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INSTITUTE OF
SPORTS LAW
AND ETHICS

SPORTS LAW SYMPOSIUM

SELECTED PROCEEDINGS

2015

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SIXTH ANNUAL SPORTS LAW SYMPOSIUM

8:00 – 8:50 a.m.
 Registration and Continental Breakfast

8:50 – 9:00 a.m.
 Welcome
 Donald J. Polden, *Chairman of the Institute of Sports Law and Ethics (ISLE)*

9:00 – 9:45 a.m.
 Keynote Address
 Keith Bruce, *Chair of Super Bowl 50 Host Committee*

9:45 – 11:00 a.m.
 Panel I: The Challenge of Coaching in the Brave New World of Youth Sports
 Moderator:
 Jim Thompson, *CEO, Positive Coaching Alliance*
 Panelists:
 Jay Coakley, *Professor, University of Colorado Department of Sociology*
 Lori Gano-Overway, *Associate Professor, Bridgewater College*
 Jerry Smith, *Head Coach Santa Clara University Women's Soccer & Director of Jerry Smith Coaching for Life Academy*

11:00 – 11:15 a.m.
 Break

11:15 – 12:30 p.m.
 Panel II: Fantasy Sports: Gaming, IP, Ethical and Other Issues
 Moderator:
 Donald J. Polden, *Dean Emeritus & Professor of Law, Santa Clara University*

Panelists:
Shawn Klein, *The Sports Ethicist, SportsEthicist.com and Instructor, Arizona State University*
Keith C. Miller, *Ellis & Nelle Distinguished Professor of Law, Drake University*
Michael Rubin, Esq., *Altshuler Berzon LLP, San Francisco*
Seth Young, *Chief Operating Officer, Star Fantasy Leagues*

12:30 – 1:00 p.m.
Lunch

1:00 – 1:45 p.m.
Presentation
Bill Rhoden, *New York Times*

1:45 – 3:00 p.m.
Panel III: Project Play
Presentation by Tom Farrey, *The Aspen Institute*
Conversation with Kirk Hanson, *Director of Markkula Center for Applied Ethics, Santa Clara University* and Professor Jay Coakley

3:00 – 3:15 p.m.
Break

3:15 – 4:30 p.m.
Panel IV: Hot Topics in Sports Law and Ethics
Moderator:
Marisa Brutoco, *Director of Legal & Business Affairs, GoPro Entertainment*
Panelists:
Derek Belch, *CEO and Founder, STRIVR Technologies and Former Assistant Football Coach, Stanford*
Woodie Dixon, *General Counsel & Senior VP of Business Affairs, Pac-12 Conference*
Adonal Foyle, *Community Relations Ambassador, Golden State Warriors, and Former NBA Player*

4:30 – 5:15 p.m.
>**A Big Picture View of Ethics in Sport: An Interactive Session**
>Jack Bowen, *Philosopher, Ethicist, Author, Coach*

5:15 – 5:30 p.m.
>**Closing**
>Donald Polden

5:30 – 6:30 p.m.
>**Cocktail Reception for Speakers and Participants**

EDITORIAL BOARD

FROM THE EDITOR

ON BEHALF OF the Board of Editors, it is my pleasure to welcome to you to this Sixth Annual Santa Clara Sports Law Symposium brought to you by the Institute of Sports Law and Ethics. Each year, the Symposium has focused on various topics involving sports and ethical issues. This year, the Symposium will address some of the most important issues in sport, including role models and mentors in youth sports competition, the rapidly growing fantasy sports industry, and the Aspen Institute's recent report, "Project Play," which is re-imagining the entire area of youth sports in America.

We are proud to present to you this fifth edition of the Selected Proceedings of the Santa Clara Sports Law Symposium. It is our intention that these Proceedings help enhance the Symposium experience by expanding on the topics discussed by this year's speakers. For those unable to attend, we hope these Proceedings provide insight into the discussions that took place during the Symposium.

We would like to thank the authors and previous publishers for their generosity in sharing these articles with our attendees and those interested in our publication. It is because of their contribution and commitment to sports ethics that we are able to provide Proceedings with such great articles.

We would also like to recognize our team of editors who have performed admirable work in complying with the publication.

This publication would not exist but for the support of the Institute of Sports Law and Ethics Board Chair, Dean Emeritus Donald Polden, and last year's Board Chair, Professor Ron Katz. We have appreciated their thoughtful advice throughout the compilation and editing of the Selected Proceedings. We could not have asked for better mentors to work with.

Finally, we thank you for attending this year's Sports Law Symposium at Santa Clara University. Please enjoy today's

informative sessions, which are supplemented by the content in these Selected Proceedings.

