanctions or losing one’s position.

Working within the gray area is not identified as one of Dworkin’s (1986) interpretative approaches. Gaining a competitive advantage is a key strategy in major intercollegiate athletics and was presented as a rationale by those participants who employed the interpretative approach. The compliance officers consciously strategized regarding their decision of when to gain an official interpretation from the Conference or NCAA office. Seeking an official interpretation is obviously not an interpretive approach but a strategy. This strategy was included in this section because I believed it was tightly connected to the participants’ respective approaches to rule interpretations. More specifically, I believe that seeking an official interpretation was linked with working in the gray. Participants who employed this strategy appear to be walking a fine line between deciding when to receive an official interpretation and working within the gray of what activities could be considered legal.

Deciding when to obtain an official interpretation accurately reflects Dworkin’s (1977) notion of weak discretion. Dworkin (1977) describes different types of weak discretion, one of which refers to situations when an:

... official has final authority to make a decision and cannot be reviewed and reversed by any other official. We speak this way when we are part of a hierarchy of officials structured so that some have higher authority but in which the patterns of authority are different for different classes. (p. 32)

In chapter one, the NCAA’s and the Pac-10 Conference compliance officers’ authority in making official rule interpretations was explained. Once these officials make a decision on the correct interpretation of a
rule, the decision is essentially final. Compliance officers/institutions can appeal the sanctions that result from an interpretation but they cannot appeal an official interpretation. One reason some compliance officers choose not to obtain an official interpretation is because they believe that within the institution their stakeholders are knowledgeable and experienced in NCAA decisions. Therefore, these institutions believed they were capable of making their own rule interpretations. As Erica stated:

I think that as an institution we feel that we have a lot of expertise here and that we can make some institutional decisions on our own and not have to go to the conference on everything. We wouldn’t necessarily go to the conference office, we are careful with that because we feel like that there are some decisions that we can make institutionally and that we don’t need to go to them on everything. (Erica, February 20, 2002)

Another reason for the compliance officers’ cautious attitude toward obtaining an official interpretation pertains to the Conference’s tight control over rule interpretations. This caution has led to the employment of discretionary strategies in deciding what instances warrant an official interpretation. Deciding when to seek an official interpretation from the Conference office is influenced by two potential outcomes. First, deciding to gain an official Conference or NCAA interpretation could possibly put the institution at a disadvantage to the other Conference members. Obtaining an official interpretation was viewed as potentially creating a disadvantage because some of the compliance officers were concerned that other institutions who have chosen not to seek an official interpretation gain an advantage.

Institutions that have chosen not to receive an official interpretation regarding a certain activity, theoretically allows them to engage in that activity. The compliance officers argued that if an activity is without an official interpretation allegedly, the activity can be deemed legal. Matt’s explanation of how he deliberates about seeking an official interpretation is representative of many of the compliance officers. He stated:

But there are still gray areas ... sometimes you choose not to ask the conference because it is not fair to us that we are the only ones who ask the question and we handicap ourselves. I don't want you to think that we do that all the time ... but I have talked with every compliance officer. You make this call as to what you think is right and what isn't right, and you are simply like no, you feel very strongly that you don't want to disadvantage yourself within the Conference, just because you are the only ones who ask the question. You have a feeling that they might, [the NCAA or the Pac-10] give you the safest answer, which isn't necessarily the right answer but the safest answer. But you feel an obligation to go with that. So you choose not too [seek an official interpretation]. (Matt, February 20, 2002)

As Matt explained, the school that sought an official “interp” might place their school at a disadvantage. If the NCAA or Conference informed Matt’s institution that a certain activity was illegal, yet other institutions within the Conference were engaging in the activity. By seeking an official interpretation,

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55 Compliance officers refer to interpretations as “interps.”
Matt has potentially placed his institution at a disadvantage. This situation was especially the case when the compliance officers believed that another Conference member was engaging in a similar behavior and was gaining an advantage because that particular institution had not requested an official interpretation. As Matt expressed, participants were also very careful about seeking official interpretations since historically, the Association has provided rather conservative rule interpretations to maintain the notion of an equal playing field. This practice of weak discretion employed by the compliance officers falls outside the boundaries of Dworkin’s (1977) conception. He argues that officials who employ such discretion are not free to decide without any recourse. Official’s discretionary judgments, in this instance, should reflect the Association’s notion of an equal playing field. Dworkin (1977) would mostly frown upon compliance officers’ use of weak discretion when their aim was to gain an advantage.

Second, deciding when compliance officers should obtain an official interpretation also created conflict between the compliance officers and certain athletic stakeholders (i.e., coaches and department administrators). This conflict arose in situations when a coach or an administrator believed that a rule should be interpreted in one way and the compliance officer believed that the rule should be interpreted another way. Even though the coaches’/administrators’ interpretations might or might not have merit, compliance officers considered case particularities and potential consequences in deciding or deciding not to gain an official interpretation. Four compliance officers indicated that they had experienced instances when coaches/athletic administrators had made requests for the participants to help “make” a rule interpretation work in the coach’s/athletic administrator’s favor. As Mike stated:

... The coach reads the rules, tries to apply it and says [to Mike] how can I make this work for me ... if we do this, this, and this, this is a way around the rule ... this is what I want to do, let's find a way to get around it ... (Mike, November 19, 2001)

This conflict relates with the tensions described in chapter five regarding the participants’ sense of loyalty and responsibility. On the one hand, the compliance officers’ are expected to be team players, and do whatever it takes to win; that is, massage rule interpretations for a coach’s/an athletic administrator’s benefit. On the other hand, the compliance officers’ are expected to make correct rule interpretations and enforce the rules. Maintaining institutional integrity and acting as ambassadors for compliance, for their individual institutions, the Conference and the NCAA were also part of their responsibilities.

The factors the participants considered before seeking an official interpretation included case particularities, past interpretations, past cases, and all possible alternatives and their consequences. Generally, the participants assessed the facts of the case and determined the seriousness of the situation. In serious cases (such as in incidences of academic fraud, eligibility, extra benefits, or institutional integrity), the compliance officers would seek an official interpretation and not risk making a contentious interpretation.
The four main alternatives and their consequences for obtaining an official interpretation included: (a) choosing to obtain an official interpretation and potentially disadvantage the coach/team and prevent possible rule violations, (b) choosing not to obtain to an official interpretation and potentially disadvantage the coach/team and possibly violate the rules, (c) choosing to obtain an official interpretation and potentially irritate one’s superior, possibly jeopardizing one’s employment, and (d) choosing not to obtain an official interpretation, and prevent conflict between your superior and yourself.

The NCAA has restricted their members’ autonomy in decision-making by employing various strategies, such as the legislative database, Conference compliance coordinators, and the Division I athletics certification self-study that have all led to an interesting tactic - the use of weak discretion. Compliance officers have counter-attacked the NCAA’s maneuver to control decision-making by regaining some control as they employ their own discretion in deciding when to obtain an official interpretation.

The various interpretative strategies employed by the compliance officers in reading and applying NCAA and conference rules come as no surprise. I contend that there are three main reasons for the various interpretations used. First, individuals perceive situations differently because of their individual normative systems (Blum, 1994; Kekes, 1989; Sherman, 1989). Second, one of the aims of engaging in competitive intercollegiate athletics is to seek strategies for gaining an advantage (albeit within the confines of the rules). Third, the NCAA legislation, their rules, and decision-making are frequently inconsistent with their ideal of an equal playing field. The NCAA’s ideal of an equal playing field is contradicted in numerous instances in the NCAA’s legislative system and operating manual. For example, Robert explained in his recall of a moral problem how international athletes are treated differently than American NCAA athletes in relation to eligibility rules and extra benefits. American NCAA athletes who participate in the Olympic Games may accept a $3,000 reward for winning a gold medal and not have their eligibility affected. In contrast, international athletes who participate in the Olympics Games and accept reward monies for winning medals their NCAA eligibility is negatively affected. Another example, in the principles of conduct for intercollegiate athletics, the Manual states that the “the activities of the Association should be conducted in a manner free of gender bias” (NCAA Manual, 2001-2002, p. 4) yet missing is the inclusion of gender equity rules in any legislation requiring equal budget allocations between men’s and women’s programs. These two examples illustrate how certain rules or lack of rules create inequities, and provided an explanation as to why certain interpretative strategies might have been employed by the participants.

Based on these findings, the compliance officers’ approaches to rule interpretations had moral significance. The type of interpretative approach employed potentially held morally significant implications. The next section discusses the participants’ moral perceptions and sensitivities. The proceeding discussion will expose the connection between compliance officers’ moral perceptions and sensitivities, their rule interpretations, and their thoughts about morality.
Moral Perception and Sensitivity

In the previous chapter, the participants’ thoughts on morality were discussed. The findings showed that compliance officers possessed individual normative systems that guide their moral decisions in their compliance work. The next section will examine the interdependent nature between the participants’ normative systems and their moral perceptions and sensitivities. This section analyzes the compliance officers’ definitions of a moral problem, the recalled moral problems they identified and described, the reasons why the problems was deemed moral, and what they pointed out as the salient features of the problem. They all had experienced the recall problems they identified. The subsequent section provides a description of the compliance officers’ moral perception and identification of the salient features of the three scenario problems (Academic Assistance, Church’s Charity, and Drug Testing).

Definition of a Moral Problem

The participants were first asked how they would recognize the existence of a moral problem. Their responses displayed four notable characteristics. The first notable characteristic that emerged from the participants’ definitions reflected Frankena’s (1980, p. 4) “first order thinking about what is right or wrong.” Frankena (1980, p. 4) contends that first order thinking about right and wrong pertains to answering a “substantive question general or specific, about what is right or wrong, good or bad.” Half of the participants (Andy, Bobby, Mike, Robert, & Terri- See Appendix D) defined a moral problem as relating to deciding right from wrong. Determining what constituted a moral problem for these participants involved examining answers to substantive questions such as, “Is it wrong not to report a violation?” or, “Is this the right rule interpretation?” or, “Is it wrong not to circumvent the rules?” The participants’ first order thoughts seemed to represent evaluations of their own moral values. Frankena (1980) indicates that people think about morality from a variety of perspectives and this is one of the reasons why studying morality is so challenging.

The second notable characteristic was the compliance officer’ definitions of a moral problem were all examples of problems of conflict. Even though they provided varying definitions of a moral problem, nine compliance officers’ explanations reflected Wallace’s (1988) characterization of a problem of conflict. The problems of conflict the compliance officers identified and described were related to several different themes: (a) experiencing uncertainty in deciding how to address an issue (Bobby & Erica), (b) experiencing uncertainty about what is right and what is wrong (Andy, Dave, Robert, & Terri),

56 The participants mainly used the term ethical in our discussions about morality. Despite my previous discussion (see Chapter One), where I indicated that the term moral would be used in this study, in the analysis section I have used the terms that were articulated by the respective participant. When I am speaking about morality, I will continue to use the term moral.

125
the existence of "competing options none of which seemed wrong in and of themselves" (Jaime), (d) being asked to violate the rules (Matt & Sandy), (e) violating moral norms on purpose (Robert), and (f) the application of a rule conflicting with the participants' personal morals (Mike & Sandy).

In addition, Andy defined a moral problem as a problem of relevance. Worth mentioning, in the next section that examines the participants recall moral problems, several problems related to problems of relevance. Comparable with Andy's example, the participants' problems of relevance related to experiencing uncertainty in the application of the rules. These findings contradict cognitive moral psychologists' (i.e. Kohlberg, Rest, & Haan) characterization of morally ambiguous problems. These moral psychologists only recognize one type of moral problem - problems of conflict. One of the reasons for their narrow definition of a moral problem might be related to that upon resolving a problem of relevance most evolved into one of conflict (pointed out in the next section). However, these findings help legitimize Wallace's (1988) notion that people experience both problems of conflict and relevance.

The third significant characteristic of the participants' definitions of a moral problem related to adhering to a professional code of conduct. To a certain degree, abiding by a professional code, underpinned all of the participants' definitions of a moral problem. The compliance officers' general understanding of adhering to a professional code signified upholding the rules and honesty. For example, Matt defined his problem as "I am asked to do something that is contrary to NCAA rules ... but I am being told well it is okay this time [to violate the rules]." Whereas Robert defined his conflict as "I think I know the morally right thing to do yet I know it could be very easy to get the answer I want by being unethical [breaking the rules]." Erica, expressed this concept from another level as she explained, "I found something that I didn't know what to do about ... that some sort of evidence of wrong doing and I was unsure how to handle that." As noted in the previous chapter, the participants' normative systems were comprised of a metavalues relating to a professional code. People's conceptions of morality inform their moral perception and sensibilities (Blum, 1994; Frankena, 1980; Sherman, 1989). Frankena (1980) indicates that people's thoughts about morality define their moral life guides. Blum (1994) and Sherman (1989) further state that individuals' moral characters direct what kinds of issues they deem moral. Hence, these findings illustrate how the participants' moral values influenced their moral perceptions.

The last notable characteristic in relation to the participants' definition of a moral problem was that the majority of their conceptions of morality and their definitions of moral problem were interrelated and displayed similar features. The moral values each participant espoused appeared in their discussions about what constituted a moral problem. For example, Mike determined right from wrong based on care and fairness. He defined a moral problem as one where the application of the rules created a disadvantage. Similarly, Sandy determined right from wrong based on whether an action was contrary to the rules or someone was treated unfairly. These moral themes were consistent with her definition of a moral problem. Sandy stated that a moral problem existed in situations where the application of the rules created a disadvantage that was against her standard of morality. Conversely, two participants' understandings of
right and wrong deviated somewhat from their definitions of a moral problem. For example, Bobby
defined morality as right or wrong "it is black and white, you follow the rules or you don't." Essentially,
his conception of morality was based on a duty to uphold the law. His definition of what constituted a
moral problem, however, was not based on duty, but a sense of how one addressed a rule violation. Terri
determined right from wrong based on her moral intuition, the rules, and the value of care. However, she
eliminated the value of care in her definition of a moral problem by weighing the rules with her inherent
sense of what was right.

Consistent with the findings in Chapter five, where the participants all exhibited an individual
normative system, their explanations of how they recognized a moral problem were also distinct. Blum
(1994, p. 45) contends that, "the way people perceive particular situations, and their ability to discern the
morally significant character of particular situations ... is related with general features of their character
and their moral make-up." The representative values from their professional and personal moral codes
played a critical role in the compliance officers' definition of a moral problem. Dave defined morality in
terms of right and wrong and adhering to a professional code (e.g., honesty, responsibility, fairness, and
obligation) and his definition of a moral problem related to "a situation where there is kind of a blurry line
between what is right and what is wrong." As previously stated these findings are consistent with moral
philosophy and moral perception and sensitivity theory (Blum, 1994; Frankena, 1980; Sherman, 1989).

Recall Moral Problems

Four characteristics were evident in the participants' recall moral problems. Similar to the
participants’ definitions of a moral problem, the first notable characteristic demonstrated that the majority
of recalled moral problems were problems of conflict (See Appendix E). The participants were faced
with considering which course of action to pursue. These conflict problems all demonstrated situations
where the compliance officers believed that one consideration strongly suggested one course of action
while conversely another consideration suggested another course of action. Wallace (1996, p. 18)
contends that such conflicts are common in people's experiences and "some of the most difficult
practical problems take this form." For example, Erica explained a situation where she was required to
accept the face validity of a document versus upholding her responsibility and verifying the validity of
the materials in the document to the best of her ability. In another example, Andy described his conflict
between breaking a doctor-client relationship versus investigating a possible rules infraction. He
explained:

I came by some information by someone that gleaned ... the possibility of a possible
infraction of NCAA rules. However, this information was gleaned in the context of a
doctor-client relationship and I didn’t do anything ... I didn’t know how to get that
information in any other manner without compromising this person’s relationship with
their patient so that was kind of taboo ... it is a line that I can’t cross ... (Andy, October 18, 2001)

The dominance of problems of conflict recalled by the participants was also consistent with the number of moral problems defined as conflict.

Two participants’ (Jaime & Robert) recall problems represented problems of relevance. These recall problems present situations where uncertainty existed about the relevance of a certain moral consideration. That is, both problems of relevance pertained to consideration about the correct definition and application of a rule. Wallace (1988, p. 134) contends that relevance problems arise when “a situation is unprecedented and is in significant ways both like and unlike familiar cases where the moral consideration clearly does apply” which creates perplexity. For example, Jaime conveyed a situation regarding the correct reading of a rule interpretation, as she explained:

An issue came up about the interpretation of a rule. The plain language of the rule indicated to me that a certain student was not eligible to compete in his sport. The coach explained how the rule was generally applied that would have allowed the student-athlete to compete in his sport. My dilemma was whether I should accept the coach's understanding of the rule (which was not unreasonable and he knows his sport a lot better than I do) or whether I should ask our Conference office for an interpretation of the rule knowing that the Conference would almost certainly agree with my, more conservative, reading. (Jaime, December 15, 2000)

Wallace (1988, p. 134) further adds that relevance problems become more difficult in situations “when the novelty of the case is such that it is unclear whether the words we use to formulate the consideration apply or not,” and the circumstances are such that require action. Robert’s recall problem was representative of a complex relevance problem. Uncertainty existed regarding whether a student-athlete who earns prize money for winning an event, and signs over the winnings to his/her coach, constitute professionalism. Robert explained his perception of the situation:

... I was able to determine that in our opinion before the athlete started here that the athlete wasn’t a professional. I had checked with numerous people ... got copies of contracts to prove that the things were with the Federation and the sportswear company ... Well the athlete even volunteered that he/she knew when he/she had won prize money for competing in certain events but always said that the coach or the Federation took the money ... (Robert, February 19, 2002)

Upon clarifying the accurate meaning of related concept(s) and application of the rule, both problems evolved to problems of conflict. As Jaime stated, her relevance problem proceeded to a problem of conflict as she had to consider whether to obtain an official interpretation. In Robert’s situation, the NCAA and Pac-10 made an official interpretation, based on the rules, they considered the athlete a professional. He stated:
Robert’s problem evolved into a problem of conflict, based on the official interpretation, he had to consider whether or not to declare the athlete ineligible or not.

The second notable characteristic in the participants’ recall moral problems was that most of the conflict problems pertained to NCAA rules violations. Specifically, the problems pertained to eligibility rules and transfer student-athletes, eligibility rules and extra benefits, and eligibility rules and amateurism and international student-athletes. Andy and Dave both described instances regarding student-athletes suspected of receiving an extra benefit from an illegitimate outside source. For example, Dave described his problem:

I have had many situations where I have delved into a youngster’s bank account (there is a release signed) and I get copies of the checks: In one of those instances I found some money from someone they shouldn’t be getting money from. (Dave, February 18, 2002)

Erica and Robert explained situations relating to international student-athletes and verifying the amount of monies earned prior to enrolling at their respective institutions. As well as trying to verify whether monies were received for winning an event, and if so, what were the amounts of monies received. Bobby’s recall problem related to a student-athlete who had not met all transfer requirements and he had to consider whether to report the violation. Situations relating to institutional admission decisions, financial aid rules, and violating professional ethical codes of conduct were also identified as moral problems the participants had experienced. The NCAA considers student-athlete eligibility and amateurism as areas of “emphasis”. The NCCA and Conference compliance officers distribute much information about the meaning and application of the various eligibility and amateurism rules. Failing to correctly understand, apply, and monitor these rules can lead to extremely harsh penalties (i.e., pending a rule’s infraction). This area of emphasis provides one explanation why the majority of these recall problems relate to these eligibility rules. Another explanation, relates to moral perception and sensitivity theory. The kinds of issues that are brought to people’s attention and how they are taught (breadth and depth) the meanings of the issues will inform their ability to recognize a moral problem, and at what level of salience (Blum, 1994; Kekes, 1989; Sherman, 1989). Kekes (1989) argues that based on these teachings, people become committed to perceiving the moral precept and evaluating situations accordingly.

An interesting sub-trait relating to the compliance officers’ recall moral problems and their definition’s of what constituted a moral problem. The majority of participants defined a moral problem as “X”, and examples of their moral problems were within the scope of “X”. Some of the participant’s
recall problems, however, did not illustrate their definitions of a moral problem. Participants defined a moral problem as “X”, but examples of such problems were not “X”. For example, Dave and Robert both described moral problems relating to the unfair application of the rules. Their recall problems did not seem to reflect their definitions, as Dave defined a moral problem as a “blurry line between right and wrong” and Robert defined a problem as experiencing conflict in deciding what to do. In another example, Terri’s recall moral problem about making an incorrect rule interpretation and having to publicize her mistake was not an illustration of her definition of a moral problem (“struggling … between two things, each of them having equal value … the rules and what your inherent sense of what is right and wrong”). The literature does not address this phenomenon. However, given the nature of the position and the findings of this study, compliance officers are confronted with a plethora of moral problems. Upon further probing, during the interviews, perhaps the participants would have consciously articulated definitions of a moral problem, which included the features evident in their recall moral problems.

The third notable characteristic represented the kinds of moral values that underpinned the participants’ recall moral problems. The majority of these problems were concerned with the values of responsibility, fairness, and honesty. These values were identified as being significant to upholding a professional code of conduct. For example, Erica’s “ethical dilemma” was determining how much time she should invest in determining the “truth”. In the cases she was presented, Erica often thought about at what length she was obligated to verify information, given her other work responsibilities. Mike spoke about how he always felt pressured from coaches to engage in gamesmanship by being asked to circumvent certain rules. He stated:

... sometimes the coach will come up and say how can we find a way, this is what I want to do, let’s find a way to get around it [the rule]. It is not my goal and it is not my job to find ways to get around rules. If there is a way that I can help the coach ... (Mike, November 19, 2001)

Likewise, Sandy valued the notion of a professional code of conduct. She was concerned in instances where athletic department staff “violated the rules” or “acted unethically”. In contrast, Andy explained how he felt responsible for abiding by a professional ethic of confidentiality versus pursuing information illegally in resolving his problem.

Issues of fairness also frequently arose in situations where compliance officers applied rules relating to continuing eligibility, amateurism, medical hardships, student-athletes and restitution payment plans, and admissions. Consistent with the concerns raised by the participants in explaining their definition of moral problem, they felt uneasy when the application of these rules conflicted with their personal moral values. This conflict was the result of feeling obligated to uphold the rules yet also believing that an athlete was being unfairly treated through the application of the rules. For example, Robert was emphatic about the perceived unfairness of the Association’s application of amateurism and
international athlete rules. Some participants also felt conflict regarding student-athletes who had to repay monies that they had received prior to becoming NCAA athletes, in order to regain their eligibility. Another example, Dave voiced his concern regarding the Association's student-athlete restoration process. When a student-athlete has received an impermissible extra benefit, the general requirement for restoring their eligibility requires paying back the money. The repayment plan is called a restoration process, where the student-athlete develops a payment plan. Dave believed that the process is morally problematic. He explained his concern:

... the NCAA restoration process requires that student-athletes to make restitution to a charity to negate the money benefit [instances when student-athletes receive money from an illegal source]. The student-athlete has no income other than scholarship, Pell Grant, Loans through the institution. How does she/he make a payment? Ethical dilemma: does the student-athlete use the Pell [grant] to pay [their debt] rather than new clothes, or rent, or does she/he borrow or accept money from an agent or booster? (Dave, February 18, 2002)

Issues of honesty also emerged in circumstances when participants became aware of a rule violation where nobody else was aware of the violation. These participants had to decide whether or not to be honest and report the violation, or to be dishonest and ignore the violation. Furthermore, the outcome of the compliance officers' honesty, in all cases, adversely affected one or more parties. For example, Terri spoke about a mistake she had made with counting outside awards. Given her understanding of Financial Aid rules and counting outside awards, she believed that she had accurately followed procedures. However, soon after, she realized that she had made a mistake in her application of the rules. This mistake had enormous potential consequences for the institution, the athletic department, and the respective sports programs.

Recall moral problems representing problems of relevance generally occurred in situations requiring rule interpretation. These relevance problems were created in two main ways. First, instances when compliance officers were uncertain about the application of a concept (that was written in a rule). Second, instances when compliance officers were uncertain if their interpretation was accurate. Upon determining the "correct" interpretation, these relevance problems then developed into problems of conflict. The three recall problems of relevance all began with the participants' uncertainty about how a rule should be interpreted. Upon determining an interpretation, the situation then shifted to a problem of conflict. From this point, the compliance officers were in conflict in how to address an issue. For example, similar to Mike's story, Jaime recalled a situation regarding a rule interpretation. Her conflict arose when her interpretation of a rule conflicted with a coach's interpretation. Jaime had to decide whether to obtain a Conference interpretation.

57 A Pell Grant is a United States government educational grant.
In general, the findings support the notion that people's understandings of morality inform what problems they deem moral. Furthermore, the findings demonstrated the authority that the NCAA's and Pac-10 Conference's standards of conduct, values, and norms influenced the type of moral problems identified and their explanations of why these problems were moral. The next section focuses on the significance of organizational and personal standards of conduct, norms, and beliefs on compliance officers' moral perceptions and sensitivities.

Scenario Moral Problems

Consistent with the compliance officers' exhibiting a unique normative system and recalled varied moral problems, they also displayed diverse moral perceptions and sensitivities in their interpretations of the scenario moral problems. While similarities among the participants' perceptions and levels of saliency existed, differences were also evident in their answers. Furthermore, the compliance officers' understandings of moral concepts (i.e., amateurism, academic assistance, rights, and extra benefits) also varied. Their understandings of certain concepts varied among each other and varied from the NCAA; however, some participants' understandings of certain concepts paralleled with other compliance officers and with the NCAA. The last notable aspect of the compliance officers' moral perceptions and sensitivities of the scenario problems was that their understanding of certain concepts was influenced by past cases or their experiences. The following is a description of the participants' interpretations of the scenario problems. In each scenario (Academic Assistance, Church's Charity, and Drug Testing), I have conveyed the most significant categories: the compliance officers' indication of whether a moral problem existed and why, their understanding of pertinent moral concepts, and the salient features identified by the participants. The last section connects the compliance officers' moral perceptions and sensitivities with moral theory. This discussion provides insights into the significance of the compliance officers' moral perceptions and sensitivities in relation to their work and the resolution of difficult practical moral problems.

"Academic Assistance" scenario.

Compliance officers implicitly stated that the scenario of Academic Assistance was a problem of conflict because Danielle and the counselor were violating NCAA rules. Five central categories were evident in the participants' perception of the existence of a moral problem. Given NCAA rules on extra benefits and academic assistance and principles relating to rule compliance and institutional control (See Appendix C), the first notable category was that nine compliance officers generally believed a moral problem existed (See Appendix F). The participants reasoned that a moral problem existed essentially because Danielle was not producing her own work and/or was receiving an extra benefit. Based on these reasons, Danielle's actions were therefore deemed a violation of NCAA rules. Mike explained:
... because it is not the student's work. It might be the student's ideas [and] as much as writing a paper is, thoughts, the basic, correct sentence structure, correct punctuation that is as much of writing a paper as simply coming up with the idea. Although it [writing] is probably a major portion of writing any paper it involves writing and it has been taken out of the equation. The counselor is sitting there organizing his or her thoughts and writing the paper. So yeah, I would definitely have a problem with that. (Mike, November 19, 2001)

Similarly, Dave stated:

... because Bylaw 10.1, our tutors are instructed specifically that student-athletes are to be at the keyboard, the situation described is not allowed in our academic services area. The rule says that academic fraud is an unethical practice and we have looked at [these types of situations] ... If the kid is sitting at the [computer] and you are sitting there and you are talking about his ideas and he is typing on the [computer] then that is fine. (Dave, February 18, 2002)

In contrast, one participant indicated that the situation constituted a rule infraction but not necessarily represented a moral problem. Sandy indicated that she was uncertain that a moral problem existed because she was uncertain “if this counselor has mal intent.” Hence, Sandy weighed the intent of an action with her determination of the existence of a moral problem. As she stated:

This counselor is at a place where this [a counselor cannot type a student’s paper] is not clearly articulated and she believes that this is acceptable conduct, there is no ethical problem, however, at University No. 6 this would very much raise the question, what are you doing? (Sandy, November 5, 2001)

Last, one compliance officer (Bobby) indicated that the scenario “potentially” constituted a moral problem. Bobby’s interpretation of the situation was linked to his definition of a moral problem as he stated:

On the one hand, I think the academic counselor is in an ethical situation where they can choose one way or the other in how to do something. It will be ethically wrong or ethically right depending on the choice, in exactly how she goes about, there could be a lot of factors here. Obviously, she was trained in how to deal with situations like this. (Bobby, October, 26 2001)

Bobby continued by explaining that typing the paper was a violation of the rules and thus consistent with his notion of morality, the counselor’s actions were wrong.

The second notable category was that the participants applied a literal approach in interpreting this scenario. NCAA rules prohibit student-athletes from receiving typing services unless financed by the student-athlete. The rules also state that a student-athlete cannot receive a benefit that is not available to the regular student population. Given these rules, the participants indicated that the counselor sitting and typing Danielle’s thoughts and ideas, constituted “typing the paper”. They generally believed that a student-athlete must type all of their paper. Student-athletes cannot receive any typing assistance, period.
Matt also added that “it [the academic support] is not something that is available to a regular student.” Compliance officers who applied a literal approach thus construed the counselor’s typing of Danielle’s thoughts and ideas as falling under the rule and additionally to mean a contemporary and ordinary meaning that has been developed by the NCAA from past cases.  

The third notable category consisted of the types of reasons the compliance officers provided for determining appropriate academic assistance. The participants gave varying explanations to defend their judgments. These explanations related to three main reasons. First, every participant reasoned that the moral issue was about the appropriateness of the counselor’s help. The compliance officers’ reasons for questioning the wrongness of the counselor’s help ranged from the “work being the sole product of the student-athlete”, to the idea that the student-athlete has to provide the ideas and write them down on paper (produce a draft), to the counselor being able to help with organizing her thoughts and ideas but not providing typing assistance, and finally to the decision that Danielle must write the paper entirely by herself. For example, Andy explained:

> I tend to think of a tutor’s involvement in student-athletes’ preparation of academic coursework as a spectrum from the athlete who writes the paper on the one end (good) to the tutor writing the paper for the athlete on the other end (bad). Where I draw the line at “impermissible assistance” may be different than where the tutor draws it. However, I am probably going to take a stricter view than the tutor. In my mind, the work has to be the sole product of the athlete’s effort. He has to come up with the thesis, write the paragraphs, do his own research. A tutor can give direction on how to get started review research, review the paper, offer suggestions (that could lead to trouble), may be even circle misspelled words. For a tutor, to do much more than that is crossing the line.

(Andy, October 18, 2001)

Several participants also questioned the counselor’s help in terms of “should an academic counselor be doing this [tutoring]?” versus a tutor (Matt, February, 20 2002). They generally believed that academic counselors were responsible for overseeing the academic counseling program. They believed that the counselor was performing the role of an academic tutor. The Association’s standards, beliefs, and values regarding what constitutes appropriate academic assistance influenced the participants’ perceptions of what falls within the margins of appropriate academic support. This point empirically supports Blum’s (1994) claim that how a concept is defined and explained influences people’s moral perceptions.

The second explanation for perceiving a moral problem, was based on their consideration of whether the academic help was ‘generally available’ to the common campus student population. If the general population was eligible for similar academic assistance, then those compliance officers believed that the counselor’s help was within the parameters of acceptable academic assistance. Third, several factors informed the participants’ understandings of what constituted appropriate student-athlete academic assistance.

Several cases of academic fraud have occurred at major NCAA member institutions within the last four years. In particular the Universities of Minnesota-Twin Cities, Louisiana State, and Tennessee have influenced rule interpretations and practices regarding what the NCAA considers appropriate academic assistance (Farrell, 2002).
assistance. These factors included the participants’ experiences with past academic counseling cases, their awareness of high profile academic counseling past cases, and the NCAA’s notion of what was considered appropriate academic assistance, and a lack of institutional control. Mike, Robert, Andy, Terri, Sandy, and Dave all stated how the Minnesota case influenced his understanding of academic assistance. Robert stated, “And why we pay close attention, obviously, because of cases that happened in Minnesota, most recently.” Additionally, several participants revealed that their respective programs had previously or were currently on probation for academic assistance rules violation. These compliance officers’ understandings of academic assistance therefore, were further influenced by their own experiences. Kekes (1989) expressed the significance of people’s moral experiences in becoming good moral reasoners. People’s understandings of various moral concepts or principles are transformed to include other possibilities. For example, Robert and Jaime noted their experiences with some athletes who lacked certain academic skills, and thus understood academic assistance to include “helping organize and clearly articulate Danielle’s ideas.” Jaime’s and Roberts’ interpretations of appropriate academic assistance were transformed, which Kekes (1989, p. 131) suggests causes them to reinterpret complex situations and perhaps changes their view in how to judge a case.