Respectfully,

Philip Segal

Table of Contents

SPEAKERS

DEREK BELCH

CEO and Founder, STRIVR Technologies and Former Assistant Football Coach, Stanford

Derek Belch (Co-Founder) laid the foundation for STRIVR during the 2014 season with the Stanford Cardinal football team. Belch was an assistant coach for the team while completing his master's degree. His thesis project was exploring virtual reality applied to sports training and he worked with the Cardinal during the season to build and test the technology that is now STRIVR. Belch was a former kicker for the Cardinal from 2003-2007 and is one of only two Stanford kickers in history to hit two 50-yard+ field goals in a single game. He kicked the winning extra point in Stanford's historic upset of USC as 42-point underdogs.

JACK BOWEN

Philosopher, Ethicist, Author, Coach

Jack graduated from Stanford with Honors in Human Biology and went on to earn a master's in philosophy with an emphasis in sport ethics graduating summa cum laude from California State University, Long Beach. He has published three books, his most recent being "If You Can Read This: The Philosophy of Bumper Stickers" (Random House, 2010) as well as a philosophical novel, "The Dream Weaver" (Penguin, 2008) and a college-level philosophy textbook. While at Stanford Jack was a 2-time All-American and NCAA MVP water polo player and was the alternate goalie on the 2006 Olympic Team. He has coached water polo at Menlo School for the past 13 years, winning the league championship 12 years and the section championship 5 times. In 2011, he was named by the Positive Coaching Alliance as

a National Award Winner and now serves as the chair of the National Coaches Council for PCA. He teaches philosophy at Menlo School and serves as their College Athletics Councilor.

KEITH BRUCE
Chair, Super Bowl 50 Host Committee

Keith Bruce was named CEO and President of the San Francisco Bay Area Super Bowl Host Committee in September 2013. Super Bowl 50 will be played in February 2016 at Levi's Stadium in Santa Clara. In his role as CEO, Bruce will be responsible for the Host Committee organization, including the planning, operations and delivery of the Super Bowl activities and programming leading up to and during Super Bowl week in the Bay Area.

Prior to this appointment, Bruce was President of SportsMark Management Group, an award-winning global sports marketing, event management and corporate hospitality company based in San Rafael, CA.

A veteran of the sports and event industry, Keith has 25 years of sports marketing, event management, and advertising experience. Keith is a well known and respected industry figure based on his in depth experience and 'on the ground' large scale event management and operational leadership capabilities that are the result of managing client sponsor programs and operations at the largest sporting events in the world, including the Olympic Games, NFL Super Bowl, FIFA World Cup, the NCAA Final Four and others.

Keith began his marketing career in account management at Leo Burnett Advertising in Chicago.

Keith has lived in the San Francisco Bay Area for 20 years. He and his wife Kimberly live in Marin County and have two daughters, Madeleine and Mason.

MARISA BRUTOCO
Director of Legal and Business Affairs, GoPro Entertainment

Marisa Brutoco is the director of legal and business affairs at GoPro Entertainment, which leads up GoPro's content and media operations. Prior to joining GoPro, Marisa was an attorney at YouTube/Google, where she was YouTube's lead attorney for sports and live streaming also worked on government, news, and entertainment partnerships for YouTube/Google Play. She previously was an attorney for Apple/iTunes and was an associate in Wilson Sonsini Goodrich & Rosati's technology transactions group. Marisa is on the Executive Committee and is a member of the Board for Santa Clara University's Institute of Sports Law & Ethics. Marisa is a graduate of Stanford University and Stanford Law School, serving on Stanford Law School's Board of Visitors and the Board of Directors for Stanford Athletics.

JAY COAKLEY
Professor, University of Colorado at Colorado Springs

Jay Coakley, Professor Emeritus of sociology at the University of Colorado at Colorado Springs, has for forty years done research on connections between sports, culture, and society with much attention given to the play, games, and sport participation of young people. His Sports in Society: Issues and Controversies (11th edition) is the most widely used text in the world. Coakley is an internationally respected scholar, author, and journal editor and has received many professional awards. He continues his work to make sport participation a source of enjoyment and development for young

people, and to make sports more democratic and humane for people of all ages.

WOODIE DIXON

General Counsel and Senior Vice President of Business Affairs, Pac-12 Conference

Woodie Dixon, Jr. is currently the General Counsel and Senior Vice President of Business Affairs for the Pac-12 Conference. In addition to handling all legal matters and business administration for the Pac-12 and Pac-12 Networks, Dixon's duties also include oversight of football administration and human resources. Prior to joining the Pac-12, Dixon served as General Counsel for the Kansas City Chiefs from 2004-10. Prior to that time, Dixon has worked for National Football League, Sidley & Austin LLP and Dorsey & Whitney. Throughout his legal career, Dixon has been involved in many different aspects of Sports and Entertainment Law, including player/representative agreements, sponsorship contracts, media rights, intellectual property, litigation, and licensing. Dixon obtained his JD from Harvard Law School, and holds an MS from the University of Massachusetts at Amherst (Sports Management) and a BA from Amherst College (History).

TOM FARREY

Executive Director, Aspen Institute, Sports & Society Program

The Sports and Society program is led by director Tom Farrey, an Emmy Award-winning journalist for ESPN and author of the book, Game On: The All-American Race to Make Champions of Our Children. Farrey's work over the years has explored the connections between sport and the largest themes in society – education, globalization, technology, race and ethics, among others.

As a journalist, his reports have appeared on ESPN's Outside the Lines, SportsCenter and E:60, ABC's World News Tonight and Good Morning America, and in the Seattle Times, Business Week and Washington Post. He is a contributing writer at ESPN The Magazine and ESPN.com, where in 1996 he was one of the website's first editors. Two of his stories have won television Emmy awards, and his written work has earned top national honors from organizations including the Women's Sports Foundation and the Society of Professional Journalists.

His 2008 book, Game On, a deep exploration of the culture of modern youth sports, is a required text in courses at universities from Florida to Oregon. He was invited by the Aspen Institute to speak about the book at the 2010 Aspen Ideas Festival, and oversaw the launch of the Sports & Society Program in May 2011. He can be followed on Twitter at @TomFarrey.

ADONAL FOYLE

Community Relations Ambassador, Golden State Warriors, Former NBA Player

Adonal Foyle is a retired NBA player, who was the eighth overall NBA draft pick in 1997. He played a total of 13 NBA seasons, the first 10 with the Golden State Warriors and last three with the Orlando Magic. Upon his retirement from playing professional basketball, Adonal served for two NBA seasons with the Orlando Magic as their Director of Player Programs. Adonal currently operates two consulting practices – Foyle Consulting and Foyle Sports Performance. He is also the Founder & President of Kerosene Lamp Foundation and Democracy Matters.

Adonal grew up in the tiny nation of St. Vincent & the Grenadines, where he first picked up a basketball at the age of 15. His quest for a college education, which ultimately led him to the USA and into

the NBA, is an amazing and inspirational story of ambition, hard work and a little bit of luck. Growing up in impoverished circumstances in the Caribbean dramatically influenced Adonal's worldview, and off the court, he is an activist with a deep commitment to the community, especially young people.

Adonal makes numerous community service appearances and founded two non-profit organizations: Democracy Matters (www.democracymatters.org), a non-partisan campus based project working to get big money out of politics and people in; and Kerosene Lamp Foundation (www.KLFkids.org) which uses basketball to engage and empower at-risk youth to grow into healthy and well-educated leaders in the Caribbean and USA.

Adonal graduated magna cum laude from Colgate University, and has a master's in sport psychology at John F. Kennedy University.

LORI GANO-OVERWAY
Associate Professor, Bridgewater College

Lori Gano-Overway is an associate professor and coaching program coordinator at Bridgewater College. Her research interests lie in understanding how the coaching or teaching climate can be structured to provide positive experiences for young people and foster positive youth development. As an AASP certified sport psychology consultant she works with athletes on performance enhancement issues and offers advice to coaches on creating environments that foster positive experiences for athletes as well as improving performance. Lori serves on the editorial board of the Journal of Sport, Exercise, and Performance Psychology and the Women in Sport and Physical Activity Journal and is the Associate Editor for the Journal of Sport Psychology in Action. She has served as a board member for the National Council for the Accreditation of Coaching Education (NCACE) and is currently their Folio Review Coordinator and member of the NCACE committee. Lori is also a

member of the Virginia High School League coaching education committee.

KIRK O. HANSON
Director, Markkula Center for Applied Ethics

Kirk O. Hanson is the Executive Director of the Markkula Center for Applied Ethics at Santa Clara University and John Courtney Murray, S.J. University Professor of Social Ethics. He has held these positions since 2001 when he took early retirement from Stanford University where he taught in the Graduate School of Business for 23 years and holds the rank of faculty emeritus. The Markkula Center for Applied Ethics is one of the most active ethics centers in the U.S., working in business, government, health care, and K-12 character education. Mr. Hanson is a graduate of Stanford University and the Stanford Graduate School of Business. He has held graduate fellowships and research appointments at the Yale Divinity School and Harvard Business School.

SHAWN KLEIN
The Sports Ethicist, SportsEthicist.com, and Instructor, Arizona State University

Dr. Shawn E. Klein is a philosopher specializing in ethics, popular culture, and the philosophy of sport. He edited *Steve Jobs and Philosophy: For Those Who Think Different* (Open Court, 2015) and *Harry Potter and Philosophy*: *If Aristotle Ran Hogwarts* (Open Court, 2004). He is also the editor of *Studies in the Philosophy of Sport*, a new book series from Lexington Books. He has presented at numerous conferences on sports ethics, business ethics, pop culture and philosophy, and other topics.

Dr. Klein blogs as The Sports Ethicist at SportsEthicist.com. He also

hosts a regular podcast, The Sports Ethics Show. He has appeared in the *New York Times*, *Los Angeles Times*, *Washington Post*, *USA Today*, Bloomberg News, CNN, and other media outlets.

Dr. Klein holds an MA and PhD in philosophy from Arizona State University (Tempe, AZ) and a BA in English from Tufts University (Medford, MA). He has taught at Rockford University, Arizona State University, Mesa Community College, Marist College, and Mount Saint Mary's College. He is currently a philosophy instructor at Arizona State University.