Noteworthy, one compliance officer believed that the counselor’s help constituted a moral problem based on the perception that she might be perceived of receiving inappropriate help. Terri argued that the counselor’s helped left too much room for media speculation and suggestions academic improprieties. As she stated:

... it’s more important when you are dealing with someone who needs help, is that you do it really cleanly because the perception ... If we asked ourselves, if I printed this in the newspaper, received help and so forth’... you know they [the media] are not going to say the things about, it was all Danielle’s ideas, we helped her organize, and we typed her ideas and thoughts.

... the idea is to remove all things [connections with the athletic department] out and make sure they [academic counselors] report to someone else. So I think inherently for me, anything that has someone sitting with the student while they are writing a paper is inherently room for ... well, it can swing one way or the other. (Terri, November 7, 2002)

Furthermore, relating to the Academic Assistance scenario Terri was concerned for the University’s integrity being questioned and as stated in the previous chapter, felt it was unacceptable.

The fourth notable category, illustrated that participants identified varying salient issues in the scenario. As previously noted, the variation in saliency is based on the assumption that people possess an individual normative system (Frankena, 1980). Interconnected, with this notion of an individual normative system, suggests that people’s moral perceptions are also independent and hence, their levels of moral saliency vary (Blum, 1994; Kekes, 1989; Sherman, 1989). The participants’ findings support moral saliency theory, as all of the participants identified different salient features; however, some overlap in
their answers existed. All the participants identified the counselor sitting at the computer typing as a salient issue. Four compliance officers identified Danielle’s grade point average and her eligibility as an issue. The reason for the significance of her grades and eligibility explained by Robert:

... there is the moral or ethical issue of the eligibility standpoint ... if she got below a 2.0 she is not going to be eligible and that could play a factor in ... if somebody is sitting there and trying to help someone try and get a better grade ... again you know with what we do here, at least our tutors and we try to keep it separate [athletics and academics] because our tutors don't know eligibility issues ... they are just helping the student and that is their job. The advisors know eligibility issues so do we try and do everything that we can to help students to stay eligible absolutely give them all the services that they need in the world ... (Robert, February 19, 2002)

Six participants indicated that the fact that the counselor had helped other athletes, which establishes a pattern where the counselor might be providing inappropriate academic assistance to student-athletes. The counselor’s behavior had potential implications for supporting the claim that the institution lacked control.

Worth mentioning, one participant also identified the broader issue relating to athletics versus academics and what is the purpose of college athletics and higher education. The NCAA has historically been criticized for placing too much emphasis on athletics than academics. Additionally, student-athletes have been heavily criticized for using intercollegiate athletics as a stepping-stone for entering professional sports. These critics argue that student-athletes should have the same academic expectations as the regular students. However, other critics argue that college athletics is a business and the title student-athletes, is just that, a title. Big time college athletes are expected to be athletes first and students second; therefore, justifying academic assistance that provides more support than what is available to the regular student body. Jaime expressed her ideas on the academics versus athletics issue:

... I think there is the kind of broader principle ... the tension between academics and athletics. Some student-athletes are committed to being students but some just want to make grades so that they can be eligible. So to the extent that you know maybe the drive to be eligible is may be the only thing that maybe motivating the student ... and I think there is a tension there too ... an ethical dilemma. My personal interest in working in this area ... is because I am interested in education and to the extent that that is a priority over athletic participation. I really don't think it is really fair to put a normative value on it say that it is wrong ... Because for some people school is just not where they belong. It is unfortunate that the only way that they can pursue their sport is to try and fit in the model that somebody who is interested in being a student when some of them just aren't ... and there isn't anything wrong with that. I have all kinds of friends who just haven't been interested in going to school ... but I think that it puts an athlete in a difficult position depending on the sport, where if you are not in college then you are not playing. (Jaime, December 15, 2000)

The last notable category was related to the topic of saliency, that is the questions the participants asked when they read the scenario. Each compliance officer asked these two questions: why the counselor
was typing Danielle’s thoughts and ideas, and not Danielle, and why was the counselor helping Danielle and not a tutor. The participants’ concern of why a counselor and not a tutor, was helping Danielle is represented in Matt’s statement:

I would feel a lot more comfortable if it were a tutor and if this is the way that this tutor normally treats other students. I think I could handle that but it’s probably beyond the realm of what the academic counselor is suppose to be doing ... I would really want to know if that academic counselor does who for other students that are not athletes. (Matt, February 20, 2002)

Half of the participants asked, “What types of questions was the counselor asking Danielle”, and was a pattern forming, as the counselor had helped other athletes. These questions were represented in Mike’s statement:

... depending on what questions are being asked, the counselor and the student. I think you could help guide them or organize their ideas, in writing a paper you don't want to give, you don't want to be saying something and the student is saying, yeah that sounds good, you don't want to take your words you want the student to come up with the words ... it would depend on the questions being asked, I guess you would have to find out what, I don't have any problem ... a major concern if someone is helping someone formulate their thoughts but you have to draw the line before you are actually giving them your thoughts... and then also helping organize clearly puts it into doing their work ... if a student sat down, and the teacher, or counselor was helping them brainstorm that is fine, let the person write the paper and then come back and then help them ... that helps the student-athlete actually write the paper and that would work for me. And yes, it is wrong for the tutor to be sitting at the desk typing the paper. I would consider that an ethical problem because it is not their own work. (Mike, November 19, 2001)

“Church’s Charity” scenario.

Those participants who perceived the existence of a moral problem implicitly defined the scenario as a problem of conflict because Sarah was violating NCAA amateurism and extra benefit rules. Four notable categories were evident in the compliance officers’ perceptions of the existence of a moral problem. The first notable category was that before making a decision, all of the participants asked questions to clarify the specifics of the case. Over half of the participants asked these questions: was the coach a legitimate church member? When did the coach become a church member? When did Sarah and her mother become church members? What was the criterion for the scholarship? What was the church’s motivation for initiating the scholarship? When was the scholarship initiated? Was Sarah the first scholarship recipient? And how many people competed for the scholarship? The participants’ investigations reflect Dworkin’s (1977, 1986) theory of interpretivism, as they are researching

59 In the majority of athletic department academic support programs, the role of a counselor is to supervise. Normally tutors assist one on one with the athletes.
information to gain a scope of the issue. This range of information assisted them in deciding whether their interpretation reflected NCAA legislation and the fairness of the scholarship criteria.

Given NCAA rules on amateurism and extra benefits and principles relating to amateurism, institutional control, responsibility, eligibility, and rules compliance (See Appendix C), the second notable category was that the compliance officers’ disagreed about the existence of a moral problem. Four participants were uncertain if a moral problem existed, two believed a moral problem existed, one participant indicated that the scenario had evidence of both features, and three believed that no moral problem existed (see Appendix G). Participants (Andy, Bobby, Jaime, & Mike), who were uncertain if a moral problem existed, reasoned that there was the possibility of a rule violation; however, they personally did not believe the scenario constituted a moral problem. These participants stated that in order to determine if a violation had occurred, they would need to gather more information. For example, Andy and Jaime stated:

I don’t know if there is, from my perspective, there is enough going on there, that if someone presented this to me, I probably would want to look at it ... as far as an ethical problem with them helping out Sarah. I can rationalize it and empathize with her position, I don’t necessarily think that anything is wrong, as far as my morality is structured ... however, I think there might be a possible problem with NCAA legislation and how it is applied in this situation. (Andy, October 18, 2001)

... is there an ethical problem, I think there is but ... I am not exactly sure what it is. (Jaime, December 15, 2000)

The participants who were uncertain if a moral problem existed tended to separate their personal morality from their professional morality in examining this case (e.g., Mike & Andy). These compliance officers personally believed that receiving financial assistance from an outside agency (where the criteria for receiving the scholarship included athletic talent) to attend a private high school was perfectly legitimate. One possible reason for their explicit demarcation between their personal and professional moral codes in examining this case is because of past debates on whether the NCAA has the right to legislate prior relationships, or restrict student-athletes for receiving athletic related aid to attend private high schools or preparatory schools (Witosky, 2000).

The compliance officers who perceived a moral problem existed assumed that various NCAA rules, such as extra benefits and amateurism, had been violated. Two participants either believed that Sarah received the scholarship based solely on her athletic ability, or her relationship with the church, or the coach’s relationship with the pastor and the principal. For example, Robert explained:

... because I think there is a problem with the pastor of the church being a close friend of the principal and the volleyball coach ... use the term athletic nexus, I don’t know if that has come up before but when we are dealing with issues of extra benefits we have got somebody using this term athletic nexus to determine if the benefit occurred because of
any type of athletic relationship. And there is always that fine line, where is that preexisting relationship, you know, is there a legitimate reason for this benefit to occur, other than we are just helping out an athlete. (Robert, February 19, 2002)

The one participant who believed the scenario was both a moral and not a moral problem, indicated that Northern University had a moral problem if they knew about the scholarship and did not investigate or act on the situation. Erica explained her viewpoint:

I think there is an ethical problem for the institution (Northern University). If they knew about it ... this is tricky because you may not, as a compliance person, you may never know about any of this, you probably won't but if you were to hear about it you would probably have to do something. You would probably have to look into it, you would have to find out about the scholarship, you would have to try and find out about all this information. I don’t necessarily think that this would be a violation for sure because the fact that they had awarded it [the scholarship] in the past, I think you would have to find out how they had awarded to student-athlete in the past and how they awarded on criteria not based on athletics ... for me I wouldn’t spend a lot of time on this. (Erica, February 20, 2002)

The three participants who indicated that no moral problem existed in the scenario argued that the scholarship criteria were legitimate and the scholarship was awarded annually. NCAA standards state that prior to enrolling at a NCAA member institution, a student-athlete can receive a scholarship to finance their high school educational expenses, if the scholarship was not based on the student-athlete’s athletic ability. These participants also respected that the church was providing Sarah with an opportunity to better herself (Matt, Terri, & Sandy). For example, Sandy explained:

... it doesn’t immediately seem to be like a violation because I would latch onto the fact that it has been awarded to non-athletes in the past then it is not strictly athletically-related even though athletics is taken into consideration. I would first try to make the argument that there is not even violation here ... is there an ethical problem with this scenario ... not with the scenario and not with the rule. I am one of those people who are really opposed to this very rule (laugh). (Sandy, November 5, 2002)

Similar to the Academic Assistance scenario, the participants identified different salient features in the scenario, which was the last notable category. Akin to the compliance officers possessing unique yet comparable moral perceptions they also recognized similar and different salient features in this scenario. Six participants identified the coach’s involvement and the relationship between the coach, the pastor and the principal, as salient features; however, not all of the six participants indicated that the scholarship criteria and the NCAA’s attempt to legislate prior relationships were salient features. Specifically, these salient features were identified as significant: over half of the participants characterized the coach’s involvement with the church as a salient feature. For example, Mike stated:
... how active was the volleyball coach in bringing money into the church, is he actively donating [money] him or herself ... and also may be trying to coax members to donate to the scholarship. (Mike, November 19, 2001)

The relationship between the coach, the Pastor, and the principal as being perceived as forming a possible “athletic nexus” was also identified as noteworthy by six of the participants. Erica explained, I think that is problematic because ... there is a nexus there between the church and the high school that shouldn’t really be there.” Andy indicated that NCAA had recently identified athletic nexus and extra benefits as an area of emphasis, he stated:

... the high school coach and the Pastor are buddies and so this issue from an NCAA perspective this is an area of recent concern as a result of some high school students receiving improper educational benefits. (Andy, October 18, 2001)

Three participants (Bobby, Dave, & Erica) indicated that because the scholarship criteria included athletic ability, this could cause some concern. Two participants (Jaime & Sandy) identified the NCAA’s decision to legislate student-athletes’ previous relationships prior to becoming members of the Association as important. Four participants (Andy, Erica, Jaime, & Robert) identified similar past cases where high school boys’ basketball players had received scholarships to attend private schools. Some of these basketball players had received their scholarships based on athletic ability and these players were enrolling at certain NCAA institutions. Hence, they felt from their experience or “sixth sense” a potential problem could exist. Robert explained his experience with past cases and their influence in his perception:

... we have had a couple of cases where we have had to go back and look at the relationship between who has given kids money for prep schools or private schools, but fortunately in our case it has always been family members, or a legitimate scholarship through the high school. So I think that would be a problem ... I guess I am also a little bit, I have seen this case so I might be already a little bit biased when I read it ...

(Robert, February 19, 2002)

Additionally, three participants (Dave, Jaime, & Mike) indicated that Sarah’s increased grade point average while at Thornton Academy was also significant. These compliance officers believed the increased grade point average was too dramatic and implied possible academic fraud. As Dave explained:

I think the potential for academic fraud bothers me. She went to that school and suddenly she displays a remarkable improvement. Is that because somebody is doing the work for her, you don’t go from 1.7 to 3.1, you don’t do that … (Dave, February 18, 2002)

The participants’ moral perceptions about the Church’s Charity scenario were heavily influenced by NCAA standards and their understandings of what constitutes appropriate financial aid. Even though the

60 The term athletic nexus refers to situations when a student-athlete receives an extra benefit resulting from any type of athletic relationship.
NCAA has legislated strict guidelines and pinpointed high school financial aid as an area of emphasis, the participants’ individual moral codes informed their moral perceptions and sensitivities. However, the participants’ interpretations of the Church’s Charity scenario displayed conflicting understandings of fairness. These conflicts made rule interpretations challenging for compliance officers.

"Drug Testing" scenario

The compliance officers’ perceptions of the Drug Testing scenario yield four central categories. The first category, illustrates that the participants’ interpretations were different. The participants perceived the situation three different ways: a problem did not exist; potentially, a problem might exist; and a moral problem was evident in the case (See Appendix H). NCAA rules and principles regarding drug testing (Appendix C) explicitly state a student-athlete cannot participate in practice sessions or competitions unless he/she signs a form consenting to drug testing. Participants indicating that a moral problem did not exist argued that not signing the consent form was a violation of the rules and “if you don’t sign you don’t play” (e.g., Dave, Mike, Sandy, & Terri). These compliance officers employed a literal interpretation of NCAA rules. Furthermore, Sandy also believed no moral problem existed as she reasoned that participating in intercollegiate athletics was a privilege and not a right; thus, one surrenders certain rights when becoming a member of a private organization. In contrast, Erica and Robert believed that a moral problem did exist. Curiously, their reason for believing a moral problem existed was similar to those participants who believed that no moral problem existed. These participants believed that requiring student-athletes to waive certain rights was wrong. As Erica stated:

... the problem is that the NCAA rules state you have to sign the drug testing consent form and if you don't you can't compete...so this easy for me you either sign it or you don't...and if you want to take it to court, you take it to court ...(Erica, February 20, 2002)

Robert added:

Yes ... because I truly do believe in kids having their own rights. Because here is the NCAA ... they have some rules that truly apply where the rest of the world or just the legal system alone could not get away with that ... (Robert, February 19, 2002)

Compliance officers who identified the scenario as a moral problem or potentially a moral problem described three distinct reasons for their viewpoints. First, having to consent to drug testing was deemed a matter of principle and the student-athlete has a right to privacy. Second, allowing a student-athlete to practice or participate when the institution consciously knew that he had not signed the consent form was a violation of the rules. Finally, they argued that a student-athlete would have to determine which outcome was more important, participating in intercollegiate athletes or standing up for one’s rights.
Three compliance officers believed that the scenario might become a moral problem. They explained that if the institution allowed the basketball player to participate without signing a drug testing consent form, the institution would then be in violation of NCAA rules. For example, Matt explained if his institution allowed the athlete to participate without signing the form, gives their program an unfair advantage:

... I guess the only ethical problem that I could see would relate to if University No. 10 allowed this kid to compete. He doesn't have to be tested or doesn't have to sign it ... that is a competitive advantage over other institutions. (Matt, February 20, 2002)

Bobby reasoned that "allowing this student-athlete to participate without having signed the drug testing consent form" is "unethical". He explained:

... where the ethics come in, is when you decide whether or not to follow the clear cut rule. If you don't follow the clear cut rule then you are acting unethically and to me this one is really easy and my decision would be, you don't sign it you don't play. (Bobby, October 26, 2001)

Jaime also believed that the case was more a legal issue than a moral issue. As she explained:

... because it raises the issue of whether participating as a student-athlete is a right or a privilege. A lot of people seem to be under the impression that participating in college athletics is a right not a privilege, when in fact it is a privilege that carries obligations, such as drug testing, with it. There is no right to participate in athletics, so there is no constitutional violation. The student-athlete is right, there is no legal authority to force him to be drug tested and no one is compelling the student-athlete to be drug tested. He is choosing to be a student-athlete at an NCAA institution, so he must undergo drug testing. (Jaime, December 15, 2000)

Jaime maintained that nobody was forcing students into becoming student-athletes. Enrolling as a student-athlete, is a choice therefore, individuals lose certain rights when they join private institutions. She added that if a moral problem was to exist, it would be because the student-athlete is faced with deciding "whether participating in athletics at an NCAA institution is more important to him than his desire not to be drug tested."

The second notable category in the participants' perceptions of this scenario was that several participants engaged in perspective taking as they analyzed the case. These compliance officers understood, and certain participants agreed with the athlete's perspective. Andy, Erica, Matt, and Robert respected the athlete's position and believed that the athlete's decision not to submit to drug testing was a matter of principle. As Andy stated:

It is a matter of principle for this kid. He seems to feel strongly that his personal rights are being invaded by him signing this drug consent form.
However, these participants also appreciated the administration’s standpoint that consenting to drug testing rules and procedures were formulated for safety reasons. Andy and Erica expressed:

... from an administrative standpoint, if he wins an injunction from a court, the drug testing program would in essence be dead. Suddenly, everyone who was using steroids would have a new found love for the right to privacy and assert it to prevent from being tested. The cheaters (drug-users) would win if he wins. (Andy, October 18, 2001)

... but I think as the institution you can’t side with the student, this is the student’s fight, it is not the institution’s fight. I personally happen to agree with them but I am a little more liberal than most ... (Erica, February 20, 2002)

Furthermore, they argued that the institution had a right to develop their own rules and policies (e.g., Matt, Sandy, Jaime, & Dave). Educational institutions possess the right to develop their own policies and when students enroll in these institutions, they willingly agree to abide by these policies.

The last notable characteristic was that the participants identified various salient points in the scenario. Four participants (Andy, Matt, Robert, & Sandy) indicated that waiving one’s rights to privacy to participate in NCAA athletics and organizational rights to define their own policies was a salient issue. Over half of the compliance officers indicated that past legal cases, which suggest that private institutions have the right to declare their own requirements for membership, which might include waiving certain rights was a salient point. These participants noted that their perception of the scenario was heavily influenced by legal precedence. Half of the participants noted the importance of compliance officers following NCAA rules and procedures. Three participants noted the importance of detecting potential drug use by athletes and discovering reasons why the athlete did not wish to consent to testing. Interestingly, one of the participants indicated the significance of coaches being placed under immense institutional pressure to win. The pressure for coaches to win at major NCAA intuitions is well documented (Byers, 1995; Lumpkin et al. 1999; Zimbalist, 1999). This pressure to win has led many coaches to recruit extremely talented student-athletes from various backgrounds. Some coaches have attempted to circumvent the rules because of the pressures to win. Jaime explained her point:

To the extent that your job and your decisions are affected by it ... I think to the extent that, I mean coaches intentionally violate rules because they feel as though their livelihood depends. Because particularly in recruiting, depends on putting out successful teams... (Jaime, December 15, 2000)

The participants’ professional and personal values heavily influenced their moral interpretations. Certain participants focused on adhering to NCAA drug testing rules while others focused on the issue relating to rights (individual privacy versus private organizational policy). Additionally, past legal precedence overwhelmingly influenced certain participants’ abilities to perceive the existence of a moral problem. As
noted in chapter four, the “Stanford University” case displayed that private organizations have the legal right to set their own policies and procedures. Hence, this ruling protected the NCAA from further legal action from its student-athletes. Finally, the compliance officers’ moral perceptions and sensitivities of the drug testing scenario reflected the NCAA’s notion of fairness.

Understanding Compliance Officers’ Individual Moral Perceptions and Sensitivities in Relation to Theory

The context (DI-A athletics & the Pac-10 Conference) has played a significant role in how the compliance officers determined which values were deemed more important in their rule interpretations. Consistent with moral perception and sensitivity theory, compliance officers’ individual normative systems were also prevalent in their rule interpretations and deliberations. NCAA rules heavily weighed on their moral perception and sensitivities; however, NCAA principles were not explicitly stated as a factor in participants’ approaches to rule interpretation and resolution of moral problems. However, in one instance in the academic assistance scenario Jaime did relate to the principles of ethical conduct and institutional control. Although, the absence of directly indicating that NCAA principles informed their deliberations, this does not necessarily mean that the participants did not consider these principles. Interestingly, even though compliance officers utilized various approaches in their rule interpretations, overall, their interpretations were consistent with the NCAA and Pac-10 Conferences’ legislative system and political morality.

Compliance officers’ understanding and application of moral/athletic concepts were illustrated throughout their recall moral problems and in their perception of the specific scenario problems. These findings demonstrated how their perceptions and interpretations were shaped by institutional compliance mechanisms. The context or case particularities significantly informed compliance officers’ rule interpretations and moral perception and sensitivities. Whether the case related to a potential major rule violation or secondary rule infraction would influence the type of interpretative approach they used and whether they deemed the problem to be moral. The salient factors they identified were also shaped by whether they thought the problem at hand was a serious rule infraction and would tarnish their institution’s reputation. Past cases also influenced their interpretations and understandings of athletic/moral concepts. This influence ultimately weighed on their decisions of whether a problem was deemed moral. For example, in the Academic Assistance scenario, many of the compliance officers determination of what constituted appropriate academic assistance was informed by the rule that states that paying for typing costs is considered an impermissible “Academic Support Service-Extra Benefit” (NCAA Manual, 2001-2002, p. 206). In the Drug Testing scenario, some participants did not recognize a moral problem because the rules state that student-athletes must sign a consent to drug testing form before
they can participate in practice or competition. These participants did not consider the moral aspect that consenting to be drug tested waives a personal right of freedom.

These examples suggest that compliance officers should be conscious of how the Association’s definition and/or their own understandings of moral/athletic concepts can affect (narrowly or broadly) their application of Association’s rules and everyday decision-making. Gaining a thorough understanding of how the Association interprets and applies moral/athletic concepts was important because the compliance officers are required to educate institutional stakeholders of the accurate understanding and application of Association and conference rules.

Dworkin (1985) argued that in order to adequately produce appropriate rule interpretations people should learn correct understandings of concepts contained in the rule statements. Compliance officers can experience serious challenges in learning accurate understandings of concepts because the NCAA Manual contains inconsistent definitions and applications of these concepts. Furthermore, these concepts are constantly evolving as society changes (Dworkin, 1985). For example, the correct understanding of amateurism and academic assistance continues to receive much debate. In the recent NCAA Tennis Championships several international student-athletes’ eligibility were under scrutiny because of the difference in understanding among NCAA officials and member institutions regarding what constituted an amateur athlete (Giler, 2003).

Compliance officers’ perceptions and interpretations of recall problems were also shaped by both their professional and personal moral values. People’s individual virtues or normative systems inform their moral perceptions (Sherman, 1989). Sherman (1989) contends that people’s moral judgments are a result of how they read situations. She states:

This reading, or reaction, is informed by ethical considerations expressive of the agent’s virtue. Perception is thus informed by the virtues. The agent will be responsible for how the situation appears as well as for omissions and distortions. (p. 29)

Sherman (1989) further argues that people’s virtues directly inform how they construe cases, how they depict and organize these cases. Blum (1994, p. 46) also asserts that “different parts of one’s moral makeup are brought to bear in seeing or not seeing different features of a situation”, as different aspects of people’s moral reality draws on different sorts of moral sensitivities or forms of moral awareness. Each participant identified a distinct moral problem that they had experienced. Even though the situations recalled might have related to similar themes (e.g., eligibility rules), the problems were unique. These problems represented the compliance officers’ individual experiences and related to their moral sensitivity. For example, Terri and Bobby both identified issues of honesty but their problems were different. Likewise, Andy and Dave recalled problems about extra benefits and eligibility, yet their experiences were also separate. The findings supported the individual nature of compliance officers’ understanding of various moral concepts/virtues and their application of these concepts/virtues.
Blum (1994) and Sherman (1989) also contend that “particular persons” are sometimes better at perceiving situations to be moral or accurately identify the salient features of a situation than others. Blum’s (1994) and Sherman’s (1989) assertion does not necessarily suggest that the compliance officers who believed that a moral problem did not exist in the various scenarios to be immoral; rather these compliance officers possessed different “sensitivities” to the particulars of the case at hand.

Blum (1994, p. 32) also believes that there are varying degrees of saliency. A particular situation can be considered by an individual as more or less salient, or certain features of a situation are “taken in” and absorbed by an agent. People’s understandings of moral concepts, such as fairness, will influence their perspicacity in identifying aspects of fairness in specific cases. Compliance officers displayed different levels of discernment of fairness in their recall moral problems and in resolving the scenarios. For example, in the Drug testing scenario some compliance officers believed that certain NCAA rules impinge on student-athletes’ rights. However, others believed that private organizations have a right to develop their own policies and thus, did not feel that student-athletes’ rights were being impinged. The participant also demonstrated their discernment of the particulars in the Academic Assistance scenario, as some indicated that Danielle’s increased grade point average was to some extent a concern for them, whereas for others the grade point average was not perceived to be salient. In the Church’s Charity scenario, some identified the relationship between the coach, the Pastor, and the principal, as salient while other compliance officers did not. In the Drug Testing scenario, certain compliance officers expressed concern about why the athlete did not wish to consent to drug testing, while others did not express this same concern. The difference in the participants’ discernment of the particulars highlights the notion that the NCAA’s strict legislative system is limited in molding their interpretations and judgments because people possess individual understandings of moral/athletic concepts the legislative system effectiveness is limited in controlling their perceptions and decisions.

Inferring that a situation has moral saliency sometimes requires imagination. Compliance officers’ perceptions or recognition of salient features depends on them already possessing certain moral concepts. In order to accurately recognize the moral features of a situation, the compliance officers must already possess an accurate understanding of these moral concepts (i.e., amateurism and appropriate extra benefits, academic assistance and ethical conduct). They might not have experienced or have been aware of past cases relating to these concepts. A compliance officer can be, or might not be, sensitive to particular people’s struggles (such as affirmative action issues and priority hiring of minority people in NCAA athletic departments) or compliance officers might also be aware of some people’s privileged circumstances because of their association with certain groups. For example, Mike indicated his awareness that football players receive beneficial treatment over other student-athletes on other sports teams. For this reason he strove to treat all student-athletes equally. Blum (1994, p. 36) believes that, “accurate moral perception is ceteris paribus, a good thing.” Compliance officers can utilize their
imagination, by applying their awareness and understandings of these athletic concepts in order to make moral discriminations and accurately identify moral features in new hard cases.

The findings demonstrated that compliance officers were generally able to make accurate moral discriminations. They were able to clearly articulate their understanding of moral situations and explain why they believed the situation was moral. The participants varied in their ability to identification if the salient features in the three scenarios. The reason for this variance, relates to the above point, that how compliance officers were taught what a moral concept (or a rule) meant and how they learned to apply the concept/rule within the context of the case, informed their moral discriminations.

The compliance officers were very sensitive toward student-athletes when they felt that NCAA or Conference rules unfairly harmed or disadvantaged them (e.g., Erica, Bobby, Robert, & Matt). However, they were less sensitive to the student-athlete in the Drug Testing scenario as many believed that participating in intercollegiate athletics was a privilege. Conversely, the compliance officers rarely displayed any empathy toward the athletic coaches both in their recall of moral problems and during the scenario problems. Similar to the sensitivity they showed toward the athletes when they were being disadvantaged or unfairly harmed by the application of the rules, the participants were also sensitive toward the coaches when they felt they were being unfairly treated or were unfairly harmed based on someone else’s decision or action.

One’s involvement or relationship in a moral problem will also influence how one perceives and applies moral precepts (Kekes, 1989). Kekes states:

A large portion of the complexity of moral situations comes from the participation in them of the people who need to judge them. The ways in which they participate and judge are intertwined, they change together, and they reciprocally form each other. (p. 131)

Throughout the interviews, the participants indicated that past cases influenced their perceptions and decisions. However, they spoke of two types of past cases that influenced their moral thinking. First, some compliance officers spoke of past cases that they had actually experienced (e.g., Terri and the Drug Testing scenario; Erica, Jaime, & Sandy Academic Assistance scenario). Second, some compliance officers also spoke of past cases that they had not experienced yet were aware of similar instances that had occurred at other institutions (Andy, Robert, & Mike-The University of Minnesota -academic fraud case; Jaime, Sandy, & Matt-Stanford University Drug Testing legal case). Experiencing a situation versus being aware of a situation influenced the compliance officers’ perceptions and identifying the salient features in the scenarios.

Compliance officers’ past experiences or stories of past cases can act as “obstacles”, which Murdoch (1970) contends alters or blocks accurate perception of moral reality. These obstacles can cause an agent (in this case, compliance officers) to develop a narrow understanding or incorrect conception of a moral concept, thus, preventing the agent from being able to accurately perceive or judge moral
problems. For instance, because some of the compliance officers had studied law, this knowledge might have influenced their understandings of certain moral concepts. Some of the participants had served as coaches in intercollegiate athletics, while others had competed as intercollegiate athletes, and others had not. Some compliance officers had served as compliance officers at smaller institutions while others had served in certain higher education administrative capacities other than in an athletic department setting. All these experiences in diverse settings influenced the compliance officers and also helped them learn certain ways of seeing and feeling toward situations. The above point is similar to Aristotle’s notion of habituation. Aristotle believed that character and the discerning of the particulars were acquired through habituation. Habituation involves practice and repetition. People develop character through guidance and practice. People are taught how to alter one’s virtues and appropriately apply them as they engage in practical reasoning. Through practice, this ability to appropriately alter virtues leads to habit.

The concept of habituation is also consistent with Dworkin’s (1986) theory of integrity as law. Compliance officers who continually revise their understandings of past and current practices, along with gaining an understanding of how specific rules have been understood and applied is a form of habituation. Over time, through practice and repetition, the compliance officers acquire the capacity to accurately make rule interpretations that are consistent with the Association’s overall legislative and political system. For example, the notion of amateurism has changed. Prior to the 1990s, NCAA student-athletes could have their high schooling funded by a third party and maintain their amateur status. However, in 2003 the practice of a third party paying for high school student-athletes’ preparatory schooling classifies them as professional. Compliance officers who are of “good” character (habit) have continually researched the concept of amateurism. They have become knowledgeable about people’s discernment and application of past amateurism rules. This habit was learned through modeling and education from other more experienced compliance officers and athletic administrative personnel. Being of character also means the compliance officers employed Dworkin’s notion of ‘law as integrity’ to their rule interpretations. Their interpretations and practices reflected the overall morality and legislative system of the Association.

Gough (1994) criticized NCAA athletic administrators for their lack of practical wisdom. He claimed:

... the NCAA’s legalistic atmosphere requires not so much the higher faculty of what moral philosophers sometimes call practical wisdom (i.e., the knowledge of how to exercise ethical judgment in particular cases) but the mere ability to recognize, interpret and follow formal rules. The great danger here, of course, is that operating primarily or solely according to the latter, low order ability can eventually prevent individuals from, as we say, doing the right thing. (p. 4)

The findings demonstrated that Pac-10 compliance officers do employ practical wisdom. Each case that confronted them required interpretation and deliberation. Each case necessitated examining both the Association’s and the Conference’s understanding and application of the concepts and the rules. Upon
researching applicable rules and concepts, interpretations were made and applied. The nature of compliance work demands practical wisdom.

The moral thinking of these compliance officers also illustrates the complexity of the way moral perception and sensitivity operates. These participants' multifaceted moral thinking supports Blum's (1994) and Walker et al.'s (1995) notion of the multiplicity of psychic processes and capacities involved in an agent's moral perceptions and sensitivities. People see situations through emotions and cognition (Sherman, 1989). Sherman (1989) suggests that we develop points of view based on the combination of how we react to situations and how we think. These psychic processes occur in concert with one another and were represented in the participants' interpretations and deliberations of moral problems.

Summary

These findings provided empirical evidence supporting Dworkin's (1977, 1985, 1986) theories of interpretation and moral perception and sensitivity theory (Blum, 1994; Kekes, 1989; Sherman, 1989). However, one specific approach to their rule interpretations (i.e., working in the gray) was not reflective of Dworkin's (1977, 1985, 1986) theory. The participants employed four approaches to rule interpretations-literal, spirit of the rules, within the gray-and the use of Dworkin's (1977) soft discretion-deciding when to seek an official interpretation. The compliance officers' individual personal histories and moral makeup informed their moral perception and sensitivities in the recall of moral problems and in their interpretations of the scenario problems. The participants' moral values and their understanding of various moral concepts informed the nature of moral problems recalled and their perceptions and sensitivities in the scenario problems. One over-arching reason for the participants' recall of a unique moral problem(s) and the range of moral perceptions and sensitivities demonstrated by the compliance officers is based on their unique normative systems and understandings of various moral concepts. All the participants possessed independent understandings of certain moral concepts, which were related to this athletic administrative context. These variant understandings also suggest that the participants' independent understandings were constructed as a result of their own histories, experiences, and education. The moral themes identified in the recall moral problems and in their perception of the respective scenarios were consistent with the values identified in their respective personal and professional moral codes. In the next chapter, I will illustrate how the compliance officers' conceptions of morality, their moral perceptions and sensitivities, including their rule interpretations informed their moral reasoning and the standards they met.
CHAPTER SEVEN
Compliance Officers' Resolutions of Practical Moral Problems:
Determining the Right Course of Action!