Originally from the Boston-area, he lives in Chandler, AZ with his wife, son, and several pets. He is a life-long fan of all Boston sports, especially the Red Sox and Patriots.

KEITH MILLER

Ellis & Nelle Levitt Distinguished Professor of Law, Drake University

Keith C. Miller is the Ellis and Nelle Levitt Distinguished Professor of Law at Drake University in Des Moines, Iowa. Professor Miller teaches the course on Gaming Law at Drake along with courses in the area of Torts. Professor Miller has written and spoken extensively on gaming law topics. In addition to numerous law review articles, he is co-author (along with Anthony Cabot), of The Law of Gambling and Regulated Gaming, the leading casebook on gaming law. The second edition of the casebook will be published in January of 2016.

Professor Miller is the Vice-President of Educator Affiliates of the International Masters of Gaming Law (IMGL), a global gambling law network and educational organization. He serves as the Vice-Chair of the Gaming Law Committee for the Business Law Section of the American Bar Association. He has spoken on and moderated panels for the IMGL, the ABA Gaming Law Minefield National Institute, and has conducted symposia and lectured at law schools

in the US and France. Professor Miller also consults on gaming law cases, has been an expert witness in gaming law litigation, and is a frequent resource for media on matters involving gaming law.

Professor Miller received his J.D. from the University of Missouri-Kansas City where he was the Editor-in-Chief of the UMKC Law Review. After practicing law in Kansas City, Missouri, Professor Miller obtained his LL.M. degree from the University of Michigan Law School before beginning his career as an academic lawyer. Professor Miller also served as the NCAA Faculty Representative at Drake University from 1995-2000.

DONALD J. POLDEN, Board Chair

Dean Emeritus and Professor of Law, Santa Clara University

Donald Polden is a well-known scholar in the areas of employment law and legal education. He has practiced law, principally in the areas of federal antitrust law and employment law, in the federal and state courts. He has been instrumental in developing the curriculum for leadership education, a movement that is growing in significance in American legal education. He was one of the co-founders of ISLE and was recently elected to serve as Chair of the ISLE Board of Directors. Don Polden is a graduate of George Washington University and the Indiana University School of Law.

BILL RHODEN
Journalist, New York Times

William C. Rhoden has been writing about sports for *The New York Times* since March 1983. Previously, he was a copy editor in the Sunday Week in Review section since October 1981 when he joined the newspaper.

Before joining The Times, Mr. Rhoden spent more than three years with *The Baltimore Sun* as a columnist. Before that, he was associate editor of Ebony magazine from 1974 to 1978.

He attended Morgan State University in Baltimore and while there acted as assistant sports information director.

MICHAEL RUBIN
Partner, Altshuler Berzon LLP, San Francisco

Michael Rubin is a partner at Altshuler Berzon LLP. He is a graduate of Brandeis University and the Georgetown University Law Center, where he was an editor of the Georgetown Law Journal. He served as a law clerk to Justice William J. Brennan, Jr. of the United States Supreme Court during the 1980 Supreme Court Term, and previously clerked for Chief Judge James R. Browning of the United States Court of Appeals for the Ninth Circuit and Judge Charles B. Renfrew of the United States District Court for the Northern District of California. Michael is a fellow of The College of Labor and Employment Lawyers and is a member of the Board of Directors of the AFL-CIO's Lawyers' Coordinating Committee.

Michael has won four "California Lawyer of the Year" (CLAY) awards from California Lawyer Magazine, winning twice in the

Employment Law Category. Michael was also a 2003 recipient of a "Trial Lawyer of the Year" Award from the Trial Lawyers for Public Justice for his work on the Saipan litigation, was American Lawyer Magazine's "Litigator of the Week" in May 2013 for his work on behalf of five professional sports unions in the Hart v. Electronic Arts right-of-publicity case in the Third Circuit, and in 2015 was again named by the Daily Journal as one of California's Top 75 Labor and Employment Lawyers.

Michael specializes in impact litigation, class actions, and appellate litigation, and has argued in the U.S. Supreme Court and in many federal circuit courts of appeal and state supreme courts. For the past several years, he has been listed in "The Best Lawyers in America" in the categories of appellate law and labor and employment law, and in the Northern California "Super Lawyers" listings in the areas of appellate practice, labor and employment, and class actions. He regularly lectures on developments in California and federal employment law and other topics.

JERRY SMITH
Head Coach, Santa Clara University Women's Soccer

Jerry Smith serves as Head Coach, Santa Clara University Women's Soccer. He has coached Santa Clara's women soccer team for 27 years and compiled winning records in 26 of those years. Having compiled a record of 410-126-52 (.741)–ranked top-5 in NCAA Division I history–Smith is the winningest women's soccer coach in Santa Clara history and has established a nationally recognized standard of excellence.