To illustrate how compliance officers deliberated and made their judgments, in the next four sections, I provide accounts of how the compliance officers resolved practical moral problems (recall and scenario problems). Certain compliance officers' accounts of practical reasoning were selected since their deliberations were representative of the most significant standards of practical reasoning. The most significant standards of practical reasoning used included: sufficiency and accuracy of information, undistorted values, inclusiveness of envisioned alternatives and their consequences, rational consideration, and consistency. The last section links the compliance officers' deliberations with practical reasoning theory. This discussion provides insights into why the participants used specific standards to guide their decision-making.

Practical Reasoning and Recall Problems

Participants’ resolutions of recall moral problems were influenced by their normative systems, and their understanding of specific athletic/moral concepts (rules, NCAA, Conference and institutional norms, beliefs, and standards of behavior). These moral characteristics informed the types of questions they asked, the background information they retrieved, and, ultimately, the standards of practical reasoning employed. In this section, I have demonstrated this point by describing three different compliance officers’ resolutions to their recall moral problems. Their recall moral problems were selected because they represented different types of problems (simple versus complex, individual versus social judgments) and aptly illustrated how the context of a moral problem, the type of moral problem, participants’ moral characters, and moral perceptions and sensitivities influenced their deliberations.

Jaime’s relatively simple problem was the first example of practical reasoning, which was an example of both a problems of relevance and of conflict. Her problem arose because she was uncertain about the correct interpretation of a rule. Jaime’s problem required an individual judgment, as she had to decide the “right” course of action relating to a rule interpretation. The coach’s interpretation and application of a specific eligibility rule conflicted with Jaime’s understanding and application of the rule. Thus, she had to decide whether to accept the coach’s explanation or seek a final rule interpretation from the Conference office. She explained her problem:

An issue came up about the interpretation of a rule. The plain language of the rule indicated to me that a certain student was not eligible to compete in his sport. The coach explained how the rule was generally applied that would have allowed the student-athlete
to compete in his sport. My dilemma was whether I should accept the coach's understanding of the rule, which was not unreasonable and he knows his sport a lot better than I do, or whether I should ask our Conference office for an interpretation of the rule knowing that the Conference would almost certainly agree with my, more conservative, reading (Jaime, December 15, 2000).

Jaime's definition of a moral problem—"competing options none of which seem wrong in and of themselves"—and her own personal values shaped both her interpretation and deliberation about what she should do. She employed a literal approach to the rule interpretation, versus the coach's more open or general interpretation (working in the gray). Jaime's perception and understanding of how the rule should be read and applied informed the standards of practical reasoning she used to make a judgment: who to take into account, what alternatives to consider, what the magnitude of the consequences were, what values were in conflict, what other people (if any) should be consulted, and what values were important to her. She explained her reasoning process in deciding what to do:

The factors that I considered included the impact on the student, the coach, and the program. I also considered the possible negative effects if it were noted by another school that the student was competing when he shouldn't be. I also considered the impact on the University if that were to happen. I also considered my personal sense of what I felt was right. I contacted the Conference office. The Conference agreed with my reading of the rule and the student is currently ineligible to compete in his sport (Jaime, December 15, 2000).

Upon consideration of all the available alternatives and their respective consequences, Jaime's moral intuition (her "gut") directed her to call the Conference office. The Conference's rule interpretation resulted in the athlete being declared ineligible. The major factors that weighed in her decision included the magnitude of the consequences (i.e., playing a non-eligible student-athlete could lead to forfeiture of games, decreased scholarships, and/or probation from participating in the post-season or in televised games) and Jaime's inherent sense of what was right.

The second example of practical reasoning was Bobby's more complex conflict problem. Bobby's problem related to a conflict between abiding by NCAA and Conference eligibility-transfer rules with acting dishonestly. This conflict problem was more complex as there were more alternatives and consequences to assess. Bobby's recall problem also required an individual judgment because he had to decide whether or not to report a rule violation. Bobby's decision was based on two options: (a) whether to follow the rules and declare the athlete ineligible, or (b) ignore the infraction, and maintain the student-athlete's eligibility. He described the context of the problem:

... a situation regarding a transfer student-athlete. Based on the transfer rules he ... technically had met all of the transfer rules or at least we were waiting for verification that he had received an AA [degree] from a junior college ... well it came up [that] he had neglected to take a final exam and since he was already here and practicing ... under the rules he was ineligible for a year. You have to sit out for a year and no-one else caught onto that [fact]... I
am the only one who knows about the situation and realizes it is a problem under the rules ... and it is times like that ... the thought crosses your mind well, what if you let it go, you think about this kids future. To make matters worse, I described the NCAA rule, but there is a Pac-10 rule on top of that, that if you don’t meet the transfer requirements when you enroll then you are not eligible ever at a Pac-10 school ... so the thought crosses your mind. I think it is natural for that [thinking about not reporting the athlete’s ineligibility] to happen that well, what if you just let it go, or kind of look the other way, type attitude, but it’s just my reasoning, thinking, situations like that, that deal with eligibility and again going back to prioritizing of issues and how big they are and what is the impact ... if you don’t do anything and it [the violation] later comes out ... not that it should make a difference in your reasoning ... (Bobby, October 26, 2001)

Bobby’s understanding of what constituted a moral problem was consistent with his recall problem-how to deal with a problem after it has occurred. His understanding of right and wrong was also apparent in this case-follow the rules, “it’s black and white”. Bobby’s conception of what was right and wrong, his understanding of his professional responsibilities and duties/obligations, along with his own empathy toward student-athletes who are in such a predicament, informed how Bobby perceived the problem to be moral. The main moral concepts that were in conflict in this case included consequences (his sensitivity to the student-athlete’s situation) and integrity (adhering to a professional code of conduct).

Due to the nature of the problem (problem of conflict requiring an individual judgment) and the case particularities, Bobby’s decision was informed by the following practical reasoning standards: sufficiency and accuracy of information (NCAA and Conference rules, and verification of fulfilling degree requirements), value preservation, and who gained the greatest benefit. Three main considerations played heavily in Bobby’s decision: (a) his sense of care and responsibility to the student-athlete, (b) his duties and responsibilities as a compliance officer, and (c) his duty to maintain the integrity of the university. Bobby’s statement illustrated his considerable thoughts and feelings of sympathy toward the athlete and what the possible effect his decision would have on the athlete. Interestingly, he also expressed his own feelings of guilt for even considering lying and not reporting the violation. I asked Bobby about these thoughts and feelings:

LK: So you would take it [not saying anything] into consideration ... not to say that is right or wrong, it does seem to be a consideration.

Bobby: Sure, I don’t like to say it even crosses my mind, ideally you would say, because this is what the rule states and this is what has to be done ...

However, even though Bobby expressed these strong feelings of sympathy and guilt he also considered his personal morality, professional obligation and duties, and the gravity of the situation in deciding the right course of action:

You are human, so it does cross your mind and even if it is for an instant, you do consider it until you go back, go back to moral fibers ... and say no matter what I think or what my heart says, you have to, it is black and white you have to do what the rules say.
Based on Bobby’s consideration of the alternatives and their consequences and his assessment of his personal values, he decided to follow NCAA and Conference rules and procedures and report the violation:

Basically, bringing the problem to light and addressing as the rules state ... you know unfortunately, the student-athlete isn’t eligible at a Pac-10 school and was forced to transfer after last year ... luckily he did have a red shirt year left and it affected him [the athlete was disappointed] it could have been worse though ... it was difficult for him, he couldn’t receive any athletic aid, so he had to fend for himself ... those things do make it difficult and considering the impact on the student-athlete [make it difficult]... (Bobby, October 26, 2001)

The last example of practical reasoning, Robert described a very complex problem (Appendix E). Robert’s problem required a social judgment, as he and the athletic program had to decide what was the right course of action: (a) be forthright and provide all requested information by the NCAA relating to the case, which could negatively affect the student-athlete’s eligibility; or (b) be circuitous and inform the NCAA that the information does not exist and thus, gaining an advantage because the student-athlete maintains his/her eligibility.

Robert’s conception of what constituted a moral problem: “conflict ... where I think I know the morally right thing to do yet I know it could be very easy to get the answer I want by being unethical”, and his understanding of right and wrong, was based on a combination of NCAA rules, norms and standards, and his own personal values (honesty, integrity, responsibility, care, & fairness). Given the nature of the circumstances and case particularities, Robert’s moral character (including his moral perception and sensitivities), specific standards of practical reasoning informed his deliberations. These included sufficiency and accuracy of information, (researching all pertinent rules, documenting all of the athlete’s competitions and earnings, determining who received competition prize money, determining the amount of money earned, and determining what type of sponsorship contracts existed); examining personal and professional values (such as honesty, responsibility, & integrity); and assessing the alternatives and their consequences (including evaluating the impact on the institution and the student-athlete if he/she was declared ineligible/eligible).

Robert resolved the issue in the following way, indicating that the problem was “very close to my heart”. He had invested considerable time and energy resolving the issue and he felt empathy toward the
athlete. An international student-athlete (who was also an Olympic gold medal winner) was recruited and was classified by Robert’s institution as an amateur. Robert collected various pertinent documents, verified the accuracy of the documents through interviews with the athlete, the athlete’s coach, the athlete’s sport federation, and the athlete’s sponsoring companies. He sought expert advice from representatives of the NCAA, Pac-10 Conference office, and other Pac-10 compliance officers. Upon assessing the information for its accuracy and clarifying the meaning of relevant concepts, Robert’s institution believed the athlete was an amateur, declared her eligible, and allowed her to participate. The athlete had a very successful year. However, Robert stated that “[t]hroughout the year more and more schools started complaining.” Robert believed these complaints were the result of jealousy. Competing institutions had unsuccessfully recruited the student-athlete and were jealous of this athlete’s success. Robert explained:

... some [competing institutions] got upset because the athlete was competing for us. They started a campaign against her, really malicious in my opinion, started campaigning to get her ineligible. Well it all came to a head about a week and a half ago the Pac-10 had gotten some complaints and the NCAA had received similar complaints. At this point ... the NCAA takes the conservative approach of “well we thought she was okay [eligible] but now we are not sure anymore. (Robert, February 19, 2002)

According to Robert, the NCAA then received a fax stating that the athlete received an amount of money for winning an event. The athlete’s coach apparently took the money and Robert stated his institution was aware of this. The NCAA also received a signed letter from the athlete’s Olympic coach declaring the athlete as professional. Robert’s people questioned the letter’s authenticity. Robert explained why they believed the letter was forged:

Well the Olympic coach doesn’t even read English, and the letter was forged, and it is a forged signature ... we got a letter from the coach saying you know what I never wrote this letter and you can see by the signature ... also [the coach stated] I took the money and that is just the way life is in this country you know we make money off of our athletes to benefit the group or the individual, as you can see too, I mean you know those countries they do things differently, it is completely normal for them, it is no big deal. You see these honest responses and the frustrating part is the NCAA’s lack of understanding ... (Robert, February 19, 2002)

To complicate matters more, the NCAA does not officially declare a student-athlete eligible or ineligible. Hence, if the NCAA later determined, based on the evidence, that the athlete was indeed a professional, Robert’s institution would be held liable. Robert explained:

... it is the institution’s decision whether or not we choose to make the athlete eligible or not and we face the consequences ... ironically, the institution has to declare the athlete ineligible ... now if we choose not to declare her eligible and then the NCAA comes into investigate now the institution will be held liable for institutional control issues (Robert, February 19, 2002).
As a result of certain member institutions’ complaints, the NCAA reacted to these protests and contacted Robert suggesting that the athlete’s eligibility was questionable. Upon Robert receiving the notification from the NCAA, he called the Pac-10, who unexpectedly declared, that based on their interpretation of the rules, they believed the athlete was also ineligible. Robert disagreed with the Pac-10’s interpretation:

... the membership services who gives the interps ... and this is one of my first disagreements, he pulled out a very obscure Bylaw and the very last sentence basically says that anybody who competes in a race and the money goes somewhere else, to a third party, that makes them professional because they earned the money, even though they did not get it. The intent of that rule is to keep athletes from putting the money in trust funds so they can collect after they finish school. (Robert, February 19, 2002)

Robert perceived the Conference’s interpretation and decision problematic. He felt the rule interpretation was unfair and inconsistent with the interpretation and application of amateurism and extra benefit rules. American Olympic athletes and certain professional athletes have received money and not had their eligibility affected. The athlete in question did not directly receive monies. The coach directly received the prize money. Therefore, based on these facts, Robert believed that the NCAA’s and Pac-10’s interpretation did not accurately reflect an understanding of the situation. Furthermore, his personal moral code conflicted with the NCAA’s morality, as he was opposed to the NCAA legislating an athlete’s behavior prior to joining the Association. Robert stated:

... the American athletes, we had three softball players on the Olympic team who earned $3,500 this year and they got to keep it. The American athletes can get rich off of their participation on national teams ... so if our athlete was American and won the gold medal that person probably would have pocketed the $50,000 and it would have been perfectly legal because the athlete is American, yet because the athlete was an International student it was illegal ... the interpretation and this first line in this Bylaw talks about enrolled student-athletes, he [membership services representative] took it upon himself ... he said no it applies to prospects too. So anything that happened prior to enrolling in school. That, I have a problem with because how is a 14 year old athlete in 1996 going to the Olympics even know ... who is in another country ... and they are probably not going to go to school in the States. Even if the athlete had accepted the money and that would have been if the athlete had personally taken it, okay, you have a professionalism issue we have got to work through some sort of repayment plan ... The athlete didn’t take the money, so, here is the first moral obligation for University No. 8 [is to declare her ineligible] ... and even the Pac-10 is saying I sympathize with you and I am not sure what to advise you on whether or not you should make her ineligible, this is the Pac-10 ... (Robert, February 19, 2002)

Robert and his institution decided to declare the athlete ineligible. They believed the institution had an obligation to abide by the Conference’s rule interpretation, or until Robert’s institution could prove otherwise. If the institution disregarded the interpretation, the potential consequences could be severe. Robert indicated that, “they could come back and say this is a lack of institutional control, you played an ineligible player and now you have possible forfeiture of games and all sorts of ugly stuff”. Upon declaring the student-athlete ineligible, Robert’s institution filed an appeal to the NCAA for
reinstatement. Robert believed the NCAA was stalling in responding to the issue because, if the
Association reinstated the athlete, the potential implications for other international student-athletes could
create outrage in the rest of its member institutions. Robert also felt that he was getting the run-around
from the NCAA because they continued to request further information, which took time to track down
and, as a result, the athlete was being negatively affected:

... the frustrating part... everyday they come back with three or four more questions for
us to ask and chase down and questions like having to call and get documentation from
the country’s sport federation which takes time and they are throwing roadblocks out
which is really frustrating because the athlete has already missed a big competition.
(Robert, February 19, 2002)

Robert was really upset by the NCAA’s perceived apathy in making an official judgment because of the
emotional impact the situation was having on the student-athlete. He believed that his institution and the
athlete were being punished by the NCAA for being honest:

... what irks me is that they are sitting over there in Indianapolis and they have no sense
of time on this, no understanding about what is going on on-campus, what effect this is
having on the student’s psyche, forget competing, how about the mid-term the athlete
just went through and then all the things that are happening in the athlete’s life and the
athlete doesn’t understand because the athlete has done nothing wrong ... (Robert,
February 19, 2002)

Robert explained his frustration with complying with the rules and working with a bureaucratic
process. These frustrations influenced Robert’s thoughts concerning the circumvention of the rules:

We could have done so many things throughout this entire case to hide information ... to
being dishonest about money that was won ... which makes it all go away because there
is no way that they [NCAA] could find this information because they are not going to
spend the hours in Indianapolis [NCAA headquarters] to go research this case ... (Robert,
February 19, 2002)

However, even though Robert was frustrated, he and his institution decided to render the athlete
ineligible, “by our standards, we have chosen to make her ineligible.”

Scenario Practical Reasoning

As noted in chapter six, the participants had different interpretive approaches to the three scenario
problems. Additionally, their reasons for why the scenarios had or did not have moral content also varied.
I argue that the participants’ interpretations of the scenarios were influenced by their normative systems,
their experiences with past cases, their knowledge of past cases, and their emotional and personality traits.
However, practical reasoning does require the accurate recognition of the existence of a moral problem. I
believe that all the scenario problems did have some type of moral problem, which required practical
reasoning (See Appendix B). Each scenario problem required a social judgment, as the case particularities required the compliance officers to determine what were the right courses of action. Furthermore, the first two scenarios (Academic Assistance and Church’s Charity) exhibited problems of relevance and conflict, while the third scenario (Drug Testing) was an example of a problem of conflict.

In this next section, I have outlined selected compliance officers’ resolution of these scenarios. These accounts were selected to illustrate the representative standards of practical reasoning used in these specific contexts.

**Academic Assistance Scenario**

*Andy’s resolution of Academic Assistance.*

Based on Andy’s definition of a moral problem, he believed that the “academic counselor had an ethical dilemma.” He stated:

> Because … the scenario allows for right and wrong … and the difficulty then becomes that there is not a bright line between the two behaviors. Depending on what the facts are … the counselor may cross the line from what is proper and permissible conduct into what is not proper and it also kind of highlights an area that I think that compliance people are perhaps most sensitive to and that is academic fraud … (Andy, October 18, 2001)

Andy identified two salient points. First, the counselor was sitting at the computer and typing, “we are not allowed to provide typing assistance under the rules...so having a counselor at the keyboard writing is a problem.” Second, “the fact [that] there might be previous instances of this [assistance] is a problem.” When I asked Andy what he meant when he said that the scenario allowed for right and wrong and how that related to “crossing the line”, he replied:

> I tend to think of a tutor’s involvement in student-athlete’s preparation of academic course work as a spectrum from the athlete who writes the paper on the one end (good) to the tutor writing the paper for the athlete on the other end (bad). But life is never as easy as black and white as that, everything between those two points. Where I draw the line at “impermissible assistance” may be different than where the tutor draws it. However, I am probably going to take a stricter view than the tutor. In my mind, the work has to be the sole product of the athlete’s effort. He has to come up with the thesis, write the paragraphs, do his own research. A tutor can give direction on how to get started review research, review the paper, offer suggestions (that could lead to trouble), maybe even circle misspelled words … for a tutor to do much more than that is crossing the line that I have drawn on my spectrum … (Andy, October 18, 2001)

His understanding of what constituted inappropriate academic counseling was defined by his own understanding of this concept and NCAA rules. He, therefore, determined that, by the counselor positioning herself behind the keyboard violated NCAA rules and was against his moral values (see
Appendix B). These standards helped delineate the right course of action. Due to past cases of academic fraud, appropriate academic assistance has also been a point of emphasis for the NCAA and its members (e.g., the most recent and high profile Minnesota case-1999):

I think once the counselor gets behind the keyboard ... they have started on that path. They can just as easily start on that path if they tell the student-athlete to start typing what I say ... but once the counselor starts to organize ... and this is where it gets gray, organize the thoughts and the product that is ending up on the computer is more the counselor’s product than the student-athlete’s then I think you are really moving past that line ... (Andy, October 18, 2001)

Examining past cases and their particularities were also part of Andy’s critical assessment of the facts. Andy appraised the similarities and differences between similar cases. This appraisal informed his interpretation and deliberation about the right course of action. He examined the motivation for the counselor’s help, the extent of her help, and the fact that the counselor has helped other athletes in the past. Andy explained his process of assessment:

... in this process we are also determining what has happened in previous cases ... so is this like Minnesota? ... where the kid is ineligible, and the kid had absolutely no chance to be made eligible ... because this gal wrote the entire paper ... no, it is more like the kid did come in with an outline and the counselor probably contributed significantly to a couple of paragraphs ... and maybe changed a few things ... that is a little different than showing up getting a paper and handing it in ... and this scenario does not of course lend itself towards that. So I think ... while we are asking the question ... also if the counselor has said I have done this on rare occasions in the past ... that is a Pandora’s Box and suddenly we are looking at who, when, and how much. With any investigation, that is the big scare factor ... is that this has happened in the past and wow ... (Andy, October 18, 2001)

Andy’s approach to resolving this problem was initiated by his understanding of the following two critical points of interest: (a) what he believed was appropriate academic assistance, and (b) what he considered was an extra benefit (typing). These understandings informed the subsequent standards of practical reasoning he employed to resolve the problem: the necessary background information he collected, the relevant rules and procedures that he interpreted and applied, the types of questions he asked to assess the accuracy and values related to the case, and he imagined and played the role of the academic counselor. For example, he stated:

I guess if I were in charge of overseeing this advising unit ... and I have never advised academically ... the student should bring in some product and have the counselor review it and help from that process ... I am not a big proponent of the “oh, you need a paper, come on sit down, let’s get started on this puppy” yeah I don’t know if that would be appropriate ... (Andy, October 18, 2001)

The first concern for Andy in collecting background information and assessing the information for its accuracy was to establish how he learned about the incident, “How does it come across my desk? Is
it an anonymous tip and ... how many facts do I have? Is it just someone calling me saying hey I think there is a problem with one of your counselors.” I was curious about why the manner of discovery was pertinent to Andy. He replied:

Manner of discovery is always important as it gives valuable evidence as to the participant’s state of mind and their culpability. Sometimes people make mistakes because they don’t know or understand the rules. Sometimes people know the rules and break them intentionally. I would treat those two instances very differently the former more lenient than the latter ... (Andy, October 18, 2001)

In this case, manner of discovery was a result of overhearing a conversation. The points of interest for Andy and the manner of discovery, also informed who he talked to, what kinds of questions he asked, and how he framed questions to clarify the facts. Andy was interested in speaking to the student-athlete, the counselor, and looking at any drafts of the paper. He described his course of action:

Depending on what I overhear ... if I overhear something that indicates that the guidance that we have given them might not have been followed [as per mandated], at that point I will probably start to [inquire], it is not going to be a full fledge inquiry. I’d probably need something a little more specific to be alerted that this might actually be a case ... because I am not in touch with individual student-athletes and I don’t really know what their strengths and weaknesses are academically ... (Andy, October 18, 2001)

The standards of sufficiency of information, accuracy of information, assessing the alternatives and their consequences, and following department procedures informed Andy’s decision. The athlete’s status was not considered a serious concern in this case. The key concern was determining the facts of the case and whether the counselor had followed procedures or provided inappropriate academic assistance. Furthermore, if the assistance is deemed inappropriate “what is the extent of it”? The extent of the help will influence the consequences for the student-athlete. For example, if the counselor only provided typing:

... say the student-athlete is sitting there saying, the title is going to be Poverty in South East Asia and basically if all the counselor serves as a typist ... [it would be considered a] violation, then depending on the value of the violation it will not affect eligibility, so once the kid ... typing is a dollar a page, the kid pays or donates to charity $20 because that is the value of the paper we can declare them eligible and the athlete is ready to go. But as far as the academic fraud ... you are then getting into an area where the kid ... that is something that can not be fixed ... prior to the next competition ... (Andy, October 18, 2001)

Andy was also concerned with the potential consequences for the athlete and the program if academic improprieties had occurred. He explained:

... it will become important, we have got to do this right [the investigation]. We have got to make sure that we don’t declare this kid ineligible needlessly. That is where the
concern of the student’s status on the team comes into play ... because depending on the
team ... up the road you could hear a sonic boom go off ... the football coach, the
quarterback may have cheated on a paper ... we are going to look into it and we are not
sure if he will be able to play Saturday ... Kabam ... a golfer ... it is terrible to say but the
ramifications are not as severe. A golfer hasn’t been on the billboard in New York, right
across the street from Madison Square Garden so the sport and the status of the athlete in
a sport [matters] ... (Andy, October 18, 2001)

Upon collecting all pertinent background information and critically assessing it for accuracy, the
Associate Athletic Director and Andy determined whether or not the counselor’s help was within the
guidelines. If they determined a problem did exist then “at that point it is a procedural matter ... and the
protocol obviously here is that I visit with the Associate Athletic Director.” These procedures also
included alerting the coach, which Andy suggested, “gets tricky” because the coach might try to influence
the student-athlete about what to say to the compliance officer:

... in compliance, you need to alert the coach. Depending on who the coach is ... you
alert them as you bring the kid in [for questioning] ... because you don’t want the coach
to have the opportunity to speak to the student-athlete prior to you asking them
[questions] ... you just don’t want them sort of tampering or anything like that. But even
if it wouldn’t happen, if there isn’t an opportunity for it to happen [the coach speaks with
the athlete] ... then that makes it much easier to defend that it [academic fraud] never
happened. (Andy, October 18, 2001)

In fear of the student-athlete seeking legal action for declaring her ineligible, the compliance officer
would also notify the FAR, because this person serves as an advisor. Andy did not indicate any mitigating
circumstances that would have changed his decision. However, the extent of the counselor’s help, the case
particularities, assessing if the penalties were consistent with past case penalties for similar offenses, and
the relevant rules would influence the consequences given to the student-athlete:

... I would need to know what would be the spectrum of possible penalties ... because I
think there is probably some flexibility in what we propose to handle. If this is the 5th
time, there has been an allegation of this young lady being involved in this kind of
conduct ... I ultimately don’t make the decision [about her eligibility]... but I think that’s
a factor that would be worth considering ... if she is a freshman and this is the first time
...I think most campuses for the better or worse are lenient with plagiarism type offenses
... there is actually a Bylaw within the NCAA and unfortunately I don’t have it at the tip
of my tongue. They [The NCAA] kind of gave us a road map as to academic fraud, under
certain circumstances you can just funnel it to student conduct and let them determine
what the penalty is. Under other circumstances you settle it within the NCAA framework.
There are things to be applied that may provide us with flexibility with the penalty phase
and if the student-athlete displays remorse this may enter as a factor into it, typically, this
is going to be very sexist, typically female student-athletes are just horrified if they have
done anything to cause the compliance officer to pursue anything, to bring any dishonor
upon themselves or on the team or anything of that nature ... and I think there is a greater
degree of remorse for some female student-athletes than you will see from some of the
guys ... (Andy, October 18, 2001)
In resolving this scenario, Andy gathered all necessary background information, critically assessed the information for accuracy, depending on the facts of the case assessed the consequences and their alternatives, and then proceeded to follow department guidelines.

_Sandy’s resolution of Academic Assistance._

One of the factors that influenced how Sandy determined right from wrong was related to whether or not an action was contrary to the rules. This definition was tightly linked to one of her definitions of a moral problem, “a person violated ethical norms or violated the rule.” Sandy believed a problem existed in this case but she was not certain that it was a moral problem. She stated:

> There is a problem definitely, ethical, I don’t know if this counselor has mal intent, sounds like this person does it all the time ... So this counselor is at a place where this is not clearly articulated and they believe that this is acceptable conduct, there is no ethical problem, however, at University No. 6 this would very much raise the level, what are you doing? (Sandy, November 5, 2001)

Interestingly, Sandy interpreted the scenario from both the counselor’s, her own, and the institution’s perspective. Imagining herself in the counselor’s position, she judged that the counselor believed that her help was within the parameters of appropriate academic assistance. In comparison, from Sandy’s and her institution’s perspective the counselor’s help was wrong because she reasoned it is unfair that a student handed in an assignment that was not completed by him/her. She explained:

> It is seen as doing the work for the student, unless the student has a broken hand or something (laugh). Well then we are talking a typing problem ... if the student is able to type or write the paper themselves they should. (Sandy, November 5, 2001)

Her interpretation was informed by her understanding of her institution’s academic guidelines, and implicit in her conception of morality (how she deciphered between right and wrong), and what constitutes a moral problem. She employed a literal interpretive approach to the reading of the scenario as she stated, “it is against all academic rules we have here as well as, definition”. Her institution’s rules state that academic assistant staff cannot provide typing services, thus Sandy interpreted the situation as wrong.

Sandy’s conception of what constituted a student-athlete writing her own paper included typing the paper. The academic counselor sitting at the keyboard and typing Danielle’s thoughts and ideas was not within her conception of writing one’s own paper. She described her understanding of the concept and the situation:

> ... the counselor is asking a question and then types her ideas and thoughts as they converse. I assume the “her” is Danielle’s thoughts as they converse ... basically the tutor is still writing the paper for her. Writing has everything to do with constructing your own grammar and voice and all of that. The academic counselor is helping her organize and clearly articulate her ideas and I think that goes beyond, especially when they are sitting down writing the paper, now you are doing the work for the student. The student needs to, just like any other
Sandy understood writing one's own paper to include typing the paper, which alerted her to the features she identified as salient, the background information she collected and its assessment, and the questions she asked. Three salient features were identified by Sandy in this scenario: the counselor had helped other athletes, she was curious why the counselor was typing the paper, and she was curious about Danielle's grade point average and the concern for maintaining her eligibility. Sandy explains the eligibility issue:

... I don't know if it is clear in this scenario, but they do refer to her eligibility to play, I don’t know if that is why the counselor is helping, it makes the violation more egregious if she is doing it specifically to get her eligible to play, although it sounds like she does it for other athletes as well. (Sandy, November 5, 2001)

In deciding what to do Sandy, indicated that she would collect relevant information and assess its accuracy, she would ask certain questions relating to the mission of academic counseling, she would determine the student-athlete’s year in school, she would discover why the athlete required special tutoring and by who, she would assess the structure of academic services and policies, and assess how she had learned about the problem. Sandy described her approach:

... I think you go chronologically on all the questions I would ask people ... is this young lady is struggling academically, was she a special admit, do we have an obligation to give her special tutoring, is she learning disabled, is she a freshman, sophomore, junior, senior, how long has she been struggling academically. The coach should have been notified of her academic status, whoever her academic counselor is, should have known, who was suppose to be helping her out. Why is she just with the tutor, so that [the academic assistance program structure] would relate to your academic monitoring structure ... and the counselor’s superior and the training coordinator for that unit ...

Sandy also stated that she would alter her approach if this situation had came to her “attention around the back door.” Sandy explained that if she learned about the situation through happenstance then she would take a direct investigative approach:

... I would say why didn’t anyone else see this, why didn’t the instructor notice that she jumped from a C- to a B, why did the person who told me was a peer on the team, why didn’t the coach come to me. You know what I am saying, like if she has been doing this for other students and student-athletes, who else was aware of how this counselor operated, who did not tell me. (Sandy, November 5, 2001)

Sandy indicated that she would consider certain mitigating factors, such as: were there “any physical typing issues”, was Danielle’s hand broken, what year was Danielle in (was she a freshman and needed extra writing help?), was Danielle academically impaired, what was Danielle’s academic history, and was Danielle an ESL student. The answer to these questions might influence the consequences that
Sandy might impose on the counselor. However, those factors would not influence her interpretation and deliberation about the situation:

I know ESL students often times have to struggle and that is part of the learning, is that is a very hand holding facilitation of writing, especially grammatically ... maybe, her class, year, is she brand new, is she a freshman, did we know that she was this academically impaired, or fluency impaired, and how much have we done to help, what is her academic history, was this young lady routinely an A or B student with the counselor or has she really demonstrated a tendency to skip classes, not show up to study table, that kind of thing, I don't think it would change the outcome for me ... it might change my decision on how harshly to deal with the tutor who may have been taken advantage of. (Sandy, November 5, 2001)

Finally, in resolving the problem she would first address Danielle’s situation then proceed to “explore the greater problem” of the counselor not following clearly articulated department guidelines on academic assistance for student-athletes:

Obviously, this is a counselor concern to look at. I would look at all the other teams and individual athletes he/she has worked with, first, and then go into the greater program ... is this an exception or all athletes ... (Sandy, November 5, 2001)

“Church’s Charity” Scenario

Mike’s resolution of Church’s Charity.

Mike claimed that examining the scenario on its “face value” there was no “major problem”. Mike’s perception of a moral problem, that is, something that is not right, was influenced by the rules and notions of fairness. Given Mike’s understanding of what constitutes a moral problem and his conception of morality, the main concern for Mike in determining if a moral problem was evident was in relation to the rules. He personally believed that no moral problem existed but, as a compliance officer, he believed that the instance could contain a possible rule(s) violation.

Two salient issues were evident to Mike: Sarah’s grades and the vague scholarship criteria. Sarah’s grades increased considerably during her time at Thornton Academy, “she graduated with a 3.1 and originally she had a 1.7, I would kind of ask how did this happen.” The increased grade point average concerned Mike more than the issue regarding the awarding of the scholarship.