Since taking over the head coaching duties at Santa Clara in the spring of 1987, Smith has built the Bronco soccer program into a national power. From 1989 to 2007, the Broncos had a 19-year streak of NCAA tournament appearances and top-10 rankings. In addition, his Bronco teams have won 10 West Coast Conference

titles, most recently in 2013. Smith has led SCU to 10 College Cup appearances, the second most of any collegiate program in the 26-year history of the tournament. Smith's most successful season came in 2001, as he was named the National Coach of the Year after bringing home the University's first outright NCAA championship.

Smith is also the Founder and Director of the Jerry Smith Coaching for Life Academy at Santa Clara University, an organization dedicated to educating parents, players, and coaches about sports, leadership, and life skills.

JIM THOMPSON
Founder and CEO, Positive Coaching Alliance

Jim Thompson is founder and Chief Executive Officer of Positive Coaching Alliance, a non-profit formed at Stanford University with the mission to create a movement to transform the culture of youth sports so that all youth athletes have a positive, character-building experience. For more than 10 years, Jim was director of the Public and Global Management Programs at the Stanford Graduate School of Business, where he also taught courses in leadership and non-profit issues. US News named Stanford's Public Management Program the top nonprofit business management program in the nation in 1992. He has a degree in elementary education from the University of North Dakota, a Master's in Public Affairs from the University of Oregon, and an MBA from Stanford.

SETH YOUNG
Chief Operating Officer, Star Fantasy Leagues

Seth Young is the Vice President and Chief Operating Officer at Flower City Gaming LLC, based in Rochester, NY. Flower City Gaming operates Star Fantasy Leagues, its flagship daily, weekly, and season-long fantasy sports brand, at StarFantasyLeagues.com, and is a leading provider of B2B white label fantasy sports technology in the USA and abroad. Seth started his first business at the age of 13 designing and hosting websites in the early days of the modern internet. Throughout his teen years Seth was an athlete and avid video gamer, competing athletically at the highest levels, and on top ranked gaming teams both online and in regional competitions in the USA before attending college. As an athlete and competitive gamer, fantasy sports was a natural fit for Seth, who competed in his first fantasy sports league at the age of 16. Seth has spent his entire adult life in the gaming industry. Prior to working at Flower City Gaming, Seth worked as a consultant in the iGaming and affiliate marketing sector, and as the Strategy Director at TexasHoldem.com. Seth graduated Brandeis University in 2006 with a degree in Politics, Legal Studies, and Internet Studies, and briefly attended St. John's University School of Law before withdrawing to pursue his passions in business.

Seth was the architect of the Star Fantasy Leagues back office systems, and has been instrumental in the industry-wide adoption of compliance technologies. Under Seth's guidance, Star Fantasy Leagues has completed skill gaming studies with Gaming Laboratories International (GLI) to prove with empirical evidence that fantasy sports leagues are correctly classified as games of skill. Seth is a noted industry expert who has been tapped to speak at fantasy sport, iGaming, legal, and educational conferences around the world, including but not limited to ICE, GiGSE, and the IMGL. Seth has represented Star Fantasy Leagues and the fantasy sports industry at the Pennsylvania Gaming Control Board, The California Gaming Control Board and CA Department of Justice, the AGA,

and continues to speak with regulators and policy-makers around the country to further the interests of the fantasy sports industry.

Chapter 10 from

Organizing Through Empathy

Edited by Kathryn Pavlovich & Keiko Krahnke in 2013

The Caring Climate: How Sport Environments Can Develop Empathy in Young People

By Lori A. Gano-Overway, Ph.D. Bridgewater College

INTRODUCTION

When Joe Ehrmann, a high school football coach, contemplated his purpose for coaching he stated, "I coach to help boys become men of empathy and integrity who will lead, be responsible, and change the world for good."[1] What Coach Ehrmann noted is a perspective shared by many researchers and practitioners. That is, a belief that coaches play a key role in helping young athletes not only develop their athletic prowess but, more importantly, develop life skills for personal growth and empowerment as well as help young people learn how to live compassionately and constructively within our communities.[2,3] One aspect of this personal growth for youth is the development of empathy.[4,5,6] By developing empathy, youth learn

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[1]Ehrmann, J., Ehrmann, P., & Jordan, G. (2011), p. 110. InSideOut Coaching: How Sports Can Transform Lives. NY: Simon & Schuster.

[2]Fraser-Thomas, J. L., Côté, J., & Deakin, J. (2005). Youth Sport Programs: An Avenue to Foster Positive Youth Development. Physical Education and Sport Pedagogy, 10, 19–40.

[3]Gould, D., Flett, R., & Lauer, L. (2012). The Relationship Between Psychosocial Developmental and the Sports Climate Experienced By Underserved Youth. Psychology of Sport and Exercise, 13, 80–87.

[4]Benson, P. L. (2006). All Kids Are Our Kids: What Communities Must Do to Raise Caring and Responsible Children and Adolescents (2nd ed.). San Francisco: Jossey-Bass.

to attend to emotional cues, listen, become sensitive to others, understand another's perspective, and read the needs of others, which allows them to work and live with others in the community and act with compassion toward others' needs.