The second salient issue was the criterion and the motivation for awarding Sarah the scholarship to attend Thornton Academy. Mike’s main concern in addressing this issue was clarifying the facts. He asked the following questions as he was deliberating about whether a moral problem existed or not: (a) who gave the money to the church for the scholarship, (b) who were members of the church, (c) why was the scholarship criteria not clearly defined, (d) why was the scholarship awarded this year and not other years, (e) why was Sarah awarded the scholarship, (f) “how active was the volleyball coach”, in

163
fundraising money for the church, and (g) was the volleyball coach “trying to coax members to donate” to the scholarship. In order to obtain answers to his questions, Mike indicated that he would meet with the church’s Pastor and ask the following questions:

... I would probably have the church list all the other people that have received this scholarship, where did they go to school, why they received it and see if there was a reason to be concerned ... has anybody received as much as this person and ... if it was that much, that is kind of a red flag. (Mike, November 19, 2001)

The central reason for requesting the church to provide such information was because NCAA rules permit people who have no established relationship with a student-athlete to fund their high school education. Hence, based on this NCAA rule, Mike was required to examine the nature of the Pastor’s, coach’s and principal’s relationship, and the nature of the scholarship.

Mike stated that in clarifying the facts he would initiate discussions with the Pastor. Then, he would probably visit with the principal or the volleyball coach because they were active church members. Finally, depending on the information collected, Mike would possibly speak with Sarah’s mother. Mike stated that upon clarifying the facts, if there was additional concerns regarding the criteria, the amount of award, and past awardees, he would further pursue the matter, “because potentially it could be a NCAA problem.” However, he pondered for a while and decided that the scenario was “an ethical problem ... is there concern of right or wrong in this scenario. I think there is a potential ethical problem (laugh).”

Acting in his compliance officer role, Mike deliberated about the legality of Sarah’s scholarship. Mike examined the award criteria and attempted to determine if there was consistency in the reasons why past recipients received the scholarship. He explained:

... if this is an award that is semi-annual or every couple of years or whenever, the church raises the money, and other people that kind of followed the same background as Sarah, similar extra-curricular activities, low income, if there is a history there that shows that this happened, then no I don't have a problem ... if this jumps out and this is really unusual, or she is so different from the others then probably we will have to continue down that road [investigate] and I will have to follow up on some things. (Mike, November 19, 2001)

Additionally, Mike would seek the advice of other compliance officers and ask if they had any similar problems and how they addressed these problems. He explained:

... there are probably some schools that have had problems where they have found stuff like this ... whereas in my background, I haven't either found it or know about it, so I guess that is why I am deciding that I would ask them what should I do, how should I pursue this. (Mike, November 19, 2001)

Mike concluded that he was satisfied with the church’s criteria and procedures for awarding
Sarah the scholarship. He emphasized, however, as long “it was available for everyone in this church, then no, I don't have problem with it.” Furthermore, he suggested that at “any point” where he thought the scholarship was legitimate, and there were good reasons for Sarah receiving the award, then “end of decision time to move on.” However, Mike stated that certain factors might also have changed his decision that the scenario did represent a rule violation. He suggested that if a considerable number of student-athletes playing for Northern University and had graduated from Thornton Academy, and had also received church scholarships, or if there was a third party relationship influencing the student-athletes to attend Northern University, then that would be of concern. However, Mike indicated that Sarah’s underprivileged background would not influence his decision to report a potential violation:

It can't factor in, you feel horrible, I mean the last thing I want to do to this person is make them ineligible or make them pay back all this money. But that [issue] is kind of outside of my, I don't have any control over that ... (Mike, November 19, 2001)

Upon gathering all necessary background information and assessing the case particularities, including the NCAA amateurism rules, Mike would make is determination on whether a violation existed.

Erica's resolution of Church's Charity.

Erica’s definition of a moral problem related to discovering some information [a rules violation] that she was uncertain how to address. Her conception of morality was based on both her moral intuition and the NCAA rules. Interestingly, Erica indicated that she tends to get too emotionally involved in compliance matters and thus was consciously aware of being “objective about things.” Her conception of morality informed her interpretation and deliberation about the Church’s Charity scenario. Erica believed a moral problem existed for Northern University “if they know about it.” Erica indicated that, if the athlete declared on her eligibility form that she received a scholarship from a church:

Then you would have to look into it...but I don’t think, you see this would be a situation different from an amateurism situation, which I wouldn’t put a lot of time into it ... I would look into it, I would find out about the scholarship, I would have them give me the criteria for the scholarship, I would ask who received the scholarship in the past, I would want to know who is receiving it now, and then I would move on (Erica, February 20, 2002)

Erica’s rationale for not spending too much time and effort if she was confronted with this scenario was related to her personal opposition to NCAA amateurism rules. From Erica’s perspective, the Church’s Charity scenario fell outside her notion of amateurism. She believed a person receiving an outside award to fund their high school education did not constitute professionalism. In contrast, the NCAA’s definition

61 At the beginning of each season, NCAA eligibility rules require all student-athletes to complete eligibility forms, which ask if the athlete received any money to attend high school or a preparatory school.
of amateurism is less open and broadly defined as Erica’s interpretation. According to moral perception and sensitivity theory (Blum, 1994; Kekes, 1989; Sherman, 1989), Erica’s conception of amateurism informed the questions she asked, the background information she collected, and the extent of her investigation:

... maybe it is because I disagree in some respect to some of the NCAA rules and I am not saying that I would not look into it because I would but I just think that in this situation where they are not giving her a scholarship because she is a volleyball player, they are not, you know the University has nothing to do with it [the award], at all, so it isn’t like they are trying to feed her into Northern University. So that is not a problem. The fact of the matter is the NCAA rules say your education needs to be paid by your parents and so that is an issue... (Erica, February 20, 2002)

However, Erica went on to state that she was obliged to investigate the issue because of the potential consequences of a major rule infraction:

... you would definitely have to look into it because if you don’t and it comes out later and Southern University says, hey she got a full ride, $12,000 in high school, you need to have done something to look into that, to feel comfortable that you have done that [conducted a thorough assessment] ... (Erica, February 20, 2002)

Additionally, after asking more questions and further deliberating about the scenario, Erica believed that the Volleyball coach’s church membership and his relationship with the Pastor and the principal were “problematic” as there appeared to be the formation of a Nexus between the three parties:

... I think that is problematic because then you have, there is a Nexus there between the church and the high school that shouldn’t really be there ... if I was investigating this, this information wouldn’t come out, I don’t think, I don’t know if I would ever find out that the volleyball coach had anything to do with it even though it is true. I think that is a problem because I don’t think there should be an athletic connection. I think that if she truly has a need and yeah she may be a volleyball player, she may not be, her Mom is a single parent, there is a need there but if the volleyball coach is pushing the Pastor to, hey she would really make Thornton Academy look good in the State finals or whatever because I don’t know a lot about high school sports but I know that the whole recruitment issue has become a really big issue in California and that is big and I think that you would have high schools screaming at this before she even gets to Northern University ...

(Erica, February 20, 2002)

Erica was also concerned about the tithing structure at the church and when the Volleyball coach became a member of the church. Erica inquired about the weekly tithes and how the money was allocated. Erica asserted that she was not a “church goer” and she did not know “how that works” but “if that’s something that the church congregation agreed that they wanted their money to go to that or the church just decided that is where the money goes to.” She felt that if the congregation was aware of where the tith monies were being allocated and that the church leaders where not “funneling money to Sarah’s Mom” then that was okay. Erica also wanted to know when the volleyball coach became involved with
the church, had the scholarship “been awarded to other needy high school church members, and if so, was that prior to the volleyball coach getting involved at all”. She conveyed her thoughts, “if the volleyball coach became involved when they decided to give it to Sarah that would be more of a problem.” If the awards were not related to the volleyball coach, Erica was less concerned about the volleyball coach’s involvement. She explained:

I am less concerned about the volleyball coach’s relationship with the Pastor because I think in the NCAA rules if there is a pattern of scholarships or a pattern of gifts to a prospect from an established family friend or whatever then that is usually okay but if there is not, like if this was ... if the volleyball coach wasn’t involved in the beginning then you can’t say that this scholarship started because of the volleyball coach’s encouragement of that. (Erica, February 20, 2002)

Upon receiving all pertinent information and checking its accuracy, Erica indicated that she would document everything, then verify her interpretation and judgment with relevant experts:

... what I would probably do is write it all up, write up everything that I found, show my faculty rep and then we would probably go to the Conference office to be sure that they are okay with that because just because we are okay with it doesn’t mean that they think that we have done everything that we need to do ... (Erica, February 20, 2002)

Erica then clarified her statement about reporting to the head office for an interpretation:

We wouldn’t necessarily go to the Conference office, we are careful with that because we feel like that there are some decisions that we can make institutionally and that we don’t need to go to them on everything. But there are things where they may be particularly risky ... we would go to the conference on that ... on something like this, it is highly likely that another institution is going to know about Sarah and is going to know about the scholarship so you are better off going to the conference office so when another school, for example, Western University calls the conference, the conference already knows about it ... (Erica, February 20, 2002)

The following factors would possibly change Erica’s decision. First, was the coach trying to promote Sarah in receiving an award, “I think if the volleyball coach is lobbying for this, then it is a problem,” which implies that Sarah’s award was not based on legitimate criteria. Second, Erica inquired on whether “Sarah applied for the scholarship and can other people compete for that scholarship, and how many applicants do you get per scholarship you award ... did she know about it, did she apply for it.” The potential sanctions placed on Sarah and her mother to repay the scholarship were not factors influencing Erica’s decision to report the information to her faculty representative or to the Conference office:

Doesn’t change my decision, it is just too bad ... it just sucks for her. I mean I don’t know what to say but we definitely see that, or it is just a situation where they just lose all their eligibility ... (Erica, February 20, 2002)
If Sarah was awarded the scholarship solely on her athletic ability and/or because of the coach’s relationship with the Pastor and the principal, she would then proceed to follow NCAA and Conference guidelines for a self-report of a violation. However, if there was no evidence to support the above claims, then Erica would document her findings and forward the information to her superiors for approval of her decision.

Terri’s resolution of “Church’s Charity”.

“I am certainly not one of those people who say that everything the church does is pure and clean.” (Terri, November 7, 2002)

In contrast to Mike and Erica, Terri did not believe a moral problem existed in the Church’s Charity scenario “because I think this happens all the time.” The key in Terri’s interpretation of this scenario related to her understanding of “normalcy” with churches awarding scholarships. Terri had a list of criteria that she used to measure whether or not Sarah’s award fell under her standard of normalcy. These criteria tended to be a direct result of her past experiences in working with the church and her understanding of past cases. The following criteria informed her decision: the award was established and ongoing, Sarah was a previous member of the church, her background knowledge of past cases, and the knowledge she had gained from past cases she had experienced. Terri described her criteria:

... people set up things [like awards] all the time, this is very normal ... however, when the pastor starts saying may be we should set up something, so it is, not just this one person. If your feeling is that they are setting up something that they know is wrong and maybe if we have it established in the future for other people then it will hide what we have done ... I don’t think this is the case here, I think it is probably the church did it before, I think it is based on need. I think churches do that for all the right reasons in a very legitimate way all the time. (Terri, November 7, 2002)

Based on her above criteria, she proceeded to describe her perception of the situation:

... I suspect for me, this will sound like the Mom, agreed, it sounds like everybody in the church thought that was a good use of their money ... as far as I can tell, Sarah got into the school legitimately ... [Sarah and her mother] were members of the church before. It is not like we have a volleyball player she is going to Thornton and now she is going to start being a member of our church, there is something there [a problem].

... this question is asked on eligibility forms now, did you go to a private school, how was it funded ... if someone had written yes and funded through them [the church], I am still going to ask those questions just to ensure that it isn’t a problem ... but I think, if I were to guess how many times this is or isn’t, more times than not. But it is not just inherently, it is not just because it is a church group ... that is different, we have plenty of instances where people are visiting churches and churches paying for visits for recruits ... (Terri, November 7, 2002)
Asking questions to verify the legitimacy of the scholarship was Terri’s focus in defending her judgment. Terri’s perception of the situation was linked with what she believed constituted a moral problem (somehow struggling ... between two things, each of them having equal value) and how she determined right and wrong (weighing her intuition, with the facts, and her notion of care). In resolving this type of problem she would proceed to interview the athlete, the volleyball coach, the pastor, and Thornton Academy. Terri described the questions she would ask:

... how was this was award given, has it ever been given in the past and every time it is not something that has not been established, it is not ongoing and something that is new then that just means that you have to keep going and you have to investigate more of that ... I would talk with everybody, I would do my best (Terri, November 7, 2002)

Terri has learned from previous cases, where people have not investigated thoroughly enough, and as a result she is more careful in her research:

That’s, something I do more and more. I think in the past I used to say you know you have to get [everyone’s] stories and if they match that is good enough ... now with the incidence with University of “P”62 and they were asking the questions and getting the answer that you want and going back and not investigating any further and then finding out that if you had just asked two more questions you would of found out that there was a big problem. That sort of scenario has probably been going on for a couple of years. (Terri, November 7, 2002)

Terri also took into consideration her experience as a church member and serving on awards committees. She described her experience with an Olympic athlete and his parents who had received an award at a church she attended:

... you go to church and you write down needs and people you know who have needs, or children of yours who have needs, and what they [the needs] are for, and then you submit them. Churches literally have committees who discuss resources that they have and how they are going to do it [allocate resources]. For example, in one year we gave it to a student, the biggest need seemed to be for a student and their family to travel to the Olympics. It was a big thing for the parents, never would have thought of going to the Olympics, you know it was in Atlanta, so we pooled our money and that is how that group came to give money to the parents, and in one year we did it for a building, one year we did it for a day care, so it wasn’t established that they gave money to parents for things [like that], it just happens all the time. I would be very comfortable asking those [kinds] of questions, that if my assumption was supported by the interviews then I would be okay with it ... it doesn’t inherently make me suspicious. (Terri, November 7, 2002)

She also believed that “ultimately in compliance the idea is that the rules don't, the NCAA rules don't inherently lend themselves to logic or sense, or what someone would say is reasonable.” In this case, Terri believed that the scenario particularities were perfectly reasonable. Therefore, upon verifying all

62 University of “P” refers to another institution within the Conference. This pseudonym was used to protect the institution’s identity.
relevant facts, all these case particularities were within her understanding of what was acceptable allocation of outside awards and amateurism. Terri would not report this case to the Pac-10 Conference.

"Drug Testing" Scenario

Dave’s resolution of “Drug Testing”.

“A situation where there is kind of a blurry line between what is right and what is wrong” was Dave’s definition of a moral problem. Dave did not perceive an ambiguity in the drug testing scenario, and therefore, no moral problem existed. His reason for declaring that a moral problem was not evident was based on NCAA Bylaw No. 14.1.4.1, which states that student-athletes “shall sign” or are “ineligible for participation” (i.e., practice and competition). Dave’s understanding of the situation was a “black and white” or literal interpretation which meant “sign or you don’t play.” This black and white approach to his interpretation and deliberations was consistent with his understanding of right and wrong and his strict adherence to NCAA rules. His reasoning was based on a Supreme Court ruling, which permits private organizations to set their own policies and procedures. Thus, Dave declared “this is not an ethical issue this is a rule, this is how it is.”

I asked Dave if there would be any mitigating circumstances that might change his interpretation or decision and he replied emphatically, “No. A rule is a rule, and without rules there is chaos.” Dave was not willing to change his mind unless there was a court order or injunction, which would allow the player to compete. However, Dave believed that a coach would not allow the student-athlete to participate because if he lost the case the institution would be held liable. The consequence would result in the program forfeiting all the games in which the athlete participated. Dave argued, “The coach isn’t going to play him because if he plays at all he is going to have to forfeit that season.” Dave summarized his decision by stating:

... to me is a situation where you know this one has been in the Courts enough times and there is no problem unless you are at University of “J”.

Matt’s resolution of “Drug Testing”.

Matt indicated that one of his understandings of what constituted a moral problem “was it could mean that I am asked to do something that is contrary to NCAA rules ... I am being told well it is okay this time because and just doesn’t seem right.” Matt’s notion of right and wrong was informed by “using the rulebook as a guideline and ... the interpretations and occasionally you ask the conference for guidelines.” Based on this definition, his interpretation of the Drug Testing scenario is understandable. Matt did not “see an ethical problem” in this scenario unless his institution permitted the athlete to

63 University of “J” refers to another institution within the Conference. This pseudonym was used to protect the institution’s identity.
compete without signing the drug testing consent form. He believed that if the institution permitted the athlete to participate that would provide:

a competitive advantage over other institutions ... that is really the only thing that I can see and I could be totally missing the boat ... but that is all that I can see ... maybe because I equate ethical problem to somebody having a competitive edge maybe that is why I see it that way ... (Matt, February 20, 2002)

Matt explained his perception of the situation:

... cut and dry, you want to belong to an organization you abide by their rules. The rules say that you have to sign it, you choose not to sign it, you are choosing not to join, to me it is really cut and dry, that guy doesn’t play ... (Matt, February 20, 2002)

I asked Matt, what he would do if the rules were unethical and a person had no other way of receiving the service provided by the organization. Matt did not believe that would change his position. He stated:

Then you don’t belong to that organization. If I want to join a club where an “initiation” involves something doing something unethical, then I like to think (and I’m pretty sure) I would no longer want to be a part of that organization. I’m sure that’s a general statement where you could trap just about anyone with inconsistencies, but that’s the way I feel (Matt, February 20, 2002)

Matt compared his understanding with another case relating to private institutions creating their own parameters. Matt does not necessarily believe that some rules are fair. However, individuals have the choice not to become members. He explained his position:

... it all comes down to the boy scout gay thing ... it is all the same thing and the supreme court keeps saying the same thing all the time ... I equate all of that to this, I think the boy scouts are dead wrong, they keep people out whom I consider to otherwise to be inherently the same. It is a matter of choice and I think that they are wrong and I think we have a right to say that they are wrong. However, I agree with the supreme court I don’t think you have the right to tell a private organization how to run their rules, if you want to be in that private organization then you have to abide by their rules otherwise we are telling somebody over here in First AME church they have got to let Klu Klux Klan members in because they want to be in the First AME church, well the First AME says we are not going to let you be parishioners at First AME because we think the Klu Klux Klan is offensive. I think that they have the right to keep them out. ... to me it is all about, you want to belong to an organization that has rules, you have to abide by the rules ... (Matt, February, 20, 2002)

The only mitigating circumstances that would change Matt’s interpretation and decision about the scenario would involve if someone had “great religious beliefs”. He indicated that he would encourage an athlete to challenge the NCAA if the athlete had strong religious beliefs, such as being Christian Scientist. Matt suggested that he would most likely explore possible avenues of going through what is called ARS,
the academic review subcommittee, who will “set certain rules aside in extenuating circumstances” Matt described a previous experience relating to religion and diet:

We had it come up here and about meals and somebody who kept Kosher and we appealed on behalf of the student-athlete and the appeal was denied … and we certainly supported that appeal and now we are doing the best that we can do to accommodate the student as far as we can stretch the rules. Probably normally we wouldn’t stretch the rules as far as we could stretch them but we feel, that because we recruited this young athlete with the idea that he thought he was going to be able to be accommodated and we did everything that we could and we struck out at the level that we wanted to from a legal standpoint but we also feel that gee, let’s go as far as we can for him. Now normally if we wanted to do that but we feel like in this case we are right in stretching it as far as we can stretch it, within the parameters of the rules because of his circumstance, so yeah I am okay with that … so I could see that possibility applying here … (Matt, February 20, 2002)

Based on the rules and legal precedent Matt believed that that he would not allow the athlete to participate unless he had signed the drug testing consent form. The only circumstances that would change his mind would be if the athlete held sincere religious beliefs that prohibited him from being drug tested. Thus, as he surmised the situation, “the bottom line is that we would hold him to it and that is what the rules are.”

Standards of Practical Reasoning

As noted in chapter three, Coombs (1997, p. 4) argues that conclusions to our practical decisions “are based on reasoners’ values and on their beliefs about the extent to which various actions are likely to realize those values.” Contextualist practical reasoning also contends that the resolution to our moral problems should be made with reference to case particularities, which can be very complex. In resolving such problems, people should examine all pertinent cultural and historical traditions, and institutional and professional norms and values (Winkler, 1993). In order for reasoners to gain confidence in their decisions, Contextualist practical reasoning requires that they not only assess their values and beliefs that underlie their decisions, additionally, they must fulfill certain standards of reasoning. The purpose of engaging in these “constituent tasks” of practical reasoning is to determine a course of action, which is best supported by good reasons. The type of problem a reasoner is confronted with also informs the standards of practical reasoning used in decision-making (Coombs, 1984, 1997; Wallace, 1988). Coombs (1980b) suggests as well, that people will attempt to gain confidence in the principles that influenced their judgments through principle testing.

In this study, the majority of compliance officers’ reasoning occurred within two main contexts: (1) deciding among morally acceptable alternatives and (2) resolving moral uncertainties (see Table 10).
Table 10
Practical Reasoning Standards Used By Participants

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<thead>
<tr>
<th>Context</th>
<th>Standard of practical reasoning</th>
<th>Method</th>
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<tbody>
<tr>
<td>Deciding among morally acceptable alternatives</td>
<td>Sufficiency of information</td>
<td>Interviews, researching rules, learning intent of rules and defining rule interpretations, and consulting expert advice</td>
</tr>
<tr>
<td>Resolving moral uncertainties</td>
<td>Accuracy of information</td>
<td>Assessing personal and professional moral codes</td>
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<td></td>
<td>Inclusiveness of envisioned alternatives and their consequences</td>
<td>Assessing past experiences and past cases</td>
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<td></td>
<td>Rational consideration</td>
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<td></td>
<td>Consistency</td>
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In both contexts, the standards of sufficiency and accuracy of information were employed most frequently in compliance officers’ deliberations. Other standards employed included: the standard of undistorted values, the standard of rational considerations, the standard of inclusiveness of envisioned alternatives and their consequences, and the standard of consistency. In fulfilling these constituent tasks the participants used a variety of methods to fulfill these standards and gain confidence in their decisions. Such methods included, interviewing people, researching NCAA and Conference rules, learning about the meaning and the intent of the rules, consulting with various experts for advice, and assessing past cases and appealing to their past experiences. Compliance officers often used the new cases test to assess the acceptability of the principle(s) that supported their decisions. The focus of this analysis was not to judge participants’ practical reasoners rather the aim was to emphasize that the types of standards the compliance officers used was influenced by the nature of the problem, and the context within which it took place. The next section identifies the contexts that the compliance officers’ moral problems occurred, the standards of reasoning they used, and the methods they used to realize these standards of reasoning.

Deciding Among Morally Acceptable Alternatives

In this study, instances where compliance officers were deciding among morally acceptable alternatives, their practical reasoning was predominantly characterized by their use of the following standards: sufficiency of information, accuracy of information, undistorted values, and inclusiveness of envisioned alternatives and their consequences.
Sufficiency and accuracy of information.

"... that is a good part of what compliance is, in this business you need all of the facts before you can make a decision." (Bobby, October 26, 2001)

As Bobby indicated, collecting all relevant background information and assessing it for its accuracy was critical to compliance modus operandi. Depending on the seriousness of the situation, compliance officers generally collected as much information as possible in order to gain a comprehensive picture of the nature of the problem. Collecting all necessary background information and assessing it for accuracy was generally initiated by researching all applicable NCAA, Conference and institutional rules, policies, and procedures. Compliance officers examined past NCAA rule interpretations and spoke with other compliance personnel. Their interpretations and applications of NCAA and Conference rules was often an extensive process. This involved researching the rules to determine if a rule actually existed and performing comparative cases analysis. Compliance officers’ examined previous NCAA interpretations from the database and compared these interpretations with the present case. Certain participants also suggested that they researched the infractions database to assess how certain rules were applied to specific cases. Examining previous rule interpretations and their applications and considering whether they could be applied to the problem at hand is representative of Contextualist practical reasoning (Wallace, 1988; Winkler, 1993). Wallace (1988) and Winkler (1993) argue that solutions to moral problems require adapting the definition and application of past rule applications to novel situations. In addition, compliance officers’ rule interpretations required consistency with the Association. Parallel with Dworkin’s (1977, 1986) theory of resolving hard cases, compliance officers’ rule interpretations and deliberations, overall, reflected the Association’s political morality and legislative system.

Upon researching appropriate rules and procedures, the compliance officers would proceed to determine the sequence of events, determine the facts of the case, and assess how they became aware of the problem. How they became aware of a problem was critical as this mode of discovery could impact how they interpret and assess a case. For example, was the case revealed by another student-athlete, through gossip, the student-athlete in question, another institution that reported the problem to the Conference, NCAA, the Conference office, an athletic department or institutional employee. Additionally, the compliance officers would also assess the motivation of those who reported the problem. For example, assessing the motivation of the reporter and seeking answers to several questions: was the motivation based on resentment, was the motivation based on concern for a student-athlete, for an employee, or for the institution. Determining who reported a problem and the reporter’s motivation influenced the compliance officers’ assessment of the facts. For example, in Robert’s case he believed that because people from another institution were jealous of his athlete’s success they reported false information to the NCAA.

Following retrieving the majority of the evidence, the compliance officers would proceed to review the arguments that supported the evidence. Appraisal of the supporting arguments was
accomplished through interviewing all relevant people and determining the sequence of events. These interviews allowed compliance officers to ascertain if any inconsistencies existed in people's accounts. If inconsistencies in people's accounts were evident, compliance officers would determine where the inconsistencies existed. They would also assess the credibility of their sources of information. For example, in the Academic Assistance scenario, some compliance officers indicated that if a coach was influencing the counselor they would investigate her story more thoroughly. Lastly, upon collecting and assessing the majority of the background information and assessing the facts for accuracy, the compliance officers would often consult with various experts. Compliance officers frequently conferred with other compliance officers, their FAR, their athletic directors, and the Conference compliance officer. Discussing cases and definitions of rules considerably helped their investigations.

Coombs, (1997, p. 4) suggests that given the context in which a problem occurs people should research and “take into account as much relevant information about the alternative courses of action as reasonable.” Overall, compliance officers were extremely diligent in fulfilling the standards of sufficiency and accuracy of information (e.g., Robert, Matt, Jaime, & Sandy). They were skilled at assessing information and ensuring its truth. The seriousness and nature of the problem influenced the investment they put into investigating a case. For example, in the Church’s Charity scenario, many participants indicated that they would not spend much time on researching Sarah’s scholarship. In contrast, most of the participants suggested they would spend more time reviewing the nature of the counselor’s help in the Academic Assistance scenario. Coombs (1997) contends that:

what will count as reasonable is determined by contextual factors such as the time and effort required to secure relevant evidence, the amount of time available for deciding, the weight of the reason(s) will likely have in making a decision, and the importance of making a good decision. (p. 5)

Undistorted values.

Fulfilling the standard of undistorted values requires a reasoner to critically scrutinize the values that underlie their reasons to determine the genuineness of theses values (Coombs, 1997). Compliance officers were able to critically assess their values to a degree. They were unable to completely scrutinize the reasons that supported their decisions because in this context, ultimately, they had to follow NCAA and Conference rules. Ultimately, the participants’ scrutiny of their values pertained to whether or not their decisions were within the parameters of NCAA or Conference rules.

On several occasions compliance officers indicated that they did not necessarily agree with the NCAA rules (e.g., Erica, Mike, Terri, Robert, & Bobby). However, they were obligated to follow these rules. For example, Robert asserted:

... you know this what we live by (points to NCAA manual) this big book, do I agree with every rule in this book, absolutely not. I think there are some things in there that are
absolutely ridiculous ... whether I like it or not this is the rule, this is what we live by or this is the interpretation, I may disagree with the interpretation but guess what, that is what we have to live with. (Robert, February 19, 2002)

The participants’ adherence to these professional values honesty, such as and a sense of obligation and responsibility to uphold NCAA rules was not the result of possessing distorted values, as Coombs (1997) would suggest. He argues that values shaped through means of “indoctrination into some ideology” are “distorted or non-genuine” (Coombs, 1997, p. 5). The participants consistently displayed their ability to separate the Association’s or the Conference’s values from their own values. The key point here is that because of the highly formalized context, in some instances compliance officers were prohibited from completely fulfilling this standard. As demonstrated in chapter six, tensions between compliance officers’ personal and professional moral codes existed during their rule interpretations and deliberations. The participants indicated that the values that underpinned certain rules (i.e., amateurism and extra benefits rules) created unfair treatment.

Compliance officers’ cannot engage in civil disobedience and ignore the rules. They must abide by the rules. Mechanisms exist within the NCAA’s and Pac-10 Conference’s legislative system to revise current operational Bylaws and guiding principles. Compliance officers are indirectly involved in this process, as they act in a consultancy role for the Association’s executive committee, Division I Board of Directors and management council, and respective sports and rules committees. The aforementioned committees however, are the immediate gatekeepers in the legislative process and carry the burden of responsibility for creating and maintaining “morally acceptable” legislative and rules systems. Specific Bylaws that are perceived to create injustices toward student-athletes or NCAA stakeholders, the Association’s acceptability is defended as those rules promote the greater good and support the NCAA’s overall political morality and general purpose of intercollegiate athletics. Since NCAA stakeholders willingly become members and accept the legislative and rules systems as a whole, essentially this acceptance prohibits any comprehensive value appraisal recommended by Coombs (1997). The result of such a complex situation is that compliance officers attempt to function within this system and make it work through employing a degree of autonomy. Autonomy is achieved by using their discretion and in some sense working within the gray. The use of such a strategy does not suggest that they exhibited poor quality reasoning, as their decisions were consistent with the Association’s overall legislative system and political morality, which is advocated by Dworkin’s (1997, 1985) theory of resolving hard cases.

Inclusiveness of envisioned alternatives and their consequences.

The standard of inclusiveness of envisioned alternatives and their consequences entails “making a reasonable attempt to discover all of the plausible alternative courses of action” and their consequences (Coombs, 1997, p. 5). In the context of compliance investigations, fulfilling this standard is a little different than what normally occurs. In certain situations, consequences were not a factor in their
decisions, as the consequences were inevitable. If someone had violated the rules then compliance officers were required to follow Association/Conference procedure. There were no alternatives to consider. However, compliance officers did assess alternatives and their consequences of possible penalties. For example, in the Church’s Charity scenario, if Sarah was deemed a professional most of the compliance officers indicated, that there was several payment plans or appeals they would submit.

The magnitude of the problem was another important criterion that influenced compliance officers’ decision-making. Compliance officers’ decisions to report an incident or not to the Conference or NCAA was also contingent upon whether the situation related to a major or secondary rule violation. Cases of potential major violations generally resulted in the reporting of the incidence to the Conference and NCAA. However, compliance officers’ reporting of major infractions occurred after they had consulted with their various supervisors (i.e., the FAR, the athletic director, the institution’s attorney, or the coach). In instances of secondary infractions, the compliance officers employed some degree of discretion. Depending on the situation, they would speak to the individual(s) involved, and address the issue by means of education and a verbal reprimand. Terri indicated that in instances where for example, a Booster had bought a student-athlete a hot dog at a ball game she would use her discretion and not report a secondary violation.

Wallace (1988, p. 98) states that rational choices “require critical testing of considerations” and the findings suggest that in more serious potential or actual rule violation situations, the compliance officer’s decisions were heavily influenced by their adherence to their professional code and the consequences of the violations. In contrast, for the most part in the smaller scale secondary violation situations their personal moral values held more weight or as they stated “a sense of reasonableness” would come into play in their decision-making. Bobby best explained this mind-set:

> Beyond the minor or inadvertent violations, I think the ethical duty to report the violations increases proportionally to the scope of the violation. Moreover, as the scope of the violation increases, the more likely it is that the individual involved knew or should have known that what they were doing constituted a violation. The higher the degree of gravity associated with a situation, the greater the ethical responsibility to report the situation and follow through with the proper enforcement procedures. (Bobby, October 26, 2001)

*Rational consideration.*

Practical reasoners fulfill the standard of rational consideration by “attempting to identify the alternative that would contribute most to their realizing the way of life they genuinely want” (Coombs, 1997, p. 6). The alternatives that people choose should reflect both their immediate and long range benefits. Their decisions should be free, impartial, and enlightened (understand alternative ways of life). Due to the context in which compliance officers made decisions they were limited in their ability to make

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64 NCAA rules do not permit Boosters or athletic department representatives to buy meals for student-athletes.
free and impartial choices. The rules predominantly governed their decisions. Sometimes the compliance officers were pressured by their supervisors into making decisions, while in other situations they had more freedom to make decisions. The findings suggest that compliance officers who were working in circumstances where they felt pressured by their supervisor, their decisions to report certain violations were hampered. In contrast, compliance officers who worked within dual reporting lines or had supportive supervisors were free to make their own decisions and represented the way they wish to live. Compliance officers were also restricted in making certain decisions as a result of particular laws. For example, Andy’s account of the situation where maintained that he was restricted from obtaining financial information from a student-athlete’s family because he did not possess the authority to subpoena those records.

As a whole, compliance officers made reasonable attempts to fully appreciate what it would be like to realize or fail to realize long-range benefits as well as immediate ones. Their deliberations took into consideration the short term and long term affects of their decisions. The participants imagined potential outcomes of certain decisions and the effect of their decisions on the various stakeholders and on the organization as a whole. For example, Terri frequently stated that she always thought about the event being in the front page of the papers. More specifically, Andy talked about the catastrophic impact on the program from an allegation of academic fraud. Coombs (1997) asserts that using one’s imagination is an element of good practical reasoning.