There are many ways that coaches can influence empathy, as well as other facets of positive youth development; however, a foundational aspect is to develop a caring environment. Many researchers have identified caring adults as a critical component of positive youth development physical activity programs. [7,8] Additionally, researchers have shown the influence of caring environments on empathy within physical activity settings. Newton and colleagues found that creating a caring environment in a summer youth sport camp resulted in higher levels of empathetic concern among campers compared to campers participating in a traditionally run program.[9] Gano-Overway et al. extended this work by noting that when youth sport campers perceived a caring climate it was positively associated with empathic efficacy, which, in turn, positively predicted pro-social behaviors.[10] Exploring these

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[5]Eccles, J. S., & Gootman, J. A. (Eds.). (2002). Community Programs to Promote Youth Development. Washington, DC: National Academy Press.

[6]Lerner, R. M., Fisher, C. M., & Weinberg, R. A. (2000). Toward a Science For and of the People: Promoting Civil Society Through the Application of Developmental Science. Child Development, 71, 11–20.

[7]Hellison, D., Cutforth, N., Kallusky, J., Martinek, T., Parker, M., & Stiehl, J. (2000). Youth Development and Physical Activity: Linking Universities and Communities. Champaign, IL: Human Kinetics.

[8]Petitpas, A. J., Cornelius, A. E., Van Raalte, J. L., & Jones, T. (2005). A Framework for Planning Youth Sport Programs That Foster Psychosocial Development. The Sport Psychologist, 19, 63– 80.

[9]Newton, M., Watson, D. L., Gano-Overway, L., Fry, M., Kim, M., & Magyar, M. (2007). The Role of a Caring-Based Intervention in a Physical Domain. The Urban Review, 39, 281–299.

[10]Gano-Overway, L. A., Newton, M., Magyar, T. M., Fry, M., Kim, M., & Guivernau, M. (2009). Influence of Caring Youth Sport Contexts on Efficacy-Related Beliefs and Social Behaviors. Developmental Psychology, 45(2), 329–340.

connections in the physical education setting, Gano-Overway found that cognitive empathy mediated the relationship between a perceived caring classroom and pro-social behavior.[11] In exploring caring behaviors, Fry & Gano-Overway revealed that when young soccer players perceived a caring climate they were more likely to engage in caring behaviors toward their teammates.[12] Therefore, an empirical connection between a caring climate and empathy and helping behaviors exists. Although we need further research to solidify this connection, it does appear valuable now to reflect on and envision what a caring sport climate might entail or how caring coaches engage in the practice of care that could facilitate the development of empathy.

To begin this journey, this chapter explores what we can learn about creating a caring climate from philosophical writings on caring. It is a useful place to begin because it provides insight into why caring is an important endeavor and provides a framework for understanding how we enact caring. Although there are several philosophical viewpoints on caring, two main viewpoints will undergird the explanation of the caring sport climate. These philosophical perspectives include the caring relation and the African ethic of *ubuntu*. While a brief review of each view is provided, it should be noted that each has its own strengths and weaknesses that will not be explicated. Rather, the intent is to glean insight into how effectively to practice care and develop a caring sport climate.

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[11]Gano-Overway, L. A. (2013). Exploring the Connections Between Caring and Social Behaviors in Physical Education. Research Quarterly for Exercise and Sport, 84(1), 104-114.

[12]Fry, M. D., & Gano-Overway, L. A. (2010). Exploring the Contribution of the Caring Climate to the Youth Sport Experience. Journal of Applied Sport Psychology, 22, 294–304.

CARING RELATION

Building on the ethic of care,[13] Noddings[14,15] an educational philosopher, introduced the concept of the caring relation. According to Noddings[16], the caring relation involves a person caring, referred to as the one-caring, and a person receiving care, identified as the cared-for. The ethical ideal of the one-caring is derived from two sentiments: a natural sympathy toward others and a "longing to maintain, recapture, or enhance our most caring and tender moments"[17] from natural caring relationships. The one-caring, therefore, has a feeling or sentiment toward caring: a feeling that nudges the person toward an "I must" action not in an obligatory way but in a more natural and desirous way. One wants to care, and this caring is characterized by an attentiveness to the other, that is, engrossment, which leads the one-caring to turn motivational energy, denoted as motivational displacement, toward helping and supporting the cared-for based upon their own caring experiences.[18] However, a caring encounter also depends upon the cared-for acknowledging and responding to the one-caring.[18] Consistent with the ethic of care[19] the ethical ideal of the caring relation depends on one's ability to approach the other as

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[13]Gilligan, C. (1993). In a Different Voice. Psychological Theory and Women's Development. Cambridge, MA: Harvard University Press. (Original work published in 1982.)

[14] Noddings, N. (2002). Educating Moral People: A Caring Alternative to Character Education. NY: Teacher College Press.