**Resolving Moral Uncertainties**

In situations where compliance officers resolved moral uncertainties that is, problems of conflict and relevance, they essentially endeavored to fulfill the standard of consistency. Coombs (1997) argues that people are not free to make their own interpretations of moral concepts any way that they like. People’s interpretations of moral concepts should be consistent with their past use. This requires assessing other non-ambiguous cases in which the moral concept was applied in order to discover what features of this case led people to believe they were affiliated with this concept. A great number of compliance officers employed this standard. In new cases where they were uncertain how a rule should be interpreted or how to apply a rule, they would seek past interpretations and applications. For example, in the Drug Testing and Academic Assistance scenarios most compliance officers indicated that their decisions were related to past legal cases or their own experiences of addressing similar problems. Once they assessed the relevant information from these past cases they would adapt these concepts to help make interpretations/applications of certain rules.

Correlating with this standard, many compliance officers checked their decisions against past cases to assess if their decisions were acceptable in comparison. This testing is similar to Coombs’ (1997) new cases test, which requires assessing whether we can accept the relevant principle when applied to a new case. The point of engaging in this particular test is to gain confidence in the principle that underlies
people's decisions. Compliance officers' new case testing was not as pointed as Coombs delineates, however, those who engaged in this type of assessment did follow basic steps: think of a new case where someone engages in a similar action and consider whether we can accept the reasons for a judgment in the previous case and compare those reasons with the new case. Matt's comparison of private organizations with the NCAA was a good example of engaging in this type of principle testing.

Summary

Standards of practical reasoning were evident in compliance officers' resolution of hard cases. The type of problem and case particularities informed the standards of practical reasoning utilized in resolving their recall and the scenario problems (Coombs, 1984, Wallace, 1988). The standards of sufficiency and accuracy of information were the dominant standards used to assist in their decision-making. Their judgments were based on consideration of the overall legislative system and political morality of the Association (Dworkin, 1977, 1986). Comparative case analysis was paramount in their interpretations and deliberations of hard cases. They would analyze the evolution of specific concepts in relation to historical and cultural traditions of the NCAA. Furthermore, their decisions reflected institutional, personal and professional values, beliefs, rules, and policies (Winkler, 1993). Fulfilling these standards was an important responsibility of their work. Most compliance officers also used the new case test to help verify their decisions. The next chapter provides a synopsis of the study, highlighting the theoretical and methodological implications of the findings. This final chapter is divided into three sections. First, a summary of the research and an overview of the findings are presented. Second, theoretical and methodological considerations of the study are highlighted. Third, recommendations for future research and implications for policy and practice are discussed.
CHAPTER EIGHT

Conclusion

Summary of the Research

The purpose of this study was to examine NCAA DI compliance officers’ morality and moral functioning. Critics of the NCAA’s strict legislative and rules systems claim that these systems deter athletic administrators from making thoughtful moral judgments (Gough, 1994; Lumpkin et al., 1999). It was argued that because of cognitive moral psychology’s theoretical and methodological dominance, on studies of moral functioning have not provided a comprehensive picture of peoples’ moral thinking (Walker et al., 1995; Walker, 2000a). Specifically, the majority of studies investigating sports stakeholders moral functioning have used these theoretical approaches and measured their moral reasoning. The findings from these studies supported the notion that athletic stakeholders reason to the level of the rules and therefore, lacked thoughtful judgments.

Using Dworkin’s (1977, 1986) theory of interpretation and resolving hard cases, I have argued that all rules require interpretation and deliberation. Compliance officers’ interpretations were informed by their moral characters and by organizational notions of fairness. Applying the theories of Coombs (1984, 1997), Wallace (1988) and Winkler (1993), I have also demonstrated that compliance officers engage in Contextualist practical reasoning in resolving hard cases.

The analysis focused on three broad and related areas of morality and moral functioning: compliance officers’ conceptions of morality, compliance officers’ moral perceptions and sensitivities, and compliance officers’ practical reasoning. From an analysis of the findings several conclusions were reached. First, the compliance officers’ in my study displayed an individual normative system. These individual normative systems comprised a personal and a professional moral code that acted as an action guide in the compliance officers’ moral judgments (or at least the way they talked about their judgments). Several moral values were apparent in the compliance officers’ professional and personal moral codes. Second, tensions were evident between compliance officers’ professional and personal moral codes. These tensions were apparent in their explanations of what constituted right from wrong, their interpretations, and in their practical reasoning. Third, compliance officers’ recall of moral problems reflected both problems of conflict and relevance. Four, compliance officers’ moral perceptions and sensitivities were varied. The participants identified different moral problems and their understandings of various moral concepts were varied. Five, compliance officers displayed varying levels of saliency in their interpretations of the scenario moral problems. Six, compliance officers’ rule interpretations ranged from a “literal” to “a spirit of the rules” approach. Their interpretations of moral problems reflected their individual moral character, the legislative system, and the political morality of the Association. Last,
compliance officers' employed certain standards of practical reasoning. The type of problem and case particularities influenced the standards that they fulfilled in resolving hard cases.

*Thoughts About Morality*

The research design was appropriate in providing a broad picture of how compliance officers understood and experienced morality in their role (Walker et al., 1995; Walker, 2000a). Frankena (1980) maintains that an individual's morality operates as an action-guide or as a set of standards that influences conduct. He further contends that "together with what we believe to be the facts about ourselves [sic], our situation, and the world, helps [sic] determine how we should act" (Frankena, 1980, p. 19). More importantly, the research design exposed how the compliance officers' moral values interwove throughout their moral thinking. The design facilitated my understanding of the significant connection between the compliance officers' discriminations between right and wrong; specifically, how their own personal and professional action guides were defined, and how these action guides informed their moral interpretations, and their resolutions of hard cases.

Providing the compliance officers the opportunity to interpret and deliberate about various NCAA and Conference moral problems, from their perspectives, brought to the forefront the individual nature of their normative systems. The participants' individual normative systems included values representative of both a professional and a personal moral code. For example, the values of responsibility, honesty, integrity, care, and upholding the rules comprised some of participants' professional moral codes. While the values of care, honesty, empathy, compassion, and fairness were evident in their personal moral codes. Similarities between the participants' normative systems were apparent, however, identifiable distinctions were made. These findings parallel Frankena's (1980) theory, which contends that people possess a distinctive moral code that is comprised of a range of values and beliefs.

The analysis also displayed the moral tensions compliance officers experienced between their personal and professional moral codes. Tensions were evident in three main contexts: deliberating about what was right or wrong, fulfilling their role, and determining rule interpretations. Using this research design I also became aware of the respondents constant weighing and deliberations regarding their own personal sense of "morality" with the NCAA's code of morality. Compliance officers consistently weighed whether their decisions were within the parameters of the Association's legislative system, political morality, and within the parameters of their own personal values and beliefs. For example, the compliance officers' indicated that certain NCAA rules unfairly disadvantaged certain athletes yet they continued to comply with NCAA rules. Moral philosophy (Blum, 1994; Sherman, 1989) and business ethics theory (Solomon, 1992) acknowledges the existence of these types of moral tensions. Solomon (1992) suggests that because people who work in organizations come from different backgrounds and possess different values, they will experience these moral tensions in their work. However, little empirical
evidence exists that illustrates the challenges that confront compliance officers in their moral deliberations, or how they address these difficult tensions.

Many compliance officers also relied on their moral intuition in sensing the existence of a moral problem. The analysis showed how they relied heavily on prior experiences that triggered a "gut feeling" that something wasn’t right. Baier (1963) suggests that people do not really have a sixth sense that helps them identify moral problems. Rather peoples’ experiences assist them in becoming more aware of certain situations. Some compliance officers also talked about the phenomenon of hiding behind the rules. These participants believed that some compliance officers used the rules as a shield so as to be void of all moral responsibility. Hiding behind the rules might be one strategy that prevented some compliance officers’ from experiencing or acknowledging the moral tensions they spoke about. Engaging in this type of behavior might be a coping strategy for these compliance officers. A lack of empirical evidence exists to compare or contrast these findings with other comparable administrative circumstances to understanding how administrators rely on their moral intuition to help make moral judgments or use organizational rules to shield them from moral responsibilities.

Moral Perception and Sensitivity

The analysis demonstrated that participants employed three different approaches to rule interpretations and one strategy. Compliance officers’ interpretations were made from a literal reading, a working within the gray, or from a spirit of the rules reading. The participants also employed Dworkin’s (1977) notion of soft discretion. Compliance officers were very selective in gaining an official interpretation because they did not wish to disadvantage their respective institutions. They also believed that representatives from their respective institutions were experienced and knowledgeable enough to make their own interpretations. The findings suggest that compliance officers’ rule interpretations were generally consistent with the overall legislative system and political morality of the NCAA and the Conference (Dworkin, 1977, 1986).

Compliance officers’ understandings of morality underpinned their moral perceptions and sensitivities. The analysis showed that their explanations of what constituted a moral problem reflected their understandings of right and wrong. For example, Sandy and Mike defined a moral problem as when the application of NCAA rules disadvantage a student-athlete and their understanding of right and wrong included the value of fairness and upholding the rules. The compliance officers’ recalled moral problems that were examples of both problems of conflict and relevance. Cognitive psychology moral reasoning or ethical decision making literature does not make this distinction between problems of conflict and relevance (Haan, 1979; Kohlberg, 1981; Rest, 1979). The majority of recall problems identified by the respondents pertained to NCAA rules relating to: eligibility and transfer rules, eligibility and extra benefits rules, and eligibility and amateurism-International student-athlete rules. The compliance officers also discussed problems relating to interpretations of the rules, honesty issues, oversights or making
mistakes, and being asked to violate or “bend the rules”. One explanation for the majority of these recall problems relating to eligibility rules was because student-athlete eligibility is considered a NCAA area of emphasis. This supports the literature, which suggests that peoples’ experiences and the way in which they learn a concept influence their identification and understanding of moral problems (Blum, 1994; Kekes, 1989; Sherman, 1989).

Consistent with displaying a unique normative system, the analysis displayed how each compliance officer possessed distinct moral perceptions and sensitivities. This was demonstrated by several means as the compliance officers all recalled a different moral problem, they varied in their judgments regarding whether a moral problem existed in each of the scenarios, they gave varying reasons explaining why they thought a moral problem did/not exist, and they all identified different salient features in the scenarios. Blum’s (1994), Kekes (1989) and Sherman’s (1989) theories of moral perception and sensitivity are reinforced by these findings. Blum (1994) contends that peoples’ understandings of various moral concepts and their application of these moral concepts are different. Additionally, he maintains that people’s moral awareness of aspects of moral concepts occurs at different levels in particular situations (Blum, 1994). Certain compliance officers were more perceptive to certain situations than others and perceived the particularities of situations differently. This phenomenon was most apparent in the “Church’s Charity” scenario, as the compliance officers’ understanding of amateurism and its application to the situation varied.

Practical Reasoning

The findings have illustrated the interdependent relationship between compliance officers’ conceptions of morality, their moral perceptions and sensitivities, and their practical reasoning. The analysis also displayed how the type of moral problem and case particularities informed the standards of practical reasoning compliance officers used in resolving hard cases. Practical reasoning cannot be initiated without the accurate recognition of a moral problem. Upon the compliance officers’ making such moral discriminations, their understandings of moral concepts related to a situation influenced their practical reasoning. Compliance officers’ understandings of certain moral concepts informed the background information they collected, the questions they asked, the people they interviewed, the people they took into account, and the values they assessed. For example, the compliance officers’ conceptions of appropriate academic assistance, how they learned about the problem, their experience with student-athlete academic counseling services and how they “normally” operate, and NCAA rules influenced how they developed their questions and what kinds of questions to ask.

Compliance offices’ practical reasoning occurred generally within two contexts: deciding among morally acceptable alternatives and resolving moral uncertainties. Because of the nature of compliance officer work, in both contexts the standards of sufficiency and accuracy of information were most crucial in resolving hard cases. The analysis demonstrated compliance officers’ approaches for resolving
practical problems. The findings showed their method for researching relevant Association and Conference rules and past interpretations of the rules, their diligence toward investigating potential major and certain minor infractions, and assessing the information for its accuracy. The standards of envisioned alternatives and their consequences, rational considerations, and consistency were also frequently fulfilled. Where applicable, the respondents outlined all possible options and their outcomes, scrutinized these options to determine which judgment would most realize their desired way of life. Comparing previous cases with new cases was also used as a means of testing the principles that underlined their judgments. In accordance with Contextualist practical reasoning (Wallace, 1988, 1996; Winkler, 1993; Coombs, 1984, 1997) compliance officers used comparative case analysis, assessment of relevant institutional rules, norms, standards, and values, along with appraising NCAA and Conference historical and cultural factors, and resolved problems within the concrete particularities of the situation. Furthermore, compliance officers' practical reasoning also supported Wallace's (1988) claim that morality is dynamic. Over time people's experiences aid in the development of an assortment of strategies which are used to address new ambiguous moral problems.

Lastly, Gough (1994) argued that "... attempts by the NCAA to legislate behavior ... foster myopic, legalistic attitudes that harm and hinder ethical judgment." While the participants' interpretations and deliberations did reflect the rules, I maintain that this not necessarily a problem because they are obligated to abide by the rules. Even though compliance officers might not agree with certain NCAA rules, they are obligated to work within the rules. However, interpretations and deliberations pertaining to open concepts in the rules, and resolving hard cases necessitate practical reasoning. Practical reasoning involves moral reasoning or Aristotle's notion of practical wisdom. Learning how compliance officers navigate through such a complex system in relation to their own normative system is one of the reasons that made this study so interesting. The findings emphasized the complexity in compliance officers' moral thinking, specifically in terms of their interpretations and deliberations of hard cases in a highly formalized and competitive athletic environment.

Theoretical and Methodological Considerations

If this study were framed utilizing Kohlberg's or Rest's approaches to moral development, the results, most likely, would have revealed that compliance officers reasoned at preconventional or conventional levels. Unlike traditional cognitive moral psychology studies of morality and moral functioning, however, this study provided a more comprehensive description of these athletic administrators' real-life moral experiences. As argued throughout the study, Kohlberg's and Rest's theoretical approach and selected methodology in researching moral functioning have influenced many professional ethicists, including sport ethicists, to overlook important aspects of morality and moral
functioning (Walker et al., 1995). This research’s holistic theoretical approach (Coombs, 1984, 1997; Dworkin, 1977, 1986; Frankena, 1980; Wallace, 1988, 1996; Winkler, 1993) and complementary qualitative research design proved to be fruitful for data analysis. In-depth interviewing and using an interview guide that incorporated asking opened ended questions about compliance officers’ everyday moral experiences and the resolution of problems in scenarios provided rich descriptive data about their moral thinking. Their descriptions of their moral experiences and resolution of hard cases provided a broad portrayal of compliance officers’ morality and moral functioning.

Presenting the findings in a descriptive manner was critical to illustrating the complexity of compliance officers’ morality and moral functioning. The interview data was reported in large sections to demonstrate the scope and interrelatedness of these individual’s morality and moral functioning. The analysis of interview data included examining the connection of participants’ understanding of right and wrong, along with their moral perception and sensitivities, how these features informed their moral reasoning, and ultimately what standards of reasoning they employed to resolve work related moral problems. Rest et al. (1999) have criticized interviewing as an appropriate means to examining people’s moral functioning. The holistic presentation of these findings counters Rest et al.’s criticisms, supporting the notion that people can articulate their thoughts, emotions, and actions. The compliance officers displayed the ability to speak about and discuss their moral thinking and deliberations in resolving hard cases. Achieving this aim is based on the assumption that a research study is framed within a holistic theoretical approach (i.e., as I have described), and uses qualitative interviewing. Interviews should entail using an appropriate interview guide, with probing questions. In order to gain a better understanding of people’s every day morality and moral functioning; this type of holistic theoretical approach and qualitative method should be considered.

The findings support the notion that the moral domain consists of more than just one philosophical concept, that is, justice or care. Compliance officers’ working understandings of morality were broad, complex, and underpinned their moral perceptions and sensitivities, and their judgments. In addition to observing compliance officers’ ability to recognize a moral problem and its salient features, the results also showed how compliance officers’ understandings of various moral concepts informed their moral perceptions and sensitivities and their practical reasoning. For example, there were several working definitions of such concepts as amateurism, equal and fair treatment, and academic assistance. Within the field of sport management these concepts are rarely discussed. Furthermore, there is a lack of national discussion of these concepts within the NCAA community. The NCAA tends to make a declaration pertaining to how a concept is defined and a discussion about the concept’s meaning does not arise until a student-athlete’s eligibility is in question. Examining peoples’ moral perceptions is crucial to understanding peoples’ real-life moral functioning (Blum, 1994). Utilizing a Contextualist practical reasoning framework enhanced this analysis. This framework allowed for the varying layers of compliance officers’ moral perceptions and sensitivities to be exposed.
In the realm of sport management, discussions on research design and morality are essentially non-existent. Sport management researchers have generally uncritically adopted quantitative research designs. While the use of quantitative research designs has their place, this approach has limited the field's ability to investigate complex moral practices. To this date, Gough (1995, p. 11) is one of few sport ethicists who has questioned the extent "that moral inquiry in sport can be scientific" and the theoretical constructs, in particular Kohlberg's, that have informed such studies. He stoutly criticized Beller and Stoll's (1995) research for the claims of strong objectivity in their moral development research. Beller and Stoll (1995) have yet to adequately respond to Gough's (1995) criticisms as Stoll's (1999) response to Gough's argument fell short in defending her evaluative and reductionist approach to their research program (Holowchak, 2001). Perhaps one of the outcomes of this research is to encourage the continuation of these critical discussions and explore the benefits of using alternative research methods, such as action research, focus groups, ethnography, or other means of exploring sport managers' moral experiences.

Where do we go from here? Recommendations for Future Research

I have argued that sport management ethics, in general, is an understudied area. Contemporary research has focused on examining athletes' moral reasoning. This study on compliance officers' morality and moral functioning is one attempt to broaden our understanding of the field. While compliance officers and athletes are important units of analysis, sport managers' moral experiences in intercollegiate athletic administration and the sporting industry as a whole also warrant examination. The theoretical considerations highlighted above also suggest that future research should employ a more holistic approach to the study of sport managers' morality and moral functioning. Research should also focus on the examination of sport managers' (from varying sport contexts) moral experiences. In order to facilitate our understanding of what kinds of moral experiences various sport managers encounter and how they address moral problems, recommendations for future research are directed at two main sets of questions. The first set of research questions concentrate on the scope of moral problems that sport managers' experience. These research questions include asking: What kinds of problems do sport managers perceive to be moral and why? Do sport managers in different contexts experience similar moral problems? Are these problems specific to sport management or do these problems occur in other management contexts? The answer to these research questions can expose the range of moral problems sports managers might encounter. This information can be used to help sport ethicists gain further insights into some of the tensions, complexities, and institutional pressures that factor into sport managers' morality and moral functioning. Providing sport managers with this type of information could assist sport managers address some of the difficult moral problems evident within the sporting industry. Broadening our knowledge
about the range of moral problems that sport managers experience, can also assist in sport management ethics courses. To aid in the enhancement of students’ moral perceptions and sensitivities they must become aware of the nature and scope of moral problems in sport management.

The second set of research questions concentrate on investigating sport managers’ moral perceptions and sensitivities. These research questions include asking: What are sport managers’ understandings of various moral concepts? How do sport managers’ interpret and apply such concepts as affirmative action, gender equity, loyalty, or socially responsible marketing? Do sport managers from different contexts have different understandings of these moral concepts or are they similar? Where did sport managers learn or gain an understanding of these moral concepts? Based on these findings, examining sport managers’ understandings of moral concepts is critical in learning more about their conception of morality and their moral functioning. Blum (1994) maintained the importance of people’s understanding of moral concepts informs their levels of salience to particular moral situations. Therefore, critical to the study of sport managers’ morality and moral functioning is unpacking their understanding of various moral concepts in order to enhance the fulfillment of the standards of practical reasoning.

In addition to these questions, recruiting participants and establishing rapport is a challenge for sport ethicists. This study brought to the forefront the reality of overcoming two central challenges in conducting this type of research: the challenge of successfully recruiting sport managers to agree to participate in such a potentially contentious and private topic, and the challenge of establishing rapport. Studying morality and moral functioning is quite a contentious and private subject. People (especially sport managers) naturally are guarded when discussing their own moral approach to their work. More often than not, they want to prove that they are “moral” and say the right thing. Many sport managers are selective in whom they trust (and perhaps rightfully) because of the numerous instances of the media’s sensationalism of certain sport issues. The media’s sensationalism of certain instances has caused athletic personnel to be guarded. Critical discussions need to occur that address this issue. As researchers, we have to ask how we develop partnerships, gain trust, and establish rapport with sport managers in all contexts?

Considerations for Policy and Practice

The Challenge of Diversity: Institutional Philosophies and Moral Characters

The NCAA has received harsh criticisms for their stringent and extensive legislative and rules systems (cf., Gough, 1994; Lumpkin et al., 1999; Zimbalist, 1999). From the outset of the NCAA’s establishment they have experienced instances of rule violations. In 1906 the NCAA rules manual was six pages in length and currently the NCAA Manual (2002-2003) is approximately 437 pages. A cause and effect relationship between the length and complexity of NCAA legislation and a decrease in rules
violations does not seem to exist. NCAA institutional members believe that the only means to curb rule violations and create an equal playing field is through legislation. Generally, most would agree that in any context attempts to legislate moral behavior are futile. Legislation may help guide people towards moral behavior however, legislation cannot guarantee such behavior. Additionally, while NCAA Division I stakeholders possess similar functions they simultaneously embrace different philosophies about the nature and purpose of their intercollegiate athletic programs. Within the assembly of big business athletic programs differences exist among institutional and athletic program goals. For example, Stanford University’s institutional philosophy and athletic goals are different from those of Washington State University, which are also different from The University of California, Berkeley. These Pac-10 institutions’ goals also vary from institutions from other Conferences, such as the Big Ten, the Ivy League, or the Big Sky. These divergent philosophies also suggest that each institution and its member Conference has a distinct moral character that inform institutional and Conference decision making. As previously stated, Blum (1994) argues that our moral make-up informs our understandings of various concepts, which in turn inform moral reasoning. Based on Blum’s (1994) claim, we can assert that the moral character of each institution and their representative Conference informs both the institutions’ and the Conferences’ notion of what constitutes an equal playing field and the type of legislative system that secures this moral ideal. The diverse philosophies among institutions create an enormous challenge for the NCAA and its members in relation to creating a legislative system that can accommodate a variety of moral ideals. This assertion begs the question. What type of legislative system can actually create a level playing field and thus, provide enough latitude to allow autonomous decision making that coincides with the Association’s philosophy.

If we accept the claim that institutions and their member Conferences possess different moral characters then we can also assert that these members will also have different understandings of athletic/moral concepts. In this study, Pac-10 compliance officers’ displayed unique moral characters, their institutions possessed individual moral ideals, and the Pac-10 conference as a whole displayed a unique perspective regarding intercollegiate athletes and a distinctive approach toward compliance. Evidence throughout the NCAA’s legislation and rules manual also exists that demonstrates variances in the meaning and application of such concepts as amateurism, professionalism, student-athlete, non-profit organization, private institution, and so forth. Inconsistent conceptions of athletic/moral concepts written in policies and procedures obviously create much confusion and tension for organizational members.

The NCAA’s attempt to ensure an equal playing field and maintain the notion of amateurism has become increasing problematic for its members. The obvious example of big time athletic programs illustrates this point as athletes and their respective programs are required to maintain a clear demarcation from professional sports. Student-athletes are required to maintain their amateur status and their respective athletic programs are required to operate as non-profit educational organizations. Clearly these

http://www1.ncaa.org/membership/membership_svcs/regional_seminars/8
athletes from Big Time programs fall short considerably, in portraying the notion of an amateur student-athlete. Furthermore, many Big Time programs have operating budgets between $50 million-$70 million dollars, which contradicts the notion of an amateur athletic program. Given the diversity of Institutional and Conferences “moral characters” and their philosophies about higher education and the purpose of intercollegiate athletics I believe that the NCAA should consider “Major” deregulation. In the next section I will explain how I envision major deregulation and the necessary adjustments to the current system to assist in the success of deregulation.

Support for NCAA Deregulation?

Major deregulation in relation to the current NCAA legislative and rules systems would entail Association members agreeing on a system that operates under general agreed upon concepts where decisions are made that reflect those concepts. I propose that two major steps are necessary for NCAA deregulation to succeed. The first step requires teaching and incorporating an interpretative approach as opposed to the current rule book approach with which NCAA members currently operate. The findings from this study supported Dworkin’s (1985, 1986) theory that all rules require interpretation and deliberation and thus reinforce the argument for an interpretive approach to the NCAA legislative and rules systems. The NCAA cannot assume that all reasonable members will agree on what all its terms mean. For example, the NCAA has had longstanding disagreement over about what the term “amateurism” means. Situations constantly arise that challenge the meaning of this term and its application. The NCAA has attempted to control interpretations and deliberations regarding rules interpretations. However, this study illustrates that these compliance officers, who I believe to be reasonable people, varied in their interpretations of moral situations. Nevertheless, they all made judgments that were within the boundaries of the Association’s overall legislative system and political morality.

Given these research findings and Dworkin’s theory of interpretivism the NCAA should teach its members to interpret NCAA rules and resolve hard cases by examining the overall philosophy of the legislative system and political morality of the NCAA. Additionally, in resolving hard cases NCAA members should be taught to research interpretations and judgments of past cases. Coombs (1997), Dworkin (1986), and Wallace (1988) maintain that the purpose of researching the meaning of concepts and their application in past cases is to determine if similar meanings relate to a new case and how those meanings can be applied. In this study, compliance officers showed that they already engage in such interpretation. The respondents frequently indicated that they examine past cases and the intent of the rules to make interpretations and justifications. Compliance officers’ from other Conferences may not consistently employ this interpretative approach in their interpretations and deliberations, which is representative by the number of primary rule violations indicated in chapter one. Evidence, therefore,
exists that Dworkin’s (1986) interpretive approach can be effective. The NCAA’s challenge is to teach all of their members to employ an interpretive approach consistently.

The second step necessary for deregulation to succeed relates to the definition of deregulation. Association members might consider revising the current strict legislative system to a less stringent system where interpretations and deliberations should reflect general agreed upon athletic/moral concepts. In order to develop a general rules system where NCAA members would employ an interpretive approach requires accurately defining their understanding of fairness and amateurism. First, the NCAA should revisit their general purpose and philosophy of intercollegiate athletics. Upon members reaching a general agreement under which the Association should operate then they would proceed to accurately define their notions of fairness and amateurism. The next section provides a suggestion about how these concepts could be characterized and implemented in policy and practice.

Support for National Discussions: Defining the Meaning of Terms

I have argued throughout the thesis that in order to make accurate interpretations of situations people must correctly learn the definition of concepts. Organizations have a responsibility to ensure that their understandings of moral/athlete concepts are accurate, consistent, and correctly written and applied in their policies and procedures. I believe that ensuring the accurate understanding and application of athletic concepts and rules requires ongoing local and national discussions among NCAA members.

Association wide discussions should occur that deliberate the general meanings of various athletic/moral concepts and their application. These discussions should occur at the local and national levels. Individual institutions, conferences, Association administrators, and Association committees should engage in discussions that would allow diverse perceptions of the understandings of specific athletic/moral concepts to be debated. Inclusive type discussions might provide one means of addressing the diverse needs of the Association and creating a more consistent legislation that more aptly represents the overall philosophy and political morality of the Association. These Association wide discussions should also be ongoing. Ongoing discussions will allow the Association to address the changing needs of organizational members in a timely manner. As previously noted, over time the meanings of athletic/moral concepts change; thus, I am recommending that ongoing dialogue occur among organizational stakeholders in order to assist in addressing these changes.

These local and national discussions could also lead to deregulation of NCAA legislation. One outcome of these discussions is that Association members derive general understandings and interpretations of NCAA athletic/moral concepts and rules. These general understandings of concepts and rules can be written as guidelines for decision-making. The guidelines can be more open than the current formalized and closed understanding of concepts and written nature of rules. Thus, interpretations and judgments can be made within the general scope of NCAA legislation and understanding of an equal playing field. During the past five years, Association wide discussions regarding deregulation have been
occuring. However, the complicated nature of NCAA governance and public pressure's to reform college athletics does not support deregulation. Hence, we have observed more regulation than deregulation.

**Developing Member Trust and Accountability**

Association wide discussions might also be an appropriate format to address the lack of trust that exists among Association members. The competitive nature and big business of certain athletic programs creates suspicion and paranoia among NCAA members. NCAA administrators do not trust local athletic administrators, coaches do not trust other coaches, certain compliance officers believe other institutions have an unfair advantage over other institutions, and so forth. The challenge for these member institutions is not to create more legislation, but to communicate openly their goals, objectives, and create general operating guidelines that coincide with their agreed upon understanding of the NCAA's morality.

Finally, member institutions then must be committed to abide by these general guidelines, and, most importantly, hold each other accountable. Accountability should mean being held responsible for one's actions. The NCAA must "hit" institutions that decide to violate NCAA rules where it hurts. That is, in their athletic budgets. For example, considerably decrease television appearances, impose sizable competition restrictions, and impose sizable recruiting restrictions. Additionally, athletic department staffs that violate rules should also be held accountable by means such as salary restrictions, demotions, or suspensions. Deregulation cannot be successful unless the NCAA makes a commitment to holding regarding members accountable. Consistently holding people accountable for their actions develops respect, which in turn develops trust. If member institutions acknowledge that they will be held accountable for their actions, eventually they will learn to operate under an agreed upon legislative and rules system.

One last point, my argument and suggestions for deregulation are not intended to be "the cure" for athletic reform. On the basis of the findings of this study and my own experiences, however, I believe that these suggestions are worthy of discussion.

**Regional Rules Compliance Seminars: Addressing Moral Tensions**

The NCAA holds annual "regional rules compliance seminars" to help compliance officers learn about NCAA legislation and compliance procedures. Given that one of the significant findings that emerged from this research pertained to the moral tensions that the compliance officers' experienced in their work, I believe that the NCAA might consider adding a presentation about this phenomena. The "moral tensions" presentation could provide a general overview of what morality means and how peoples' individual moralities might differ from the Associations' morality. Furthermore, they should discussion of possible coping mechanisms that compliance officers might draw on when they are torn between their moralities and the NCAA's morality would be desirable. Discussions could also focus on the ways people decide right and wrong, and on how their conceptions of right and wrong relate to the moral decisions
they will make as a compliance officer. Another section of the presentation could discuss issues of local
and national concern and how these issues affect compliance officers. Finally, the presentation could have
a section that addresses standards of practical reasoning in relation to compliance work.

The "moral tensions" session could also be directed at all athletic administrators, but I feel the
moral tensions Association members experience might be role specific. Future research into the kinds of
moral tensions sport managers' experience would aid in developing expanded agendas. Seminars could
provide important insights and help for compliance officers. They could assist in enhancing other
compliance officers' awareness of the types of moral problems that occur in compliance work.
Additionally, these seminars could help compliance officers cope with some of the moral challenges they
might experience.

Final Comment

This study has emphasized the complexity of people's everyday moral functioning. Current
literature portrays athletes', coaches', and sport managers' moral reasoning as simple and straightforward.
In contrast, my experience was that compliance officers' conceptions of morality were multifaceted. The
participants' moral codes composed of many values, which informed their moral reasoning in various
contexts. Similarly, compliance officers' moral perceptions and sensitivities, including their
understanding of moral concepts, were specific to each individual. However, their moral judgments were
generally consistent with the NCAA and Pac-10 Conference's legislative systems and notions of justice
and fairness. Athletic administrators have been criticized for their moral judgments lacking thoughtful
deliberation (Gough, 1994; Lumpkin et al., 1999). This study has shown that compliance officers' moral
judgments are not only complex but also deliberate and thoughtful. As recommended by Walker et al.
(1995) and Walker (2000a) research has contributed to our understanding by examining people's
everyday moral deliberations using a holistic theoretical approach and suitable methodology. This
research has advanced our understanding of people's (specifically Pac-10 compliance officers) moral
deliberations in intercollegiate athletics, and it has pointed to areas of future investigation of sport
managers' morality and moral functioning.
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197


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200


Athletic Administrative Problems

1. Academic Assistance

An academic counselor is helping Danielle, a junior on the women's basketball team, write a research paper on “the effects of poverty on education” for her Issues in Education class. Danielle tries really hard in school but struggles academically. She is currently maintaining a 2.0 g.p.a. and is holding a C- in her Issues in Education class. She wants to do really well in her final paper or she could get a D and perhaps fall below the required minimum 2.0 g.p.a. to be eligible to play during the winter quarter. The academic counselor is sitting at a computer with Danielle helping her organize and clearly articulate her ideas. The academic counselor asks Danielle questions and then types her ideas and thoughts as they converse. The academic counselor has helped other athletes similar to Danielle on rare occasions. Danielle finishes her paper and receives a B-.

a) Is there an ethical problem in this scenario? Why? Why not?
b) What are the ethical points in this situation? Why?
c) Is this scenario an incidence of academic fraud? Why? Why not?
d) If you had to deal with this situation what would you take into account? And who would you take into account? Why?
e) What do you think you should do?
f) Are there any factors that would change your decision? Why? Why not?
2. Church’s Charity

Sarah is a freshman volleyball player at Northern University-ranked nationally in the top 5 for NCAA Division 1-A women’s volleyball and has won 4 NCAA National titles in the last 10 years. Sarah was recruited from Thornton Academy for girls, where she earned High School All-American honors in her junior and senior years. Thornton Academy also won the State girls’ volleyball titles in both of those years. Sarah graduated with a 3.1 g.p.a., which is a remarkable improvement from her 1.7 she earned while at City High School in Chicago, IL. City High School was ranked last for academic achievement and the volleyball program was average.

Sarah’s mother is a single parent and earns $12,000/year as a receptionist for a local company. Sarah and her mother are members of the local First St. Baptist church. Sarah was able to enroll at Thornton Academy (a private girls high school) when her local church awarded her a $10,000 scholarship her junior and senior years to pay for tuition. The scholarship has been awarded to other needy high school church members to attend Thornton Academy but the scholarship is not awarded on an ongoing basis. The protocol for the scholarship is not clearly defined. Awards tend to be based on the circumstances of needy members, extracurricular activities, and available church funding.

The Pastor of the church is a close friend with the principal and volleyball coach at Thornton Academy as they are active members in the church. The Pastor is not a booster to any institution of higher education. The Pastor was concerned about Sarah’s future since her grade point average was so low and he felt that she had a lot of potential and if she could just be in a more positive academic environment she might gain entrance into University and perhaps gain an athletic scholarship. The principal and volleyball coach agreed with the Pastor and suggested the scholarship should be ongoing in an effort to help other students in a similar circumstance to Sarah. A scholarship fund was established by the church community raising money from portions of the weekly tithes received from the congregation and from other donations to the church.

a) Is there an ethical problem in this scenario? Why? Why not?
b) What are the ethical features (points) in this problem? Why?
c) If you had to deal with this situation what would you take into account? And who would you take into account? Why?
d) What do you think you should do? Why?
e) Are there any factors that would change your decision? Why? Why not?
3. Drug Testing

The men's basketball coach has just signed one of the nation’s top-ten high-school recruits, “A McDonald’s All-American”. After last year’s disappointing 14-16 record and a fifth placing in the conference the head coach is under a lot of pressure to have a winning season. The coaching staff worked really hard at recruiting and successfully signed a player who could help them toward achieving a winning record and into post-seasonal play. However, this incoming High School All-American men’s basketball player refuses to consent to NCAA drug testing because of the following reasons: 1) the rest of the campus population that is on scholarship is not singled out for drug testing, 2) he should not have to waive his Fourth Amendment right, and 3) he states that he competes on his own merits, and does not use performance enhancing drugs. He believes that athletic organizations have no moral or legal authority to force him to consent to be drug tested. The basketball player informs his coach that he will pursue legal action if he is required to sign the NCAA’s drug testing consent form.

a) Is there an ethical problem in this scenario? Why? Why not?
b) What are the ethical features (points) in this problem? Why?
c) If you had to deal with this situation what would you take into account? And who would you take into account? Why?
d) What do you think you should do? Why?
e) Are there any factors that would change your decision? Why? Why not?
Appendix B: Scenarios and Standards of Practical Reasoning

Academic Assistance Scenario

1. **Accurate recognition of moral problem:**
   Is it wrong that the academic counselor was typing Danielle’s thoughts and ideas given institutional and NCAA rules (see pages 7 & 8) relating to academic support and extra benefits?

2. **Salient Features:**
   The counselor sitting at the computer typing Danielle’s thoughts and ideas. Competing values between keeping the athlete eligible versus the importance of an athlete receiving a legitimate education. The counselor has helped other athletes. This one grade will potentially keep Danielle eligible. Potential academic fraud and could affect the institution's integrity.

3. **Is the problem one of conflict or relevance?**
   Problem of relevance because there is a question as to whether the counselor typing Danielle’s thoughts and ideas constitutes improper academic support, given NCAA and institutional rules. If the counselor’s help constitutes improper academic support then the situation moves to a problem of conflict as Danielle and the counselor have now violated institutional/ NCAA rules relating to appropriate academic support.

4. **Category of decision: Individual or Social?**
   Social decision as people are attempting to determine whose benefit is to be maximized and to what degree, and is this a morally acceptable action. For example, did Danielle receive academic support that provided her with an unfair advantage from other students and student-athletes.

   **What people are involved in the decision?**
   a) Compliance officer
   b) Academic counselor
   c) Athletic director
   d) Possibly the director for Conference compliance
   e) Possibly the NCAA Conference representative for compliance

   **What people are taken into account?**
   a) Danielle
   b) Counselor

   **What values are involved in the decision?**
   a) Academic integrity/honesty/fairness
   b) Helping a student-athlete succeed
   c) Keeping athletes eligible to participate

   **Deliberation:**
   Deciding among morally acceptable alternatives and their consequences; and Gathering all necessary background information and accessing the information:

   **Gathering all necessary Background information:**
   a) Determine exactly what happened in the situation.
   b) Interview all relevant people:
   Danielle, Counselor, other athletes the counselor has helped, athletic counseling office staff, general institutional counseling office staff, witnesses to Danielle receiving help, team members, and the instructor.
c) Verify NCAA rules on academic assistance; verify institutional and athletic policies on academic assistance.

d) How did the compliance officer discover the incident? Was it from the athlete; gossip; another athlete; another institution; Conference office; another counselor; was it reported through resentment or concern for athlete/counselor/institution. Determining who reported the incident is relevant in this case because where the report was initiated will influence the magnitude of the case. For example, did the report come from the Pac Ten Conference office, thus the institution could be under an official investigation and not able to self-report the incident if deemed improper academic support. Or did the report come internally from a jealous teammate or from a staff member who overheard what had happened. An internal report allows the institution to perform its own investigation and if required self report incident and address incident internally, which would lead to less media scrutiny.

Assessing the accuracy of information through appraisal of reliability of statements made by alleged authority(s) and detecting hidden assumptions.

Requires interviewing the following people:

- **Danielle**—what kind of help did you receive; how much did you write; do you have any drafts; why didn’t you type your own thoughts and ideas; has this counselor helped you before;
- **Counselor**—what kind of help did you provide; how much did you write; did Danielle write any drafts; why didn’t Danielle type her own thoughts and ideas; have you helped Danielle before; who else have you helped and what kind of assistance did you provide;
- **Institutional advisors**—determine if this type of academic service is permissible within institutional guidelines; if any extenuating circumstances were permissible;
- **Athletes**—why did they obtain help from this counselor; how did the athletes find out about this counselor; is this the only person who is available for assistance;
- **Compliance person**—have you had to talk with the counselor in the past; how long has the counselor been working with the athletic department—is it just an oversight due to inexperience.
- **Experts**—Conference compliance coordinator—provide a hypothetical and get his insight on interpretation of rule(s); faculty representative insight;
- **Colleagues**—talk with other compliance officers from different institutions and provide them with a hypothetical in order to gain their insight regarding how they would interpret and apply the rules; then determine if the stories match between Danielle and the counselor; are they different; where do they conflict; are the sources credible; what arguments support the evidence?

What has happened in past cases at this institution and at other institutions (such as Minnesota or Tennessee); can past experiences of the compliance person relate to the present situation; has enough time been spent on collecting all necessary information and deliberations.

5. **Identify alternatives:**

(a) Identify the alternative courses of action (make sure all alternatives are included).

(b) Should other people be consulted to help identify alternatives?

Three alternatives courses—ranked in order—detailed below:

I) Determined the situation constitutes improper academic support. Report incident and accept consequences as per NCAA rules.

II) Determined improper academic support; however, do not report incident but fire counselor and restructure student-athlete counseling services.

III) If determined the situation does not constitute improper academic support and no action is taken. Do not report incident and no negative consequences.

In all cases the athletic director and coach will be notified and the alternatives approved by him/her.

6. **Assessing the alternatives and consequences of the situation** (Determine how likely the consequences will occur. Evaluate the consequences from the reasons given—legal, moral, economic,
prudential and use principle testing to test one’s answers: universal, new cases, subsumption, and role exchange tests):

I. If determined improper academic support

Danielle:

a) Contact instructor and Danielle will most likely receive a failing grade; institution could suspend student for plagiarism.
b) Receives a failing grade and becomes ineligible.
c) Is declared academically ineligible and is not allowed to participate during the winter term; coach is furious

Danielle’s Team/Coach:

a) Team level of success is potentially influenced by Danielle’s ineligibility (Team could be more successful, unsuccessful, or not affected).
b) Team’s level of success potentially affects next season’s recruiting because recruits do not want to sign with a losing team or with a school that is on NCAA probation.

Counselor:

a) Instructed not to type any of athletes school work.
b) Reprimanded, potentially demoted (not allowed to work with student-athletes), or fired from his/her position.

Institution:

a) Investigated by the NCAA and found guilty of a lack of institutional control and sanctioned losing scholarships.
b) The athletes that the counselor helped were all found to have submitted fraudulent schoolwork and deemed ineligible.
c) The ineligible athletes potentially affects several sports, which could possibly harm the teams’ scholarship allocations, televising of games, post season play, future recruiting, and possibly other related factors.
d) Negative media affects the reputation of the institution, which affects booster donations.

Compliance person:

a) If compliance person ignores issue could lead to potentially losing their job because he/she has not adequately understood, educated the department members about NCAA academic assistance rules, and enforced these rules.
b) If found guilty of not performing duties could affect him/her from finding future work in compliance or working in collegiate athletics (“black balled”).

Assess these consequences:

a) Are these consequences consistent with past cases?
b) Are these consequences consistent with human, institutional, and NCAA values?
c) Tradeoffs for decision-honesty (following the rules) versus eligibility (keeping Danielle eligible to participate); athletics (participation and winning) versus academics (Danielle learning and gaining an education); institutional integrity (maintaining the reputation of the university) versus athletics (winning and booster support).

II If determined academic fraud; fire counselor and restructure student-athlete academic counseling services

Danielle:

a) Maintains good academic standing
b) Maintains eligibility and able to participate.
Danielle’s team/coach:
a) Team might be successful, unsuccessful, or unaffected by her eligibility.
b) Team’s level of success potentially affects next seasons’ recruiting. Winning attracts recruits as they wish to sign with a successful team, athletic program, and reputable institution.

Counselor:
a) Looses his/her position

Institution:
a) Restructures student-athlete academic counseling services; athletes use the institutions’ academic student services.
b) Maintains reputable image
c) Continues to be financially supported by boosters.

Compliance person:
a) Maintains his/her position.
b) Receives letter of reprimand from athletic director for not fulfilling responsibilities and ensuring institutional compliance with NCAA rules.

Assess these consequences:
a) Are these consequences consistent with past cases?
b) Are these consequences consistent with human, institutional, and NCAA values?
c) Tradeoffs for decision-honesty (following the rules) versus eligibility (keeping Danielle eligible to participate); athletics (participation and winning) versus academics (Danielle learning and gaining an education); institutional integrity (maintaining the reputation of the university) versus athletics (winning and booster support).
d) Possible solution if the situation was within NCAA rules and within what the institution deems acceptable academic support.

III. If determined the situation does not constitute improper academic support and no action is taken

Danielle:
a) Receives her earned grade and is in good academic standing.
b) Is eligible to participate in winter term.

Danielle’s team/coach:
a) Team might have either successful or unsuccessful season.
b) Team’s level of success potentially affects next season’s recruiting. Winning attracts recruits as they wish to sign with a successful team, athletic program, and reputable institution.

Counselor:
a) Maintains his/her position

Institution:
a) Maintains reputable image
b) Continues to be financially supported by boosters.

Compliance person:
Argues to Conference compliance official that counselor’s support services were not inappropriate as he/she was typing Danielle’s thoughts and ideas.
Is able to defend that the counselor was providing a service that is available to all students.
Maintains his/her position.
Assess these consequences:

a) Are these consequences consistent with past cases?
b) Are these consequences consistent with human, institutional, and NCAA values?
c) Tradeoffs for decision-honesty (following the rules) versus eligibility (keeping Danielle eligible to participate); institutional integrity (maintaining the reputation of the university) versus athletics (winning and booster support).

Making and testing the alternatives:

a) Have they considered other people's point of view in the scenario; For example, counselor's, Danielle's, coach, or counselor's supervisor's view point.
b) Were there any extenuating circumstances-new cases assessment

7. Decision:
Choose best course of action

8. Action:
Implement decision.
Practical Reasoning Outline
Church's Charity Scenario

1. Accurate recognition of moral problem:
Given NCAA rules on amateurism does Sarah's scholarship to attend Thornton Academy affect her eligibility; and given NCAA rules (see Appendix C) on academics does Sarah’s increased grade point average seem fraudulent.

2. Is the problem one of conflict or relevance?
Problem of relevance as there is a question as to whether or not Sarah receiving the scholarship from Thornton Academy constitutes being professional given NCAA rules on amateurism; and does Sarah’s increased grade point average constitute fraudulent awarding of grades. If Sarah’s scholarship award is considered to be outside NCAA amateurism rules then the situation is considered a problem of conflict as NCAA rules were violated. In addition, if Sarah’s grade point average is determined fraudulent then that component of the situation becomes a problem of conflict as she received grades she did not truly earn.

3. Salient Features:
NCAA legislating athlete’s prior relationships
Athlete’s grade point average dramatically increased in a short period of time
Past NCAA cases relating to amateurism
Church’s criteria for awarding the scholarship.

4. Category of decision: Individual or social?
Social decision as people are attempting to determine whose benefit is to be maximized and to what degree, and is this a morally acceptable action? That is, was Sarah’s scholarship awarded on the basis of certain criteria that provided her with an unfair advantage from other students and student-athletes, and is this advantage morally acceptable? Were Sarah’s Thornton Academy grades fraudulent and thus, provide her with an unfair advantage over other students and student-athletes, and is this advantage morally acceptable?

What people are involved in the decision?
a. Compliance officer
b. Athletic director
c. Possibly the Conference director for compliance
d. Possibly, the NCAA Conference representative for compliance.

What people are taken into account?
a. Sarah
b. Sarah’s mother
c. Church scholarship committee/community
d. Pastor
e. Coach
f. Principal

What values are involved in the decision?
a. Fairness-criteria for awarding the scholarship include athletic ability
b. Is it fair that the NCAA legislates how a student-athlete’s education can be funded?
c. Helping a student-athlete succeed/caring.

Deliberation:
Deciding among morally acceptable alternatives and their consequences; and
Gathering all necessary background information and accessing the information.
Gathering all necessary Background information:
a) Determine exactly what happened in the situation.
b) Interview all relevant people:
   Sarah, Sarah's mother, Pastor, Principal, Volleyball Coach, Thornton Academy admissions staff,
   Thornton Academy academic counselor
c) Verify NCAA rules on amateurism and academics.
d) Verify church's scholarship criteria and previous scholarship award winners.
e) How did the compliance officer discover the incident? Was the information from Sarah's eligibility
   form? If so, then the compliance person could conduct their own investigation and provide an
   interpretation; or, was the Pac-10 Conference or NCAA contacted from another institution informing
   them of Sarah's scholarship and grades, which would initiate a possible NCAA or Conference
   investigation and if rule violations were found then the potential consequences could be detrimental to all
   involved.

Assessing the accuracy of information through appraisal of reliability of statements made by
alleged authorities and detecting hidden assumptions.

Requires interviewing the following people:

Sarah: How did you find out about the scholarship; what did you have to do to apply; why did you apply
for the scholarship; when were you notified that you had won the scholarship; how long have you and
your mom been members of the church; how long have you known the Pastor, principal, and volleyball
coach; are there any other church members who are related to Thornton Academy; what kind of academic
counseling have you received at Thornton Academy;

Sarah's mother: How did you find out about the scholarship; what did you have to do to apply; why did
you apply for the scholarship; when were you notified that you had won the scholarship; how long have
you and your daughter been members of the church; how long have you known the Pastor, principal, and
volleyball coach; are there any other church members who are related to Thornton Academy; are you
aware of the kind of academic counseling that Sarah has received at Thornton Academy?

Pastor: How long have Sarah and her mom been members of the church; what was the application
procedure for the scholarship; what was the criteria for awarding the scholarship; how is the scholarship
funded; who is responsible for determining the scholarship award winner(s); who has won the award in
the past; have any of those award winners attended Northern University; were any of the award winners
athletes and are now participating in collegiate athletics at Northern University or participating in athletics
at any other NCAA institution; are there any church members who are associated with Thornton
Academy or Northern University; what is the nature of the relationship to those institutions?

Principal: what was the criteria for awarding the scholarship; how is the scholarship funded; who is
responsible for determining the scholarship award winner(s); who has won the award in the past; have any
of those award winners attended Northern University; were any of the award winners athletes and are now
participating in collegiate athletics at Northern University or participating in athletics at any other NCAA
institution; are there any church members who are associated with Thornton Academy or Northern
University; what is the nature of the relationship to those institutions?

Volleyball coach: what was the criteria for awarding the scholarship; how is the scholarship funded; who is
responsible for determining the scholarship award winner(s); who has won the award in the past; have any
of those previous award winners attended Thornton Academy or Northern University; were any of the
award winners athletes? Which of those athletes participated at Thornton Academy, and are any currently
participating in collegiate athletics at Northern University, or participating in athletics at any other NCAA
institution; are there any church members who are associated with Thornton Academy or Northern
University; what is the nature of the relationship to those institutions?

Thornton Academy admissions staff: how was Sarah's scholarship funded; what is the relationship
between the church and Thornton Academy; do many of your students attend Northern University?

Thornton Academy academic counselors: explain the reasons for Sarah's grade improvements; what
kind of academic assistance does she receive; what courses has she taken?

Then determine if the stories match between all parties; are they different; where do they conflict; are the
sources credible; what arguments support the evidence?
Where there any extenuating circumstances? What has happened in past cases at this institution and at other institutions; can past experiences of the compliance person be applied to the present situation; has enough time been spent on collecting all necessary information and engaging in deliberations?

5. Identify alternatives:
(a) Identify the alternative courses of action (make sure all alternatives are included).
(b) Should other people be consulted to help identify alternatives?

Six alternative courses of action ranked in order and detailed below:
I) Determined a case of professionalism that violates NCAA rules but not determined a case of academic fraud. Decide to report incident and accept consequences as per NCAA rules.
II) Determined a case of professionalism that violates NCAA rules but not determined a case of academic fraud. Decide not to report incident.
III) Determined a case of academic fraud and violates NCAA rules and determined not a case of professionalism and the scholarship was within NCAA rules. Decide to report incident and accept consequences as per NCAA rules.
IV) Determined a case of academic fraud that violates NCAA rules and determined not a case of professionalism and the scholarship was within NCAA rules. Choose not to report incident.
V) Determined cases of professionalism and academic fraud that violates NCAA rules. Report incidences and accept consequences as per NCAA rules.
VI) Determined that the incidences in the scenario constitute professional and academic fraud that violates NCAA rules. Do not report incidences to NCAA.

In all cases the athletic director and coach will be notified and the alternatives will be approved by the athletic director or other senior executives.

6. Assessing the alternatives and consequences of the situation (Determine how likely the consequences will occur. Evaluate the consequences from the reasons given-legal, moral, economic, prudential and use principle testing to test ones answers: universal, new cases, subsumption, and role exchange tests).

I. Determined a case of professionalism that violates NCAA rules and not a case of academic fraud. Decide to report incident and accept consequences as per NCAA rules:
Sarah: Sarah will most likely have to sit out a certain number of games or repay the scholarship amount as per NCAA rules.
Sarah’s mother: Sarah’s mother might have to help repay the scholarship money.
Sarah’s team/coach: have to play certain amount of games without Sarah; team’s level of success is potentially influenced by Sarah’s ineligibility (team could be more successful, unsuccessful, or unaffected). Team’s level of success potentially affects next season’s recruiting because recruits do not want to sign with a losing team or with a school that is on NCAA probation. Could potentially negatively affect team and by affecting future recruiting because of possible NCAA sanctions.
Church: may have to change their criteria for awarding scholarships to attend Thornton Academy.
Thornton Academy: might be investigated by high school athletic association for recruiting athletes, depending on state high school recruiting rules.
Institution: possible NCAA sanctions; however, due to the circumstances the institution might be able to appeal any imposed NCAA sanctions.

Assess these consequences:
a) Are these consequences consistent with past cases?
b) Are these consequences consistent with human, institutional, and NCAA values?
c) Tradeoffs for decision-honesty (upholding the rules) versus eligibility (keeping Sarah eligible to participate); honesty (upholding rules) versus finances (not having to repay money); Institutional integrity (maintaining the reputation of the university) versus athletics (winning).
d) NCAA sanctions—due to the nature of circumstances the institution might be able to appeal any imposed NCAA sanctions.

II. Determine a case of professionalism that violates NCAA rules but not determined a case of academic fraud. Decide not to report incident.

Sarah: maintains her athletic eligibility and does not have to repay the scholarship money. Also, maintains her academic standing at the institution.

Assess these consequences:
If investigation determines an incident of professionalism, the following are potential consequences based on past cases:

Sarah: Sarah will most likely have to sit out a certain number of games or repay the scholarship amount as per NCAA rules. Experience high levels of emotional stress.
Sarah’s mother: Sarah’s mom might have to help repay the scholarship money. Experience high levels of emotional stress.
Sarah’s team/coach: possibly affect team, might lose games because Sarah cannot participate; could affect recruiting depending on the severity of the sanctions that are placed on the institution
Institution: the institution could receive minimal to severe penalties because they did not self-report. The institution is willing to take this chance because they feel they can successfully appeal any contrary interpretations and imposed sanctions.
Thornton Academy: might be investigated by high school athletic association for falsifying academic records.

Also assessing
a) If the consequences are consistent with human, institutional, and NCAA values?
b) The tradeoffs for decision-honesty (upholding the rules) versus eligibility (keeping Sarah eligible to participate); honesty (upholding rules) versus finances (not having to repay money); institutional integrity (maintaining the reputation of the university) versus athletics (winning).

III. Determine a case of academic fraud, that violates NCAA rules, and not a case of professionalism and the scholarship is within NCAA rules. Decide to report incident and accept consequences as per NCAA rules:

Sarah: Sarah will lose some if not all of her eligibility because she is deemed a non-academic qualifier for participation and financial aid. She could be placed on academic probation/expulsion based on the institution’s guidelines for having falsified grades.

Sarah’s team/coach: could negatively or positively affect success of team because Sarah cannot participate; could potentially affect recruiting depending on the severity of the sanctions that are placed on the institution.

Assess these consequences:
a) Are these consequences consistent with past cases?
b) Are these consequences consistent with human, institutional, and NCAA values?
c) Tradeoffs for decision-honesty (upholding the rules) versus eligibility (keeping Sarah eligible to participate); athletics (ADD) vs. academics (ADD)
d) NCAA sanctions—due to the nature of circumstances the institution might be able to appeal any imposed NCAA sanctions.

IV: Determined a case of academic fraud that violates NCAA rules and not a case of professionalism and the scholarship is within NCAA rules. Choose not to report incident.

Sarah: maintains her eligibility and is eligible to participate.
No immediate negative consequences for Thornton Academy, church, institution, and compliance person. However, there could potentially be negative consequences for the above parties if Conference/NCAA investigation carried out and evidence supports that Sarah violated NCAA rules.

If investigation determines an incident of academic fraud, the following are potential consequences based on past cases:

Sarah: will most likely lose the majority of her eligibility because she will probably be deemed a non-qualifier (due to her fraudulent grades); this decision could possibly be appealed depending on her SAT/ACT scores or her current grades, which suggest she has been a successful student. Or the institution could possibly be expelled from the institution for having falsified grades. Experience high levels of emotional stress.

Sarah's team/coach: possibly affect team, might lose games because Sarah cannot participate; could affect recruiting depending on the severity of the sanctions that are placed on the institution.

Institution: the institution could receive minimal to severe penalties because they did not self-report. The institution is willing to take this chance because they feel they can successfully appeal any contrary interpretations and imposed sanctions.

Also assessing:

a) If the consequences are consistent with human, institutional, and NCAA values?

b) The tradeoffs for decision-honesty (upholding the rules) versus eligibility (keeping Sarah eligible to participate); institutional integrity (maintaining the reputation of the university) versus athletics (winning).

V: Determined cases of professionalism and academic fraud that violates NCAA rules. Report incidences and accept consequences as per NCAA rules:

Sarah: Sarah will most likely have to sit out a certain number of games or repay the scholarship amount as per NCAA amateurism rules. Or Sarah will mostly lose the majority of her eligibility because she will probably be deemed a non-qualifier (due to her fraudulent grades); this decision could possibly be appealed depending on her SAT/ACT scores or her current grades, which suggest she has been a successful student. Experience high levels of emotional stress.

Sarah's mother: Sarah's mother might have to help repay the scholarship money.

Sarah's team/coach: have to play certain amount of games without Sarah; could potentially negatively affect team; could potentially negatively affect future recruiting because of NCAA sanctions.

Institution: Could possibly create a negative image for the institution because they have recruited an ineligible student-athlete.

Church: may have to change their criteria for awarding scholarships to attend Thornton Academy.

Thornton Academy: may be investigated by high school athletic association for recruiting athletes and falsifying academic records, depending on state high school recruiting rules.

Assess these consequences:

a) Are these consequences consistent with past cases?

b) Are these consequences consistent with human, institutional, and NCAA values?

c) Tradeoffs for decision-honesty (upholding the rules) versus eligibility (keeping Sarah eligible to participate); athletics vs. academics

d) NCAA sanctions—due to the nature of circumstances the institution might be able to appeal any imposed NCAA sanctions.

VI: Determined that the incidences in scenario constitute professional and academic fraud that violates NCAA rules. Do not report incidences to NCAA.

Sarah: Maintains her eligibility and does not have to repay the scholarship money. She is able to stay enrolled at the institution.
No immediate consequences for Thornton Academy, church, institution, and compliance person. However, there could potentially be negative consequences for all parties if a Conference/NCAA investigation is carried out and evidence supports that Sarah violated NCAA rules. If investigation determines incidences of professional and academic fraud, the following are potential consequences based on past cases:

**Sarah:** will lose her eligibility, and potentially could be expelled from the institution for having fraudulent transcripts. Experience high levels of emotional stress.

Team would have to compete without her and emotional stress endured by all involved.

**Institution:** NCAA will impose sanctions; decrease amount of scholarships and place institution on probation; NCAA could declare a lack of institutional control, which would result in severe sanctions for the institution. Thus, the severity of the sanctions will most likely create a negative image for the institution because they have recruited an ineligible student-athlete and did not self-report possible violations.

Also could create negative image for the institution because they chose not to self-report possible violations.

**Compliance officer:** Possibly face formal reprimand or terminated depending on the severity of the sanctions and if the institution seeks a “fall guy”.

**Church:** may have to change their criteria for awarding scholarships to attend Thornton Academy.

**Thornton Academy:** depending on state high school recruiting rules, might be investigated by high school athletic association for recruiting athletes.

**Also assessing:**

a) If the consequences are consistent with human, institutional, and NCAA values?

b) The tradeoffs for decision-honesty (upholding the rules) versus eligibility (keeping Sarah eligible to participate); institutional integrity (maintaining the reputation of the university) versus athletics (winning).

**Making and testing the alternatives:**

a) Have they considered other people’s point of view in the scenario;

b) Were there any extenuating circumstances-new cases assessment

7. **Decision:**

Choose best course of action

8. **Action:**

Implement decision.
Practical Reasoning Outline
Drug Testing Scenario

1. Accurate recognition of moral problem:
Should the basketball player have to follow NCAA drug testing rules (see Appendix C), waive his Fourth Amendment right, and be subjected to unlawful search and seizure and sign the consent to drug testing form in order to participate at a NCAA member institution.

2. Salient Features:
The athlete might be using illegal/banned drugs.
The athlete doesn’t want to follow NCAA rules.
Weighing the pressure to win versus breaking NCAA drug testing rules.
Having to waiver one’s fourth Amendment right to be able to participate.
Is this rule unfair because it singles out one group of the student population for drug testing and not others on scholarship?
Should private groups be able to have rules that might be considered discriminatory/unconstitutional?

2. Is the problem one of conflict or relevance?
Considered a problem of conflict, as the athlete doesn’t want to sign and submit to NCAA drug testing. However, the athlete cannot participate without signing the drug-testing consent form.

3. Individual or social decision?
Social decision?? Help???

What people are involved in the decision?
a. Basketball player
b. Coach
c. Basketball player’s family

What values are involved in the decision?
a. Fairness
b. Following the NCAA drug testing rules
c. Helping a student-athlete succeed/caring

Deliberation:
Deciding among morally acceptable alternatives and their consequences; and
Gathering all necessary background information and accessing the information:

Gathering all necessary background information:
a) Determine exactly why the basketball player does not wish to sign the drug testing consent form and if he fully understands the consequences of choosing not to sign.
b) Interview all relevant people:
The basketball player, the basketball players’ parents, the coach, and the institution’s athletic representative/athletic director.
c) Verify NCAA rules on consent to drug testing; verify institutional and athletic policies on drug testing.
d) Collect any data that explains legal precedence.

Determine the accuracy of information:
Interview the following people:
Basketball player: determine the reason(s) why he wishes not to sign the consent form; determine if any other reasons exist for not signing the consent form that are not already articulated. Explain the procedures and the reasons for the drug testing rules.
Basketball player’s parents: why do they think their son is refusing to sign the consent form; has their son shown a pattern of supporting human rights issues; is there an suspicion of drug use; does he
understand the process;

**Coach:** why is the athlete insisting on not signing the drug testing consent form; what does the coach know about the player and the players’ family;

**Institutional advisors:** what are the legal rights of the institution and the basketball player.

Determine why the basketball player doesn’t want to sign the consent form; is it because he has a drug problem and is scared; is he an activist and wants to make a public statement; do any conflicts exist among the various statements; are the sources credible; what arguments support the evidence.

Were there any extenuating circumstances for the athlete not signing: is he on medication, is his high school coach pressuring him to use illegal drugs, having personal problems, and so forth.

What has happened in past cases at this institution and at other institutions (such as, Stanford and Washington); can past experiences of the compliance person relate to the present situation; has enough time been spent on collecting all necessary information and deliberations;

4. **Identify alternatives:**
Identify the alternative courses of action (make sure all alternatives are included).
Should other people be consulted to help identify alternatives?

**Four alternatives courses-ranked in order:**

I) Sign the consent form and be eligible to practice.
II) Sign the consent form and provide the basketball player with drug counseling (if deemed the player has a drug use problem).
III) Do not sign the consent form and take legal action against the institution; and possibly receive eligibly to practice until court case is heard; mostly will lose case and will not be eligible to participate until he signs form.
IV) Do not sign consent form and the athletic department allows the basketball player to participate; however, if the NCAA discovers the rule violation the NCAA will impose sanctions.

In all cases the athletic director and coach will be notified and the alternatives approved by him/her.

5. **Assessing the alternatives and consequences of the situation:**

I. **Sign the consent form and be eligible to practice:**
Basketball player is able to participate as the rules have been adhered to.

II. **Sign the consent form and provide the basketball player with drug counseling (if deemed the player has a drug use problem):**
The basketball player is able to participate and receives necessary counseling to help with his drug problem.
The institution will not receive any penalties from the NCAA because they have upheld drug testing rules.

III. **Do not sign the consent form and take legal action against the institution; and possibly receive eligibly to practice until court case is heard; mostly will lose case and will not be eligible to participate until he signs form:**
Basketball player is not eligible to participate and hires a lawyer; could be very costly and enduring; the court case could take several years before it is heard; the athlete might be able to receive a reprieve from a judge be able to participate; however, if the athlete loses the case the institution will have to forfeit the games he participated in and potentially repay any money received for winning; also the institution will be imposed with NCAA sanctions for playing an ineligible student-athlete. NCAA sanctions could negatively affect recruiting and institutional financial support. Recruits will not want to play for a team that is on NCAA probation and hence could affect their potential for winning; this in turn can lead to losing booster support because donations are based on success and the reputation of the institution.

IV. **Do not sign consent form and the athletic department allows the basketball player to participate; however, if the NCAA discovers the rule violation the NCAA will impose sanctions:**
The basketball player can participate. No immediate consequences for the institution; however, if the NCAA discovers that the athlete did not sign a drug testing consent form and was allowed to participate serious sanctions could be placed on the institution. The institution will have to forfeit the games the athlete participated in and potentially repay any money received for winning; also the institution will be imposed with NCAA sanctions for playing an ineligible student-athlete. NCAA sanctions could negatively affect recruiting and institutional financial support. Recruits will not want to play for a team that is on NCAA probation and hence could affect their potential for winning; this in turn can lead to losing booster support because donations are based on success and the reputation of the institution.