[15]Noddings, N. (2003). Caring: A Feminine Approach to Ethics and Moral Education. Berkeley: University of California Press. (Original work published in 1984.)

[16]Noddings (2003).

[17]Noddings (2003), p. 104.

[18]Noddings (2003).

[19]Gilligan (1993).

one-caring. Therefore, complete self-sacrificial caring is not indicative of a caring relation because the depletion of self, that is, a lack of self-care, diminishes one's ability to care for others.[20] At the heart of the caring relation is the belief that the primary aim of life involves a sense of relatedness. Specifically, Noddings contends that the primary aim of life is " . . . caring and being cared for in the human domain and full receptivity and engagement in the nonhuman world."[21] Therefore, by engaging in a caring relation, we not only nurture our ability to care but we also encourage others to join us in the journey by practicing care. In considering this latter point, Noddings contends that through the caring relation, the one-caring can cultivate caring in the cared-for by modeling caring, engaging in dialogue that validates and supports caring, encouraging the cared-for to practice caring, and accepting the cared-for as well as confirming the best possible motives in any given action.[22] Thus, at the core of the caring relation is that we can teach each other to care.[23] As Noddings states:

> [W]e remain at least partly responsible for the moral development of each person we encounter. How I treat you may bring out the best or worst in you. How you behave may provide a model for me to grow and become better than I am. Whether I can become and remain a caring person— one who enters regularly into caring relations—depends in large part on how you respond to me.[24]

Therefore, a caring relation offers a moral template for life based on relationships. It also provides a framework for moral education that

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[20] Noddings, N. (1992). The Challenge to Care in Schools: An Alternative Approach to Education. NY: Teacher College Press.

[21] Noddings (2003), p. 174.

[22] Noddings (1992, 2002, 2003).

[23] Noddings (2002).

[24] Noddings (2002), p. 15.

emphasizes the practice of care through engaging in caring relations, thereby, fostering caring in others.

AFRICAN ETHIC OF *UBUNTU*

The African ethic of *ubuntu* is exemplified in the Nguni saying "*Umuntu ngumuntu ngabantu*," that is, "I am because we are" or "a person is a person through other persons."[25,26,27] *Ubuntu* is also often termed *humanness*. According to Tutu, it means, "my humanity is caught up, is inextricably bound up, in yours. We belong in a bundle of life. . . . I am human because I belong, I participate, and I share."[28] It represents not only a sense of communalism in which people share a way of life but also a notion that one achieves humanness and sense of self through the positive interactions with others in the community: in other words, being relational.[29] So *ubuntu* is "a philosophy that promotes the common good of society and includes humanness as an essential element of human growth."[30] Thus, the meaning of one's life, even one's moral obligation, is to achieve humanness, that is, to be relational and communal with others.[31] However, it is not strictly duty or obligation but rather it exemplifies a way of life in which the person is "wanting to be a real human being or to obtain complete personhood."[32]

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[25] Metz, T., & Gaie, J.B.R. (2010). The African Ethic of Ubuntu/Botho: Implications for Research on Morality. Journal of Moral Education, 39, 273–290.

[26] Shutte, A. (1993). Philosophy for Africa. Milwaukee, WI: Marquette University Press.

[27] Venter, E. (2004). The Notion of Ubuntu and Communalism in African Educational Discourse. Studies in Philosophy and Education, 23, 149–160.

[28] Tutu, D. M. (1999), p. 31. No future Without Forgiveness. NY: Doubleday.

[29] Metz & Gaie (2010).

[30] Venter (2004), p. 150.

[31] Metz & Gaie (2010); Shutte (2001).

From a relational perspective, the person who possesses *ubuntu* demonstrates respect, empathy, generosity, patience, hospitality, honor, cooperation, and tolerance toward others in the community as well as cares for and helps others.[33,34] Tutu further elaborates the relational aspect of *ubuntu* by noting:

> A person with *ubuntu* is open and available to others, affirming of others, does not feel threatened that others are able and good; for he or she has a proper self- assurance that comes with knowing that he or she belongs in a greater whole and is diminished when others are humiliated or diminished, when other are tortured or oppressed, or treated as if they were less than who they are.[35]

Thus, those with *ubuntu* engage in practices that promote human flourishing.[36] It should also be emphasized that *ubuntu* is not a doctrine but rather "how to live humanely with others in a given space and time. It is not a device for instrumental formulation of judgment, but a social practice in terms of which to think, to choose, to act and to speak."[37] This practice or lifestyle would permeate all aspects of one's life.

The communal nature of *ubuntu* occurs when people live in harmony with others.[38,39] Metz and Gaie assert that this communal

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[32]Metz & Gaie (2010), p. 285.

[33]LenkaBula, P. (2008). Beyond Anthropocentricity—Botho/Ubuntu and the Quest for Economic and Ecological Justice in Africa. Religion & Theology, 15, 375–394.

[34]Metz & Gaie (2010); Shutte (2001); Venter (2004).