**Assess these consequences:**

a) Are these consequences consistent with past cases?

b) Are these consequences consistent with human, institutional, and NCAA values?

c) Tradeoffs for decision-honesty (following the rules) versus eligibility (allowing athlete to participate); institutional integrity (maintaining the reputation of the university) versus athletics (winning and booster support); following the rules and providing help for the athlete (drug counseling)

7. **Decision:**
Choose best course of action

8. **Action:**
Implement decision.
Academic Assistance Scenario

Academic Assistance and Extra Benefits: Rules

14.1.3 Student-Athlete Statement

14.1.3.1 Content and Purpose. Prior to participation in intercollegiate competition each academic year, a student-athlete shall sign a statement in a form prescribed by the Management Council in which the student-athlete submits information related to eligibility, recruitment, financial aid, amateur status, previous positive drug tests administered by any other athletics organization and involvement in organized gambling activities related to intercollegiate or professional athletics competition under the Association’s governing legislation. Failure to complete and sign the statement shall result in the student-athlete’s ineligibility for participation in all intercollegiate competition. Violations of this bylaw do not affect a student-athlete’s eligibility if the violation occurred due to an institutional administrative error or oversight, and the student-athlete subsequently signs the form; however, the violation shall be considered an institutional violation per Constitution 2.8.1. (Revised: 1/10/92 effective 8/1/92, Revised: 1/14/97, 2/19/97)

14.1.3.2. Administration. The institution shall administer this form individually to each student-athlete prior to the individual’s participation in intercollegiate competition each year. Details about the content, administration and disposition of the statement are set forth in Bylaw 30.12.16.02.3 Extra Benefit. An extra benefit is any special arrangement by an institutional employee or a representative of the institution’s athletics interests to provide a student-athlete or the student-athlete’s relative or friend a benefit not expressly authorized by NCAA legislation. Receipt of a benefit by student-athletes or their relatives or friends is not a violation of NCAA legislation if it is demonstrated that the same benefit is generally available to the institution’s students or their relatives or friends or to a particular segment of the student body (e.g., foreign students, minority students) determined on a basis unrelated to athletics ability. (Revised: 1/10/91)

16.3.1 Mandatory

16.3.1.1 Academic Counseling. Member institutions shall make available general academic counseling and tutoring services to all recruited student-athletes. Such counseling and tutoring services may be provided by the department of athletics or through the institution’s nonathletics student support services (Adopted: 1/10/91 effective 8/1/91).

16.3.2. Permissible. Academic and other support services that may be financed by an institution are:

( a ) Tutoring expenses;
( b ) Drug-rehabilitation program expenses;
( c ) Counseling expenses related to the treatment of eating disorders; (Adopted: 1/11/89)
( d ) On-campus student development and career counseling (including the provision of related materials of little or no commercial value to student-athletes) utilizing outside resources; (Revised: 1/10/95)
( e ) Future professional athletics career counseling from a panel of at least three persons appointed by the institution’s chief executive officer (or his or her designated representative from outside the athletics department). Not more than one such panel member may be an athletics department staff member, and all other panel members must be selected by the institution from among its full-time employees who are employed outside the athletics department. All panel members shall be identified to the national office (see Bylaw 12.3.4);
( f ) Actual and necessary expenses to attend proceedings/conducted by the institution, its athletics conference or the NCAA that relate to the student-athlete’s eligibility to participate in intercollegiate

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athletics or legal proceedings that result from the student-athlete's involvement in athletics practice or competitive events. The cost of legal representation in such proceedings also may be provided by the institution (or a representative of its athletics interests);

(g) Use of computers and typewriters;

(h) Cost of a field trip, provided the field trip is required of all students in the course and the fee for such trips is specified in the institution's catalog; and

(i) Organized day planners that are non-electronic, and are developed and produced by the institution (as opposed to being purchased commercially). (Adopted: 4/27/00)

16.3.3. Nonpermissible
Services that may not be financed by the institution include, but are not limited to, the following:

(a) Typing costs, even if typed reports and other papers are a requirement of a course in which a student-athlete is enrolled. Typing costs are not considered an institutional fee under NCAA legislation, and payment would be considered an extra benefit not available to the general student body;

(b) Course supplies (e.g., calculators, art supplies); and

(c) Use of a copy machine only for student-athletes.

Academic Assistance and Extra Benefits: Applicable Principles

2.1 THE PRINCIPLE OF INSTITUTIONAL CONTROL AND RESPONSIBILITY

2.1.1 Responsibility for Control. [*] It is the responsibility of each member institution to control its intercollegiate athletics program in compliance with the rules and regulations of the Association. The institution's chief executive officer is responsible for the administration of all aspects of the athletics program, including approval of the budget and audit of all expenditures.

2.1.2 Scope of Responsibility. [*] The institution's responsibility for the conduct of its intercollegiate athletics program includes responsibility for the actions of its staff members and for the actions of any other individual or organization engaged in activities promoting the athletics interests of the institution.

2.4 THE PRINCIPLE OF SPORTSMANSHIP AND ETHICAL CONDUCT [*]

For intercollegiate athletics to promote the character development of participants, to enhance the integrity of higher education and to promote civility in society, student-athletes, coaches, and all others associated with these athletics programs and events should adhere to such fundamental values as respect, fairness, civility, honesty and responsibility. These values should be manifest not only in athletics participation but also in the broad spectrum of activities affecting the athletics program. It is the responsibility of each institution to:

(Revised: 1/9/96)

(a) Establish policies for sportsmanship and ethical conduct in intercollegiate athletics consistent with the educational mission and goals of the institution; and

(Adopted: 1/9/96)

(b) Educate, on a continuing basis, all constituencies about the policies in Constitution 2.4-(a).

(Adopted: 1/9/96)

2.5 THE PRINCIPLE OF SOUND ACADEMIC STANDARDS [*]

Intercollegiate athletics programs shall be maintained as a vital component of the educational program, and student-athletes shall be an integral part of the student body. The admission, academic standing and academic progress of student-athletes shall be consistent with the policies and standards adopted by the institution for the student body in general.

2.8 THE PRINCIPLE OF RULES COMPLIANCE

2.8.1 Responsibility of Institution. [*] Each institution shall comply with all applicable rules and regulations of the Association in the conduct of its intercollegiate athletics programs. It shall monitor its programs to assure compliance and to identify and report to the Association instances in which compliance has not been achieved. In any such instance, the institution shall cooperate fully with the Association and shall take appropriate corrective actions. Members of an institution's staff, student-

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athletes, and other individuals and groups representing the institution’s athletics interests shall comply with the applicable Association rules, and the member institution shall be responsible for such compliance.

2.8.2 Responsibility of Association. [*] The Association shall assist the institution in its efforts to achieve full compliance with all rules and regulations and shall afford the institution, its staff and student-athletes fair procedures in the consideration of an identified or alleged failure in compliance.

2.8.3 Penalty for Noncompliance. [*] An institution found to have violated the Association’s rules shall be subject to such disciplinary and corrective actions as may be determined by the Association.
12.01.1 Eligibility for Intercollegiate Athletics. Only an amateur student-athlete is eligible for
intercollegiate athletics participation in a particular sport.
12.01.2 Clear Line of Demarcation. Member institutions’ athletics programs are designed to be an integral
part of the educational program. The student-athlete is considered an integral part of the student body,
thus maintaining a clear line of demarcation between college athletics and professional sports.
12.01.3 “Individual” vs. “Student-Athlete.” NCAA amateur status may be lost as a result of activities
prior to enrollment in college. If NCAA rules specify that an “individual” may or may not participate in
certain activities, this term refers to a person prior to and subsequent to enrollment in a member
institution. If NCAA rules specify a “student-athlete,” the legislation applies only to that person’s
activities subsequent to enrollment.

12.1.1 Amateur Status. An individual loses amateur status and thus shall not be eligible for intercollegiate
competition in a particular sport if the individual:
(a) Uses his or her athletics skill (directly or indirectly) for pay in any form in that sport;
(b) Accepts a promise of pay even if such pay is to be received following completion of intercollegiate
athletics participation;
(c) Signs a contract or commitment of any kind to play professional athletics, regardless of its legal
enforceability or any consideration received;
(d) Receives, directly or indirectly, a salary, reimbursement of expenses or any other form of financial
assistance from a professional sports organization based upon athletics skill or participation, except as
permitted by NCAA rules and regulations;
(e) Competes on any professional athletics team and knows (or had reason to know) that the team is a
professional athletics team (per Bylaw 12.02.4), even if no pay or remuneration for expenses was
received; or
(f) Enters into a professional draft or an agreement with an agent (see also Bylaw 12.2.4.2.1).

12.1.1.1 Prohibited Forms of Pay. “Pay” as used in Bylaw 12.1.1 above includes, but is not limited to,
the following:
12.1.1.1.1 Salary, Gratuity or Compensation. Any direct or indirect salary, gratuity or comparable
compensation.

12.1.1.3.1 Educational Expenses from Outside Sports Team or Organization. Educational expenses
provided to an individual by an outside sports team or organization that are based in any degree upon the
recipient’s athletics ability [except as specified in Bylaw 15.2.5.4-(h)], even if the funds are given to the
institution to administer to the recipient. (Revised: 1/1 0/9 5)

14.01.3 Compliance with Other NCAA and Conference Legislation. To be eligible to represent an
institution in intercollegiate athletics competition, a student-athlete shall be in compliance with all
applicable provisions of the constitution and bylaws of the Association and all rules and regulations of the
institution and the conference(s), if any, of which the institution is a member. Specific attention is called
to legislation affecting eligibility in the following areas.
14.01.3.1 Amateurism. A student-athlete shall not be eligible for participation in an intercollegiate sport
if the individual takes or has taken pay, or has accepted the promise of pay in any form, for participation
in that sport, or if the individual has violated any of the other regulations related to amateurism set forth in
Bylaw 12.
14.01.3.2 Awards, Benefits and Expenses. Receipt by a student-athlete of nonpermissible awards, extra
benefits, or excessive or improper expenses not authorized by NCAA legislation violates the
Association’s amateurism principle and renders the student-athlete ineligible for athletics participation in
the sport for which the improper award, benefit or expense was received (see Bylaw 16).

NCAA Manual, 2001-2002, p. 3-5; 71; 83; 164; 201)
14.01.3.3 Ethical Conduct. A prospective or enrolled student-athlete who is found to have engaged in unethical conduct (see Bylaw 10.1) shall be ineligible for intercollegiate competition in all sports. Unethical conduct consists of, but is not limited to: \(\text{(Revised: 1/10/90)}\)
(a) Fraudulence in connection with entrance or placement examinations;
(b) Engaging in any athletics competition under an assumed name or with intent otherwise to deceive;
(c) Dishonesty in evading or violating NCAA regulations; or
(d) Knowingly furnishing the NCAA or the individual’s institution false or misleading information concerning the student’s involvement in or knowledge of matters relevant to a possible violation of NCAA regulations [see Bylaw 10.1-(d)]. \(\text{(Revised: 1/10/90)}\)

14.01.3.4 Financial Aid. A student-athlete who receives financial assistance other than that authorized by the Association shall not be eligible for intercollegiate athletics competition (see Bylaw 15).

14.01.3.5 Recruitment. Solicitation of a student-athlete’s enrollment by the certifying institution or any representative of its athletics interests in violation of the Association’s legislation shall render the student-athlete ineligible to represent that institution in intercollegiate athletics. A student-athlete is responsible during his or her recruitment for involvement in a violation of NCAA regulations, and the Academics/Eligibility/Compliance Cabinet may restore the eligibility of a student involved in such violation only when circumstances clearly warrant restoration. The eligibility of a student-athlete involved in a major violation shall not be restored other than through an exception authorized by the Academics/Eligibility/Compliance Cabinet in a unique case on the basis of specifically stated reasons (see Bylaw 13).

14.1.2 Validity of Academic Credentials. As a condition and obligation of membership, it is the responsibility of a member institution to determine the validity of the information on which the eligibility of a student-athlete is based. Therefore, it is the responsibility of a member institution to determine whether a transcript is valid for purposes of applying appropriate NCAA legislation to the eligibility of a student-athlete when the institution receives notification, or otherwise has cause to believe, that a student-athlete’s high-school, preparatory school or two-year college transcript is not valid.

Amateurism and Eligibility: Applicable Principles

2.1 THE PRINCIPLE OF INSTITUTIONAL CONTROL AND RESPONSIBILITY
2.1.1 Responsibility for Control. [*] It is the responsibility of each member institution to control its intercollegiate athletics program in compliance with the rules and regulations of the Association. The institution’s chief executive officer is responsible for the administration of all aspects of the athletics program, including approval of the budget and audit of all expenditures.
2.1.2 Scope of Responsibility. [*] The institution’s responsibility for the conduct of its intercollegiate athletics program includes responsibility for the actions of its staff members and for the actions of any other individual or organization engaged in activities promoting the athletics interests of the institution.

2.2 THE PRINCIPLE OF STUDENT-ATHLETE WELFARE [*]
Intercollegiate athletics programs shall be conducted in a manner designed to protect and enhance the physical and educational welfare of student-athletes.
2.2.1 Overall Educational Experience. [*] It is the responsibility of each member institution to establish and maintain an environment in which a student-athlete’s activities are conducted as an integral part of the student-athlete’s educational experience. \(\text{(Adopted: 1/10/95)}\)
2.2.2 Cultural Diversity and Gender Equity. [*] It is the responsibility of each member institution to establish and maintain an environment that values cultural diversity and gender equity among its student-athletes and intercollegiate athletics department staff. \(\text{(Adopted: 1/10/95)}\)
2.2.3 Health and Safety. [*] It is the responsibility of each member institution to protect the health of and provide a safe environment for each of its participating student-athletes. \(\text{(Adopted: 1/10/95)}\)

226
2.2.4 Student-Athlete/Coach Relationship. [*] It is the responsibility of each member institution to establish and maintain an environment that fosters a positive relationship between the student-athlete and coach. (Adopted: 1/10/95)

2.2.5 Fairness, Openness and Honesty. [*] It is the responsibility of each member institution to ensure that coaches and administrators exhibit fairness, openness and honesty in their relationships with student-athletes. (Adopted: 1/10/95)

2.2.6 Student-Athlete Involvement. [*] It is the responsibility of each member institution to involve student-athletes in matters that affect their lives. (Adopted: 1/10/95)

2.4 THE PRINCIPLE OF SPORTSMANSHIP AND ETHICAL CONDUCT [*]
For intercollegiate athletics to promote the character development of participants, to enhance the integrity of higher education and to promote civility in society, student-athletes, coaches, and all others associated with these athletics programs and events should adhere to such fundamental values as respect, fairness, civility, honesty and responsibility. These values should be manifest not only in athletics participation but also in the broad spectrum of activities affecting the athletics program. It is the responsibility of each institution to:
(Revised: 1/9/96)
(a) Establish policies for sportsmanship and ethical conduct in intercollegiate athletics consistent with the educational mission and goals of the institution; and (Adopted: 1/9/96)
(b) Educate, on a continuing basis, all constituencies about the policies in Constitution 2.4-(a). (adopted: 1/9/96)

2.5 THE PRINCIPLE OF SOUND ACADEMIC STANDARDS [*]
Intercollegiate athletics programs shall be maintained as a vital component of the educational program, and student-athletes shall be an integral part of the student body. The admission, academic standing and academic progress of student-athletes shall be consistent with the policies and standards adopted by the institution for the student body in general.

2.8 THE PRINCIPLE OF RULES COMPLIANCE
2.8.1 Responsibility of Institution. [*] Each institution shall comply with all applicable rules and regulations of the Association in the conduct of its intercollegiate athletics programs. It shall monitor its programs to assure compliance and to identify and report to the Association instances in which compliance has not been achieved. In any such instance, the institution shall cooperate fully with the Association and shall take appropriate corrective actions. Members of an institution’s staff, student-athletes, and other individuals and groups representing the institution’s athletics interests shall comply with the applicable Association rules, and the member institution shall be responsible for such compliance.

2.8.2 Responsibility of Association. [*] The Association shall assist the institution in its efforts to achieve full compliance with all rules and regulations and shall afford the institution, its staff and student-athletes fair procedures in the consideration of an identified or alleged failure in compliance.

2.8.3 Penalty for Noncompliance. [*] An institution found to have violated the Association’s rules shall be subject to such disciplinary and corrective actions as may be determined by the Association.

2.9 THE PRINCIPLE OF AMATEURISM [*]
Student-athletes shall be amateurs in an intercollegiate sport, and their participation should be motivated primarily by education and by the physical, mental and social benefits to be derived. Student participation in intercollegiate athletics is an avocation, and student-athletes should be protected from exploitation by professional and commercial enterprises.
Drug Testing Scenario
Drug Testing and Eligibility: Applicable NCAA Rules

3.2.4.5 Student-Athlete Statement. The active member shall administer annually, on a form prescribed by the Management Council, a signed statement for each student-athlete that provides information prescribed in Bylaws 14.1.3 and 30.12.

3.2.4.5.1 Administrative Requirements. The statement shall be administered individually to each student athlete by the athletics director or the athletics director’s designee prior to the student’s participation in intercollegiate competition each academic year. The athletics director and head coach in the sport in which the student-athlete participates shall sign each statement as required by the prescribed form. The statement shall be kept on file in the office of the athletics director, and such file shall be available for examination upon request by an authorized representative of the NCAA.

3.2.4.6 Drug-Testing Consent Form. The active member shall administer annually, on a form prescribed by the Management Council, a signed drug-testing consent form for each student-athlete (per Bylaw 12.02.5) pursuant to Bylaws 14.1.4 and 30.5. (Adopted: 1/10/92 effective 8/1/92)

3.2.4.6.1 Administrative Requirements. In sports in which the Association conducts year-round drug testing, the consent form shall be administered individually to student-athletes each academic year at the time the intercollegiate squad first reports for practice or prior to the Monday of the institution’s fourth week of classes, whichever date occurs first. In those sports in which the Association does not conduct year-round drug testing, the form shall be administered individually to each student-athlete prior to the institution’s first scheduled intercollegiate competition. Failure to sign the consent form by the deadline shall result in the student-athlete’s ineligibility for practice or competition until the student-athlete has signed the form. Failure to complete and sign the form prior to practice or competition may result in the student-athlete’s ineligibility for participation in all intercollegiate athletics. The consent form shall be kept on file in the office of the director of athletics, and such file shall be available for examination upon request by an authorized representative of the NCAA (see Bylaw 14.1.4.1). (Adopted: 1/10/92 effective 8/1/92, Revised: 1/16/93, 1/10/95 effective 8/1/95)

3.2.4.6.1.1 Exception—Nonrecruited Student-Athlete. A nonrecruited student-athlete in sports other than those sports involved in the Association’s year-round drug-testing program may participate in preseason practice activities prior to the team’s first contest or date of competition without signing the drug-testing consent form. (Adopted: 1/11/94 effective 8/1/94, Revised: 1/10/95)

14.1.3 Student-Athlete Statement

14.1.3.1 Content and Purpose. Prior to participation in intercollegiate competition each academic year, a student-athlete shall sign a statement in a form prescribed by the Management Council in which the student athlete submits information related to eligibility, recruitment, financial aid, amateur status, previous positive drug tests administered by any other athletics organization and involvement in organized gambling activities related to intercollegiate or professional athletics competition under the Association’s governing legislation. Failure to complete and sign the statement shall result in the student-athlete’s ineligibility for participation in all intercollegiate competition. Violations of this bylaw do not affect a student-athlete’s eligibility if the violation occurred due to an institutional administrative error or oversight, and the student-athlete subsequently signs the form; however, the violation shall be considered an institutional violation per Constitution 2.8.1. (Revised: 1/10/92 effective 8/1/92, Revised: 1/14/97, 2/19/97)

14.1.3.2 Administration. The institution shall administer this form individually to each student-athlete prior to the individual’s participation in intercollegiate competition each year. Details about the content, administration and disposition of the statement are set forth in Bylaw 30.12.

14.1.1.1 Ineligibility for Use of Banned Drugs. A student-athlete who is found to have utilized a substance on the list of banned drugs, as set forth in Bylaw 31.2.3.1, shall be declared ineligible for further participation in postseason and regular-season competition in accordance with the ineligibility provisions in Bylaw 18.4.1.5.1. (Adopted: 1/10/90 effective 8/1/90)

14.1.3.3 Institutional Responsibility—Notification of Positive Test. The institution shall promptly notify in writing the NCAA’s director of sports sciences regarding a student-athlete’s disclosure of a

NCAA Manual (2001-2003, p. 3-5; 53; 310; 311; 402)
previous positive test for banned substances administered by any other athletics organization. (Adopted: 1/14/97 effective 8/1/97)

14.1.4 Drug-Testing Consent Form

14.1.4.1 Content and Purpose. Each academic year a student-athlete shall sign a form prescribed by the Management Council in which the student consents to be tested for the use of drugs prohibited by NCAA legislation. Failure to complete and sign the consent form prior to practice or competition in sports in which the Association conducts year-round drug testing and prior to competition in all other sports shall result in the student-athlete’s ineligibility for participation (i.e., practice and competition) in all intercollegiate athletics (see also Constitution 3.2.4.6). Violations of this bylaw do not affect a student-athlete’s eligibility if the violation occurred due to an institutional administrative error or oversight, and the student-athlete subsequently signs the form; however, the violation shall be considered an institutional violation per Constitution 2.8.1. (Adopted: 1/10/92 effective 8/1/92, Revised: 1/16/93, 1/10/95 effective 8/1/95, Revised: 1/14/97)

14.1.4.1.1 Exception—Nonrecruited Student-Athlete. A nonrecruited student-athlete in sports other than those involved in the Association’s year-round drug-testing program may participate in preseason practice activities prior to the team’s first contest/date of competition without signing the drug-testing consent form. (Adopted: 1/11/94 effective 8/1/94, Revised: 1/10/95)

14.1.4.2 Administration. The institution shall administer the consent form individually to each student-athlete (including recruited partial qualifiers and nonqualifiers) each academic year. Details about the content, administration and disposition of the consent form are set forth in Bylaw 30.5. (Adopted: 1/10/92 effective 8/1/92)

30.5 DRUG-TESTING CONSENT FORM

The following procedures shall be used in administering the drug-testing consent form required in Bylaw 14.1.4 (see also Constitution 3.2.4.6): (Adopted: 1/10/92 effective 8/1/92)

(a) The consent form shall be administered individually to each student-athlete by the director of athletics or the director of athletics’ designee each academic year;

(b) The director of athletics or the director of athletics’ designee shall disseminate the list of banned drug classes to all student-athletes and educate them about products that might contain banned drugs. All student-athletes are to be notified that the list may change during the academic year, that updates may be found on the NCAA Web site (i.e., www.ncaa.org) and informed of the appropriate athletics department procedures for disseminating updates to the list; and (Adopted: 4/27/00)

(c) The consent form shall be kept on file by the director of athletics and shall be available for examination upon request by an authorized representative of the NCAA. (Revised: 4/27/00)

30.5.1 Effect of Violations. Violations of the procedure set forth in Bylaw 30.5 shall be considered an institutional violation per Constitution 2.8.1; however, the violation shall not affect the student-athlete’s eligibility. (Adopted: 4/27/00).

Drug Testing and Eligibility: Applicable Principles

2.1 THE PRINCIPLE OF INSTITUTIONAL CONTROL AND RESPONSIBILITY

2.1.1 Responsibility for Control. [*] It is the responsibility of each member institution to control its intercollegiate athletics program in compliance with the rules and regulations of the Association. The institution’s chief executive officer is responsible for the administration of all aspects of the athletics program, including approval of the budget and audit of all expenditures.

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2.2.6 Student-Athlete Involvement. [*] It is the responsibility of each member institution to involve student-athletes in matters that affect their lives. (Adopted: 1/10/95)

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(Adopted: 1/9/96)

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2.8.3 Penalty for Noncompliance. [*] An institution found to have violated the Association’s rules shall be subject to such disciplinary and corrective actions as may be determined by the Association.

2.10 THE PRINCIPLE OF COMPETITIVE EQUITY [*]
The structure and programs of the Association and the activities of its members shall promote opportunity for equity in competition to assure that individual student-athletes and institutions will not be prevented unfairly from achieving the benefits inherent in participation in intercollegiate athletics.

2.11 THE PRINCIPLE GOVERNING RECRUITING [*]
The recruiting process involves a balancing of the interests of prospective student-athletes, their educational institutions and the Association’s member institutions. Recruiting regulations shall be designed to promote equity among member institutions in their recruiting of prospects and to shield them from undue pressures that may interfere with the scholastic or athletics interests of the prospects or their educational institutions.
2.12 THE PRINCIPLE GOVERNING ELIGIBILITY [*]
Eligibility requirements shall be designed to assure proper emphasis on educational objectives, to promote competitive equity among institutions and to prevent exploitation of student-athletes.
Appendix D: Definition of a Moral Problem

<table>
<thead>
<tr>
<th>Participant</th>
<th>Definition</th>
<th>Type</th>
<th>Moral themes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sandy #6</td>
<td>… if a rule or a by-law to do something or [a person] performs a certain function or penalizes someone that was against what I believe in, or believe what I believe was right. That would be contrary to my morals and my ethical problem. But… some of the scenarios … there is room for unethical conduct by the compliance officer or a coach … and in investigating that I would see that as an ethical problem because that person violated ethical norms or violated the rule, which is unethical.</td>
<td>Conflict</td>
<td>Prof. vs. personal moral code</td>
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<td></td>
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<td></td>
<td>Violating prof. conduct</td>
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<tr>
<td>Mike #3</td>
<td>… something that just isn’t right ... Sometimes I think the rules them self, there are certain things where it [application of the rule] might be of a disadvantage for the student-athlete for the wrong reasons, where as it is the right thing [follow the rules] to do…</td>
<td>Conflict</td>
<td>Prof. vs. personal moral code</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Fairness</td>
</tr>
<tr>
<td>Terri #4</td>
<td>I think for me you are somehow struggling…between two things, each of them having equal value … the rules and what your inherent sense of what is right and wrong.</td>
<td>Conflict</td>
<td>Prof. vs personal moral code</td>
</tr>
<tr>
<td>Jaime #5</td>
<td>… competing options none of which seem wrong in and of themselves.</td>
<td>Conflict</td>
<td>Competing values</td>
</tr>
<tr>
<td>Andy #1</td>
<td>… right or wrong ... unfortunately in applying these rules there is gray and that is sometimes an occasion when you do have a dilemma. I guess it is kind of applying the facts to particular bylaw and going, it is a gut feeling, I suppose is one way to put it … where you arrive at that by [examining the situation and saying].such and such happened to this student-athlete, this is the result that we would like to have, can we get this result with these facts … let me look at the legislation, let me see what applies. You apply the legislation and you go, that doesn’t seem right …</td>
<td>Relevance</td>
<td>Substantiative ethics</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Application of the rules</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Conflict</td>
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### Moral Problem Definitions (Cont.)

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<tr>
<th>Participant</th>
<th>Definition</th>
<th>Type</th>
<th>Moral themes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robert #8</td>
<td>... something when under a struggle with maybe a perceived decision. It is certainly something that I have ... conflict might be a good word ... where I think I know the morally right thing to do yet I know it could be very easy to get the answer I want by being unethical [breaking the rules].</td>
<td>Conflict</td>
<td>Prof. vs. personal moral code</td>
</tr>
<tr>
<td>Bobby #2</td>
<td>... whether or not you are going to report that [a rules violation] or basically how you are going to deal with that [violation] ... if ethically you should report it and go through the whole process that way. Then I perceive that as an ethical problem too, in deciding whether or not to report that, how you deal with it.</td>
<td>Conflict</td>
<td>Prof. vs. personal moral code</td>
</tr>
<tr>
<td>Erica #9</td>
<td>... maybe I found something that I didn’t know what to do about ... that some sort of evidence of wrong doing and I was unsure how to handle that</td>
<td>Conflict</td>
<td>Honesty</td>
</tr>
<tr>
<td>Matt #10</td>
<td>Well in my job, it could mean, I could go so many different directions right now, it could mean that I am asked to do something that is contrary to NCAA rules ... but I am being told well it is okay this time because ... and it just doesn’t seem right.</td>
<td>Conflict</td>
<td>Prof. vs. personal moral code</td>
</tr>
<tr>
<td>Dave #7</td>
<td>A situation where there is kind of a blurry line between what is right and what is wrong.</td>
<td>Conflict</td>
<td>Gray area</td>
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</table>
Appendix E: Recall Moral Problems

Recall Problems and Themes

<table>
<thead>
<tr>
<th>Participant</th>
<th>Recall Problem</th>
<th>Type</th>
<th>Moral themes</th>
</tr>
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<tbody>
<tr>
<td>Sandy #6</td>
<td>...I interpreted the application of a rule and it was very clear, there was no interpretation. I was basically restating this is the rule [and] this is what we cannot do. I was told by someone higher up than me, that this is what we are doing. No it didn’t even happen that way, I found out later that despite my [interpretation] ... I was told later that it in fact it happened [certain people ignored my interpretation] regardless of what I had said [they] couldn’t do. The department did it, [broke the rule &amp; engaged in the activity]. It [the action] was never brought to light ... there is no way I would of found out about it, had this person not told me. My reporting lines have since changed, so I now have a dual reporting line. I would be able to utilize that second reporting line to negate that conflict of interest of having someone above me in this department over rule me. Whether or not that [reporting to another department] is the right thing to do ... at the time I did nothing, I was relatively new too ... now I would definitely invoke that check and balance, dual reporting line.</td>
<td>Conflict</td>
<td>Rule interpretations &amp; improper benefits, Violating rules &amp; prof. ethics</td>
</tr>
<tr>
<td>Mike #3</td>
<td>... one thing that always comes up all the time, is how you interpret the NCAA rules. I read it [the rule], I try to find out the intent of the rule, I try to apply it and make sense of it. The coach reads it, tries to apply it and says how can I make this work for me ... sometimes the coach will come up and say how can we find a way, this is what I want to do, let’s find a way to get around it [the rule]. It is not my goal and it is not my job to find ways to get around rules. If there is a way that I can help the coach, obviously I will help and suggests that you could do it this way, you can do this, this and this, but we are not going to be able to do this or whatever you are trying to do. ... we had a student-athlete in women’s crew she became ineligible, part of the continuing eligibility rules was that, she was in her 5th year and she has to had completed 75% of her major in order to compete eligibility wise ... she decided to change her major, so she went from Arts to Exercise and Sports Science. She is an excellent student, she has a 3.5 she passed well over the minimum of what they require, when she changed majors, she lost a [lot] of credits and all of a sudden she is not 75% [completed]. We have to file a waiver, well it was one of those where everyone knows that she is going to be fine ... but we have to withhold her from competition until she cleared [from the NCAA]. That is where I have a problem, withholding this person from competition. I don’t have the patience for that.</td>
<td>Conflict</td>
<td>Rule interpretations, Gamesmans hip, Prof. vs. personal moral code</td>
</tr>
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</table>

* Recalled more than one moral problem
### Recall Problems and Themes (Cont.)

<table>
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<tr>
<th>Participant</th>
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<tr>
<td>Terri #4</td>
<td>... we had a violation with outside awards ... basically it was my violation. The financial rules are very cumbersome and I had pretty much convinced myself of one thing [interpretation]. I had gone right down that path whole heartedly and not realized something [criteria] about outside awards. A player got recruited and [she received an outside scholarship] and we have to count money that people get from outside sources even when they are not getting any athletic aid. So I figured they are not getting any athletic aid they should be able to go out and fund their education any way they can ... and who are we to say that [athletes cannot get their own funding] and it seemed to be logical to me ... Come to find out, that is not how it works and basically someone asked me a different question, and then looking through the rule I came across this [rule] that said no, if someone was recruited, not getting any athletic aid, got an outside award where athletics was a major criterion, then that person's aid has to count. At University No. 4, for financial aid, I am the only one that does it [monitors]... so I had to tell the University what I did.</td>
<td>Conflict</td>
<td>Financial aid award rules; Honesty; Responsibility</td>
</tr>
<tr>
<td>Jaime #5</td>
<td>An issue came up about the interpretation of a rule. The plain language of the rule indicated to me that a certain student was not eligible to compete in his sport. The coach explained how the rule was generally applied that would have allowed the student-athlete to compete in his sport. My dilemma was whether I should accept the coach's understanding of the rule (which was not unreasonable and he knows his sport a lot better than I do) or whether I should ask our Conference office for an interpretation of the rule knowing that the Conference would almost certainly agree with my, more conservative, reading.</td>
<td>Relevance</td>
<td>Rule Interpretations &amp; using discretion; Conflict</td>
</tr>
<tr>
<td>Andy #1</td>
<td>... I came by some information by someone that gleaned ... the possibility of a possible infraction of NCAA rules. However, this information was gleaned in the context of a doctor-client relationship and I didn't do anything ... I didn't know how to get that information in any other manner without compromising this persons' relationship with their patient so that was kind of taboo ... it is a line that I can't cross, it just makes you keep your eyes open for any other avenue that perhaps you could step in and start looking at things but to this point I haven't discovered ...</td>
<td>Conflict</td>
<td>Eligibility rules &amp; Improper benefits; Prof. ethics</td>
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Recall Problems and Themes (Cont.)

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<tr>
<td>Robert # 8</td>
<td>We have a student-athlete … who has been in two Olympics and won a gold medal in the most recent Olympics we signed the athlete to a scholarship last April the athlete was on many advertisements was on the swimwear company had the athlete on their website and then the perception out there … because the athlete was highly recruited in a number of institutions, all the top schools in the country perceived that the athlete was professional. A lot of schools choose not to deal with the athlete and we had the luxury of having enough scholarship money … I was able to determine that in our opinion that before the athlete started here that the athlete wasn’t a professional. I had checked with numerous people … got copies of contracts to prove that the things were with the Federation and the sportswear company … Well the athlete even volunteered that the individual knew where he/she had won prize money for competing in certain events but always said that the coach or the Federation took the money. After kind of getting verbal approval from the NCAA we let the athlete compete and the athlete competed the entire year. Throughout the year more and more schools started complaining so basically what we did is we called the Pac-10 and the Pac-10 went to the NCAA. There are two groups, there is the reinstatement group under enforcement and then there is the membership services who gives the interps. So the Pac-10 went to a membership services representative for the Pac-10 and the guy said do you think we have a problem and this is one of my first disagreements and he pulled out a very obscure Bylaw and the very last sentence basically says um that anybody who like a student-athlete competes in an event and the money goes somewhere else um to a third party that makes them professional because they earned the money even though they did not get any money. It been frustrating because the athlete is so honest and we are certainly going to be honest yet we are incriminating ourselves because we are guilty until proven innocent. [instances when athletes are placed on] a payment plan [received funding from an illegal source and thus have to repay the money to restore their eligibility] for a very small amount of dollars and then at the end of their career … the kid doesn’t pay at the end, the athlete graduates, leaves, but then by not fulfilling that [obligation], the NCAA could come back and say well she didn’t fulfill the contract they could penalize the institution.</td>
<td>Relevance</td>
<td>Eligibility rules-Amateurism &amp; International athletes</td>
</tr>
</tbody>
</table>

* Recalled more than one moral problem
### Recall Problems and Themes (Cont.)

<table>
<thead>
<tr>
<th>Participant</th>
<th>Recall Problem</th>
<th>Type</th>
<th>Moral themes</th>
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<tbody>
<tr>
<td>Bobby #2</td>
<td>... a situation regarding a transfer student-athlete occurred and based on the transfer rules he had, if I remember right, technically he had met all of the transfer rules or at least we were waiting for verification that he had received an Associates of Arts degree from a junior college and it came up he had neglected to take a final exam. Since he was already here and practicing under the rules, you can't ... you basically are ineligible for a year ... and basically no-one else, no-one else caught onto that ... I am at that point at least, I am the only one that knows about the situation and realizes it is a problem under the rules. The thought crosses your mind well, what if you let it go, you think about this kids future ... and to make matters worse, I described the NCAA rule, but there is a Pac 10 rule on top of that, that if you don't meet the transfer requirements when you enroll then you are not eligible ever at any Pac-10 school. So the thought crosses your mind, I think it is natural for that to happen, what if you just let it go, or kind of look the other way, type attitude ...</td>
<td>Conflict</td>
<td>Eligibility rules-transfer rules</td>
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<td>Honesty</td>
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<td>Responsibility</td>
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<tr>
<td>Erica #9</td>
<td>... we are looking into amateurism issues for student-athletes ... you have to document that this person is an amateur when you kind of know that they are not. But if you have this letter on file you can say, “look this [information] what I got from the Czechoslovakian Federation of skiing and this says she never received any money.” But you kind of know [the athlete did receive the money]. That is an ethical problem, in that, should you just accept the letter that you got, or should you dig deeper and really find out what was really going on ...</td>
<td>Conflict</td>
<td>Eligibility rules-amateurism &amp; International athletes</td>
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<td>Responsibility</td>
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<tr>
<td>Dave #7 70</td>
<td>I have had many situations where I have delved into a youngster's bank account (there is a release signed) and I get copies of the checks. In one of those instances I found some money from someone they shouldn't be getting money from. And I asked, “what is this”? I got the answer and that was the worst thing in the whole violation. ... the NCAA restoration process requires that student-athletes to make restitution to a charity to negate the money benefit [instances when student-athletes receive money from an illegal source]. The student-athlete has no income other than scholarship, Pell Grant, Loans through the institution. How does she/he make a payment? Ethical dilemma: does the student-athlete use the Pell [grant] to pay [their debt] rather than new clothes, or rent, or does she/he borrow or accept money from an agent or booster? Don't know how to deal with the situation differently, but I think we put the kids in a jam.</td>
<td>Conflict</td>
<td>Eligibility rules-improper benefits; Uncertainty</td>
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<td>Responsibility</td>
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<td></td>
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<td>Fairness</td>
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</table>

* Recalled more than one problem

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70 Initially Dave could not think of a recall moral problem to discuss.
Recall Problems and Themes (Cont.)

<table>
<thead>
<tr>
<th>Participant</th>
<th>Recall Problem</th>
<th>Type</th>
<th>Moral themes</th>
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<tr>
<td>Matt #10</td>
<td>... several years ago I was asked to give an interpretation on a rule ... I gave the interpretation on the rule and the person didn’t like my interpretation on the rule because they perceived that another school was doing it that way. So at one of our meetings we discussed this because the person wanted to corner me with everybody else in the room and everybody would gang up on me and that happens sometimes ... and the supervisor favored me and that was the end of it ... then several months later the supervisor apparently authorized that every thing that we said that we were not going to do ....</td>
<td>Conflict</td>
<td>Honesty</td>
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<td></td>
<td>... it was about playing somebody that you are pretty sure is only going to be there for one year and in this particular case they were only there for one quarter ... and helped us win a national championship. That was legal and it happens a lot and the supervisor basically said we are not going to apologize for this it just happened, no apologies, then the press started getting very, very negative at that time and that is when I was called in, I guess because the newspapers were all over the story that it might blow up ....</td>
<td>Conflict</td>
<td>Eligibility rules</td>
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<td></td>
<td>... well even though we can do this because it is totally legal by NCAA rules, [the question is] should we be doing this ... University No. 10 is a very difficult school academically. There have been times when I have said, I don’t think we should admit so and so in this school because I don’t think we are doing them any favors, we are setting them up to fail. Is that right, does that go against University No.10’s mission and purpose to do that? You talk to the coaches and they very rightfully state well, you ask us to win and who is to say that this person, that I have met their family and what not, where obviously they have been a little bit of an under achiever up to this point but who is to say that they can’t, that they are not going to do a better job and this other student-athlete that looks better to you on paper and you buy into that sometimes.</td>
<td>Conflict</td>
<td>Fairness</td>
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<td>Legal versus moral</td>
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<td></td>
<td></td>
<td>Conflict</td>
<td>Responsibility</td>
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<td>Care</td>
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Appendix F: Academic Assistance Scenario

Academic Assistance Scenario-Participant Interpretations

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<tr>
<th>Participant</th>
<th>Moral problem</th>
<th>Reasons</th>
<th>Themes</th>
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<tbody>
<tr>
<td>Mike</td>
<td>Yes</td>
<td>... because it is not the student's work. It might be the student's ideas [and] as much as writing a paper is, thoughts, the basic, correct sentence structure, correct punctuation that is as much of writing a paper as simply coming up with the idea. Although it [writing] is probably a major portion of writing any paper it involves writing and it has been taken out of the equation. The counselor is sitting there organizing his or her thoughts and writing the paper. So yeah, I would definitely have a problem with that.</td>
<td>Not student’s work</td>
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<tr>
<td>Andy</td>
<td>Yes</td>
<td>... the scenario allows for right and wrong and the difficulty then becomes, is that is not a bright line between the two behaviors. Depending on what the facts are, the counselor may [have] crossed the line from what is proper and permissible conduct, into what is not proper. It also kind of highlights an area that I think that compliance people are perhaps most sensitive to and that is academic fraud. I tend to think of a tutor's involvement in student-athlete's preparation of academic coursework as a spectrum from the athlete who writes the paper on the one end (good) to the tutor writing the paper for the athlete on the other end (bad). Where I draw the line at “impermissible assistance” may be different then where the tutor draws it. However, I am probably going to take a stricter view than the tutor. In my mind, the work has to be the sole product of the athlete’s effort. He has to come up with the thesis, write the paragraphs, do his own research. A tutor can give direction on how to get started, review research, review the paper, offer suggestions (that could lead to trouble), may be even circle misspelled words. For a tutor to do much more that is crossing the line.</td>
<td>Past cases</td>
</tr>
<tr>
<td>Erica</td>
<td>Yes</td>
<td>Similar reasons as Andy, Mike, and Dave. University No. 9 is on probation for academic fraud so this is very, very familiar this is exactly what has happened here.</td>
<td>Not student’s work</td>
</tr>
<tr>
<td>Dave</td>
<td>Yes</td>
<td>Similar reasons as Andy, Mike, and Erica. Because Bylaw 10.1, our tutors are instructed specifically that S-As are to be at the keyboard, the situation described is not allowed in our academic services area. The rule says that academic fraud is an unethical practice and we have looked at these types of situations. This was a memo that I had sent to our academic folks (basically the Minnesota case), we have had many conversations, we meet twice a year with the tutors and say, “S-A’s sitting beside you and you are on the key board [they cannot do that]. I have dealt with that specific situation. If the kid is sitting at the [computer] and you are sitting there and you are talking about his ideas and he is typing on the [computer] then that is fine.</td>
<td>Violates rules</td>
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<tr>
<td>Participant</td>
<td>Moral problem?</td>
<td>Reasons</td>
<td>Themes</td>
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<td>Robert</td>
<td>Yes</td>
<td>... I agree with just about everything in this scenario and my ethical problem comes ... because of our policy’s here. And why we pay close attention, obviously, because of cases that happened in Minnesota, most recently. I don’t have a problem with the counselor sitting at the computer and helping someone organize their thoughts because we do have tutors that work with the kids and you know for various reasons kids sometimes have trouble putting their class together they have never been trained. I do have a problem though, with the advisor or counselor typing her ideas and thoughts. Now granted they are Danielle’s ideas and thoughts but I do have a problem with the counselor typing those thoughts because even though she sounds to me like after reading this that she is typing basically what Danielle is telling her. B it is not Danielle writing the words down, the counselor could have the opportunity to influence the way she said or change things around to help her. I do have a problem with her typing and even though this second last sentence where she has helped on rare occasions I still think that is okay... I am trying to put it into perspective of what we do here ...</td>
<td>Past cases, Empathy, Can’t type</td>
</tr>
<tr>
<td>Jaime</td>
<td>Yes</td>
<td>... well I am always used to thinking in the way of the NCAA. There is definitely a rules infraction problem there I know with the NCAA the rule that it would fall under would be ethical conduct ... in other words the student wasn’t doing their own work. Personally, do I think there is an ethical conduct problem there yeah I do.</td>
<td>Violation of rules, Empathy, Not student’s work</td>
</tr>
<tr>
<td>LK: Why?</td>
<td></td>
<td>Because I think it does violate the principle of the student doing there own work. Even though they are talking through it. I am guilty of it too, it is so easy when you are working with a student to just be like why don’t you just tell me what you mean and then you can write it down in a better way. I work with students on medical hardship partitions or things like that where they have to write a letter explaining their circumstances and it is really hard not to just want to sit down and say, well I know what you mean I will just type it so that somebody else can understand it. I think that is an ethical problem because I think it goes against the principle of that a student should do their own class work.</td>
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<td>Sandy</td>
<td>Yes</td>
<td>There is a problem definitely, ethical I don’t know if this counselor has mal intent. Sounds like this person does it all the time, although based on my experience here, a school like University No. 6, this kind of conduct is very clearly articulated. Every time we orientate our tutors that this is not the way you help students. If there is a line I can see very far over it. This counselor is at a place where this is not clearly articulated and they believe that this is acceptable conduct, there is no ethical problem, however, at University No. 6 this would very much raise the level, what are you doing? It is seen as doing the work for the student, unless the student has a broken hand or something (laugh) ... well then we are talking a typing problem, I mean if the student is able to type or write the paper themselves they should. Also it is against all academic rules we have here, as well by definition.</td>
<td>Not intentional, Violates rules, Not Student’s work</td>
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### Academic Assistance Scenario-Participant Interpretations (Cont.)

<table>
<thead>
<tr>
<th>Participant</th>
<th>Moral problem?</th>
<th>Reasons</th>
<th>Themes</th>
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<tr>
<td>Terri</td>
<td>Yes</td>
<td>... it’s more important when you are dealing with someone who needs it, is that you do it really cleanly because the perception ... when asking ourselves, if I printed this in the newspaper, received help and da, da, da, you know they are not going to say the things about, you know it was all her ideas, we helped her organize, and we typed her ideas and thoughts. The idea is the student could at least type, right, or write or something, the last sentence says that the academic counselor has helped other athletes similar to Danielle ... I don’t care what athletes they have helped, if they help students that would be one thing. All of the most wonderful people, well intention things, whose salary comes from the athletic department, the perception is going to be, yeah, which is kind of unfair to the integrity [of the people at the institution], probably perfect integrity of academic people but the idea is to remove all things [connections with the athletic department] out and make sure they [academic counselors] report to someone else. So I think inherently for me anything that has someone sitting with the student while they are writing a paper is inherently room for...well it can swing one way or the other.</td>
<td>Perception</td>
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<tr>
<td>Matt</td>
<td>Yes</td>
<td>... The academic counselor has helped other athletes including Danielle, you didn’t say other students. I think that is an interesting point ... and you are not asking is this a rules problem ... the way you have got the pronoun here, these are Danielle’s ideas, these are Danielle’s thoughts...The other question is should an academic counselor be doing this [tutoring]. Again I fall back on the rulebook. I am just trying to follow the rule book and it is not something that is available to a regular student ... and I think that is an ethical problem too. But if a regular student can’t have access to that kind of help but if I was measuring the sins on a scale of 1 to 10 this is no where near the 10 because it’s Danielle’s thoughts, Danielle’s ideas and that makes a big difference to me...</td>
<td>Helped other athletes, Not available to regular student, Danielle’s thoughts &amp; ideas</td>
</tr>
<tr>
<td>Bobby</td>
<td>Potentially</td>
<td>I guess going back to my definition of ethical problem. On the one hand I think the academic counselor is in an ethical situation where they can choose one way or the other in how to do something. It will be ethically wrong or ethically right depending on the choice, in exactly how she goes about, there could be a lot of factors here. Obviously she was trained in how to deal with situations like this. I mean, ideally she should know that’s where the line is crossed. As far as going into a situation of academic fraud of doing the work for someone as opposed to helping trying to elicit the work out of the person ... typing for the student-athlete is wrong ... black and white. If she is just asking questions to try and get her to think about different issues I wouldn’t necessarily see problems with that ... because that is her job. Actually physically typing the ideas ... who knows how much was typed by the counselor ... but to me that is clearly a violation of rules and ethics...</td>
<td>Chose to violate rules, Typing wrong</td>
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## Appendix G: Church’s Charity

### Church’s Charity Scenario—Participant Interpretations

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<th>Participant</th>
<th>Moral problem?</th>
<th>Reasons</th>
<th>Themes</th>
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<tbody>
<tr>
<td>Mike</td>
<td>Uncertain</td>
<td>As a compliance officer it would raise questions and issues. But in a broader base, I wouldn’t have a problem. It is just a matter of how they came up with [the money] ... when it kind of just says who has donated it in the church ... who are the members of this church, obviously the volleyball coach is. Because potentially it could be an NCAA problem but is it an ethical problem, is there concern of right or wrong in this scenario, potentially.</td>
<td>Demarcation between personal &amp; prof. moral code</td>
</tr>
<tr>
<td>Andy</td>
<td>Uncertain</td>
<td>... was there any involvement between the school and the institution, that she subsequentially enrolled? LK: No. The only connection seems to be the Pastor and the coach are buddies. The high school coach and the Pastor are buddies and so the issue from an NCAA perspective would be this is an area of recent concern as a result of some high school students receiving improper educational benefits so that would be an analysis for an NCAA rules perspective so it sounds like other kids have been awarded scholarships in need (reads scenario) ... I don’t know if there is, from my perspective, there is enough going on there, that if someone presented this to me, I would probably would want to look at it ... as far as an ethical problem with them helping out Sarah. I can rationalize it and empathize with her position, I don’t necessarily think that anything is wrong, as far as my morality is structured has occurred...however, I think there might be a possible problem with NCAA legislation and how it is applied in this situation.</td>
<td>Requires more research</td>
</tr>
<tr>
<td>Bobby</td>
<td>Uncertain</td>
<td>Well, I am not really sure about this one, the change from 1.7 to a 3.1 [g.p.a] kind of jumps out at you it just makes you wonder about that and then the whole scenario of the scholarship to the academy ... it may or may not be a problem ... first from a perspective of NCAA rules ... I would have to do some more research, number one what the rules clearly are in this situation and number two what exactly is going on and how the two mesh ... Just going off the top of my head without researching the rules ... just the fact that it’s a scholarship that may or may not be on an ongoing basis, it is something that is being done particularly for this student-athlete that is what would cause the most concern although if it is something that from this point on ... it will be on an ongoing basis may be, may be you can justify it ...</td>
<td>More information needed</td>
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<tr>
<td>Jaime</td>
<td>Uncertain</td>
<td>... starting from the basis with what the NCAA rules are concerned about, again it gets into this amateurism distinction, and there is a couple of issues, is the Pastor giving money because he feels like ultimately there maybe something there for him, that is one angle that the NCAA looks at, and another angle that the NCAA would look at essentially is, is the Pastor a booster for Northern University where she ended up. I know of at least one incidence that we had where a student-athlete had what you would call an established family friend who was able to help them with bills and he was a Pastor and I think, I don’t think you can legislate established family friendships...until you have some idea of really the scope of what the relationship is...so is it an ethical problem ... I might need a little more information, I guess it depends a little bit on the Pastor’s motivation but my sense is that it is beneficent. But then again, I don’t know if they set up an ongoing fund to make it seem like, well this wasn’t just for Sarah and if it was after the fact well we will make this seem more legit than it really was sort of thing ... is there an ethical problem, I think there is but ... I am not exactly sure what it is.</td>
<td>Pastor’s involvement, Legislating past relationships, Violating amateurism rules</td>
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<tr>
<td>Participant</td>
<td>Moral problem?</td>
<td>Reasons</td>
<td>Themes</td>
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<tr>
<td>Dave</td>
<td>Yes</td>
<td>NCAA rules preclude youngsters from obtaining benefits based on their athletic ability 12.1.1.6</td>
<td>Violation of rules</td>
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<tr>
<td>LK: How do you know in this situation that this (athletic ability) is the only reason why this person received the scholarship.</td>
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<tr>
<td>Dave</td>
<td>Yes</td>
<td>I don't know that but because the 4 part test says that did they know them before the 8th grade we are talking.</td>
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<td>LK: It was her junior and senior year</td>
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<td>Amy</td>
<td>Yes</td>
<td>not sure if that has come up before but when we are dealing with issues of extra benefits we have got somebody using this term athletic nexus to determine if the benefit occurred because of any type of athletic relationship. And there is always that fine line, where is that preexisting relationship, you know, is there a legitimate reasons for this benefit to occur, other than we are just helping out an athlete. Now, if you had told me that the scholarship fund was unknown than I may have had a different view of this even though it is still an athletic issue, depending how that scholarship was defined ... I think it said here something about extracurricular was one of the requirements.</td>
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<tr>
<td>Robert</td>
<td>Yes</td>
<td>... because I think there is a problem with the pastor of the church being a close friend of the principal and the Volleyball coach ... use the term athletic nexus, I don't know if that has come up before but when we are dealing with issues of extra benefits we have got somebody using this term athletic nexus to determine if the benefit occurred because of any type of athletic relationship. And there is always that fine line, where is that preexisting relationship, you know, is there a legitimate reasons for this benefit to occur, other than we are just helping out an athlete. Now, if you had told me that the scholarship fund was unknown than I may have had a different view of this even though it is still an athletic issue, depending how that scholarship was defined ... I think it said here something about extracurricular was one of the requirements.</td>
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<td>Eric A</td>
<td>Yes</td>
<td>I think there is an ethical problem for the institution (Northern University). If they knew about it ... this is tricky because you may not, as a compliance person, you may never know about any of this, you probably won't but if you were to hear about it you would probably have to do something. You would probably have to look into it, you would have to find out about the scholarship, you would have to try and find out about all this information um I don't necessarily think that this would be a violation for sure because the fact that they had awarded in the past, I think you would have to find out how they had awarded to student-athlete in the past and how they awarded on criteria not based on athletics ... for me I wouldn't spend a lot of time on this.</td>
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<tr>
<td>Erica</td>
<td>Yes</td>
<td>... I think it is more because I don't think that, I don't know maybe it is because I disagree and in some respect to some of the NCAA rules and I am not saying that I would not look into it because I would, but I just think that in this situation, I mean they are not giving her a scholarship because she is a volleyball player, they are not, you know the University has nothing to do with it at all, so it isn't like they are trying to feed her into Northern University, so that is not a problem but I mean the fact of the matter is the NCAA rules say you education needs to be paid by your parents and so that is an issue, you would definitely have to look into it because if you don't and it comes out later and Southern University says hey she got a full ride, $12,000 in high school, you need to have done something to look into that, to feel comfortable that you have done that [covered your basis].</td>
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Church’s Charity Scenario—Participant Interpretations (Cont.)

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<th>Participant</th>
<th>Moral problem?</th>
<th>Reasons</th>
<th>Themes</th>
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<tr>
<td>Matt</td>
<td>No</td>
<td>I am totally keeping NCAA rules out of this stuff and ... at first glance I am not feeling an ethical problem. The fact that they are turning this into an ongoing scholarship seems to play a part for me. This is like people in needy circumstances who can thrive in a more difficult environment. So this one is not rubbing me the wrong way. They are giving somebody a better opportunity. I was always a proponent of head start. This is the kind of thing where I just wouldn’t know if it was a problem, I personally don’t have a problem with it ... but this would be one where I would get the facts and present it and [let somebody else make the call]. I am not convinced that it is a problem. I wish they would just say anything is legal prior to entering college and just not worry about it because what is more important is that there is an equal playing field. Now this may not be the equal playing field for high schools, they will have to deal with that themselves but in terms of trying to say that this right or wrong over something else that is similar but not the same it is not fair to try and make those calls. This is why I personally think that none of these things should not be worried about ... that I think we ought not to be concerning ourselves with how somebody’s high school education is paid. I suppose ethically on this I really feel like more power to her that her volleyball helped her get that [scholarship]. I don’t believe that this is a professionalism issue even if somebody from the NCAA would tell me that you are totally wrong ... I just don’t have a problem with this.</td>
<td>Ongoing scholarship</td>
</tr>
<tr>
<td>Terri</td>
<td>No</td>
<td>Because I think this happens all the time, people set up things all the time.. When the pastor starts saying may be we should set up something, so it is, not just this one person. If your feeling is that they are setting up something that they know is wrong and may be if we have it established in the future for other people then it will hide what we have done. I don’t think that is right. I think it is probably that they did it before, I think it is based on need, I think the churches do that for all the right reasons in a very legitimate way all the time ... I suspect for me, this will sound like the mom, sounds like she agreed, it sounds like everybody in the church thought that was a good use of their money. She got into the school. As far as I can tell, she got into the school legitimately... where members [her family] of the church before, it is not like we have a volleyball player she is going to Thornton, and now she is going to start being a member of our church, there is something there. This question is asked on eligibility forms[71] now, did you go to a private school, how was it funded, if someone had written yes and funded through them [Thornton] I am still going to ask those questions just to ensure that it isn’t a problem ... if I were to guess how many times this is or isn’t, more times than not ... it is not just inherently, it is not just because it is a church group and I think well, that is different, we have plenty of people visiting churches and churches paying for visits for recruits, if the church said oh come to us and the church will pay and while you are here visit the local college and you can be a member of our church ... the idea is one or two of the members also happen to be professional basketball players, who also happen to share the same agent, who has also been seen with that player, that is all way too coincidental for me to be attached to the institution.</td>
<td>Happens all the time;</td>
</tr>
</tbody>
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[71] NCAA eligibility forms ask all student-athletes if they received some sort of financial assistance to attend high school or an academy. Student-athletes who did receive financial assistance to attend these institutions are also required to indicate the source of funding.
Church’s Charity Scenario—Participant Interpretations (Cont.)

<table>
<thead>
<tr>
<th>Participant</th>
<th>Moral problem?</th>
<th>Reasons</th>
<th>Themes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sandy</td>
<td>No</td>
<td>I don’t immediately see this as a violation primarily because, well is not clear, is she the first award winner?</td>
<td>Awarded in the past</td>
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<td></td>
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<td>LK: Well, no it has been awarded in the past but the criteria from my understanding is not clear in how they awarded the scholarship ... there have been other people who have been award the scholarship.</td>
<td>Scholarship criteria-Not strictly athletic related</td>
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<td></td>
<td>Right. So it doesn’t immediately seem to be like a violation because I would latch onto the fact that it has been awarded to non-athletes in the past then it is not strictly athletically related even though athletics is taken into consideration. I would first try to make the argument that there is not even violation here ... is there an ethical problem with this scenario, not with the scenario but not with the rule. I am one of those people who are really opposed to this very rule (laugh) ... I mean I know which one you are going for here because we struggle with it all the time.</td>
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<td></td>
<td>LK: So the scenario is not necessarily an ethical problem the rule indicating whether or not they can obtain scholarships for attending high school.</td>
<td>Personal vs. prof. code</td>
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<td>Right, and I understand the abuses the NCAA is trying to curb with this rule but we just get into such a problem how we are suppose to monitor this, is it any of our business to monitor what kids are doing, receiving from high schools prior to their attending our school ... and for this very reason, I mean this is very heart warming situation with the church and the school, it is generally a good thing ... a lot of times you have to ask that this money is given back it is usually at the students detriment, or the families financial detriment, especially if there is a large academic component rather than athletic sports ...</td>
<td>Empathy</td>
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</table>
### Appendix H: Drug Testing Scenario

#### Drug Testing Scenario-Participant Interpretations

<table>
<thead>
<tr>
<th>Participant</th>
<th>Moral problem?</th>
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</thead>
<tbody>
<tr>
<td>Andy</td>
<td>Yes</td>
<td>It is a matter of principle for this kid. He seems to feel strongly that his personal rights are being invaded by him signing this drug consent form.</td>
<td>Principle- right to privacy</td>
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<tr>
<td>LK: why/how a matter of principle relates to it being considered an ethical problem?</td>
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<tr>
<td>I tend to think that matters of principle relate very closely to social ethics. In this instance, it’s a right to privacy that is being asserted. That’s a right guaranteed as under our Constitution. As such, unless the student-athlete gets some judicial relief, he is going to have to choose between his right to privacy and the privilege of playing intercollegiate basketball. If the young man has an honest belief in his rights (as opposed to trying to cover –up impermissible drug use), that is a tough position to be in: something you believe in versus something you love. However, from an administrative standpoint, if he wins an injunction from a court, the drug testing program would be in essence be dead. Suddenly, everyone who was using steroids would have a new found love for the right to privacy and assert it to prevent from being tested. The cheaters (drug-users) would win if he wins.</td>
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<tr>
<td>Erica</td>
<td>Yes</td>
<td>... the problem is that the NCAA rules state you have to sign the drug testing consent form and if you don’t you can’t compete. This easy for me, you either sign it or you don’t ... and if you want to take it to court, you take it to court … but I think as the institution you can’t side with the student, this is the student’s fight, it is not the institution’s fight. I personally happen to agree with them but I am a little more liberal than most.</td>
<td>Don’t sign don’t play</td>
</tr>
</tbody>
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246
## Drug Testing Scenario-Participant Interpretations (Cont.)

<table>
<thead>
<tr>
<th>Participant</th>
<th>Moral problem?</th>
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<th>Themes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robert</td>
<td>Yes</td>
<td>Yes ... because I truly do believe in kids having their own rights. Because here is the NCAA, it is kind of funny because they really live, they have some rules that truly apply where the rest of the world or just the legal system alone could not get away with that. I [also] tell the kids they sign off their Buckley Amendment rights too ... I</td>
<td>Don't sign don't play</td>
</tr>
<tr>
<td>Bobby</td>
<td>Potentially</td>
<td>I guess there is the possibility of an ethical problem ... it is whether or not to allow this student-athlete to participate without having signed the drug testing consent form ... just because that is a clear black and white rule ... that if you don't sign that form, you don’t compete in that sport. Again, to me where the ethics come in when you decide whether or not to follow the clear cut rule. If you don't follow the clear cut rule then you are acting unethically and to me this one is really easy and my decision would be, you don't sign it you don’t play.</td>
<td>Allowing an ineligible athlete to participate</td>
</tr>
<tr>
<td>Matt</td>
<td>Potentially</td>
<td>This is going to be hard for me to explain. I guess the only ethical problem that I could see would relate to if University No. 10 allows this kid to compete. He doesn’t have to be tested or doesn’t have to sign it ... that is a competitive advantage over other institutions ... maybe because I equate ethical problem to somebody having a competitive edge maybe that is why I see it that way ... To me it is cut and dry, you want to belong to an organization you abide by their rules, the rules say that you have to sign it, you choose not to sign it, you are choosing not to join, to me it is really cut and dry, that guy doesn’t play....</td>
<td>Allowing an ineligible athlete to participate</td>
</tr>
<tr>
<td>Dave</td>
<td>No</td>
<td>The drug guy is pretty much in trouble...Sign or you don't play..... 14.1.4.1 states, “shall sign” or “ineligible for participation (i.e. practice and competition)” ...</td>
<td>Don't sign don't play</td>
</tr>
<tr>
<td>Mike</td>
<td>No</td>
<td>... from a compliance person’s eyes it is very simple. Just because, without signing it, you are not stepping on the court. I respect the position, feelings or views on what should be required of him however to be able to participate in this, it [signing the form] is part of the deal (laugh).</td>
<td>Don't sign don't play</td>
</tr>
<tr>
<td>Terri</td>
<td>No</td>
<td>It is really hard for me. University No. 4 does not have campus drug testing ... we did have a basketball player not wanting to sign his drug testing consent form ....his argument was you cannot make me, this is not ethically right ... we do not do campus drug testing and I suppose if we did, the argument would be the same ... this was just a no brainer ... you want to play the game you have to play by the rules.</td>
<td>Past case Don't sign don't play</td>
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</table>
Drug Testing Scenario-Participant Interpretations (Cont.)

<table>
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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Sandy</td>
<td>No</td>
<td>... it's not a right to play intercollegiate athletics...and especially in basketball there are club teams that during your four years of college you can competitively play basketball in pro am teams. You don't necessarily have to play for the NCAA and ... and my feeling is influenced by the Stanford court decision (laugh) having read that case ... it kind of might skew my position on this little bit more. Legal action has been pursued and they lost ... for those very reasons...so if his arguments ... the rest of the campus population is on scholarship and not singled out for drug testing ... he is quite free to be part of the rest of the campus population ... and by voluntarily putting himself in our intercollegiate programs he also gains rights that the campus student population doesn't ... so it is a special circumstance.... I am sure he feels very strongly about this. I am sure he feels that it is ethically a violation of his rights but from an institutional standpoint, from an administrator, from the NCAA ... because he states he competes on his own merits and does not use performance enhancing drugs, well of course, if you were using performance enhancing drugs you would say that as well ... I am not a thief, I didn't whatever, so out of those three [arguments]... that is the weakest ... and the Fourth amendment and right to privacy I am sure poses an ethical problem to him ... but what would make it an ethical problem to me ... if intercollegiate athletics was the only forum for him to compete and be seen and may have a chance to go pro ...</td>
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<tr>
<td>Jaime</td>
<td>Legal</td>
<td>This seems like an interesting legal question to me because it raises the issue of whether participating as a student-athlete is a right or a privilege. A lot of people seem to be under the impression that participating in college athletics is a right not a privilege. When in fact it is a privilege that carries obligations, such as drug testing, with it. There is no right to participate in athletics, so there is no constitutional violation. The student-athlete is right, there is no legal authority to force him to be drug tested and no one is compelling the student-athlete to be drug tested. He is choosing to be a student-athlete at an NCAA institution, so he must undergo drug testing. He could just as easily choose not to participate in athletics or choose to participate in athletics at a level other than intercollegiate athletics at an NCAA institution. That's his choice ... if there is a moral dilemma, it's for the student to choose whether participating in athletics at an NCAA institution is more important to him than his desire not to be drug tested.</td>
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<td></td>
<td></td>
<td>Right vs. a privilege, Past legal case, Empathy, Administrative perspective</td>
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</tbody>
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248