[35]Tutu (1999), p. 31.

[36]Shutte (1993).

[37]Nkondo, G. M. (2007), p. 93. Ubuntu as Public Policy in South Africa: A Conceptual Framework. International Journal of African Renaissance Studies, 2, 88–100.

nature includes a duty to identify with others and a duty toward solidarity.[38] The duty to identify with others means that one recognizes that we are all connected. One realizes that the community is self, and the self is community (i.e., one identifies with others). With this realization, a sense of ownership in the good of the community emerges, which nudges the individual to invest in community. The person participates in the practices of the community. Additionally, this notion of community requires a duty toward solidarity. The duty toward solidarity involves the person empathizing and helping others and through this process beginning to recognize the need to be concerned for the common welfare of all in the community. The focus, thus, turns toward solidarity, working together for the common good of those in the community and the community (which are the same). A key practice within community is dialogue.[40] Dialogue is used to develop mutual understanding and empathy, to reach consensus about shared values and purposes, to determine how to achieve common goals, and to handle problems.

The achievement of *ubuntu* is a developmental process in which morals are derived from other fully formed humans (Shutte, 1993).[39] No one is born with *ubuntu*; rather, one's personhood develops over time through interactions with other people, who have sought to achieve *ubuntu*. Shutte provides a three-stage model for how this progression may proceed. In the first stage, an individual needs to become conscious of self. This occurs by being in relation with another caring individual (i.e., a person who recognizes and treats the other as a person).[39,41] Shutte suggests that this can occur in the mother-child relationship where a mother is responsive and caring so that the child is accepted, affirmed, and

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[38]Venter (2004).

[39]Metz & Gaie (2010).

[40]Shutte (1993).

[41]Shutte, A. (2001). Ubuntu: An Ethic for a New South Africa. Republic of South Africa: Cluster.

cared for.[39,40] The child is valued for her/his own sake. The second stage involves the personal development of self-knowledge and self- affirmation. Although people can grow in self-knowledge and be self-determined on their own, it is unclear whether this knowledge is true. It is through interactions with more knowledgeable others that we come to know whether it is true — others affirm us. Most often, this means that individuals turn to elder members of the community who have a stronger sense of wisdom and *ubuntu*. Further, others teach us how to be because we watch them in action, and they help us shape our affirmations of self and our desires. Accordingly, it is in this stage that the person seeks the help of others to achieve *ubuntu* and personal fulfillment. Thus, education plays a critical role in imparting the philosophical foundations of *ubuntu* to young people.[42] The final stage entails self- transcendence and self-donation. The person wants to give self to others and desires to be in relationship. That is, " . . . we want to know and affirm them not primarily so that we will continue to develop as persons, but simply as an end in itself, because they are knowable and affirmable, because it is worthwhile."[43]In the end, a person with *ubuntu* achieves two human desires: to be in community with others and to achieve personal growth. [44] However, it is important to note one caveat. That is, while not all individuals achieve *ubuntu*, it is the ideal for which individuals strive.

Overall, the ethic of *ubuntu* offers a social practice that is both communal and relational. An *ubuntu* community is marked by care, reciprocity, inclusion, forgiveness, and a shared way of life that encourages active participation. Thus, *ubuntu* provides insight into how to live in community by developing solidarity, promoting mutual understanding, and building consensus regarding shared values and practices. Additionally, a person with *ubuntu* engages in a myriad of relational practices in order to nourish and support other human beings, not for personal benefit or gain, but for the

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[42]Venter (2004).

[43]Shutte (1993), p. 87.

[44]Shutte (2001).

other person. Therefore, a structure to nurture *ubuntu* includes developing caring personal relations, teaching *ubuntu* to others, and practicing *ubuntu* in one's community.

The philosophical underpinnings of both the caring relation and the ethic of *ubuntu* provide motivation for and insight into developing a caring climate. Although disparate in some philosophical thinking (e.g., the emphasis on duty and obligation, potential scope of care), they both provide insight into the notion of caring and how it can be fostered and often complement one another. However, how should these notions of caring be put into practice within the youth sport arena? Within this chapter, a three-tiered framework for developing a caring sport climate is proposed. This framework begins with understanding how coaches can develop caring interpersonal relationships that provide a point of connection. The second step of creating a caring climate focuses on how coaches can nurture caring in their athletes. The final step of building a caring climate is to develop a caring team.

CREATING A CARING CLIMATE

Establishing Caring Interpersonal Relationships

To begin, it is important to look at how coaches could pursue caring interpersonal relationships. Noddings provides the most insight through her conceptualization of the caring relation. There are three elements that comprise the caring relation: namely, engrossment, motivational displacement, and recognition.[45,46] A caring relation begins with receptivity and engrossment by the one-caring. The carer receives the other person by warmly accepting and recognizing the potential in the person.[47] The one-caring is present as an encounter unfolds and is attentive to the expressed needs of the cared-for by listening, empathizing, questioning,

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[45]Noddings (1992, 2003).

[46]Noddings, N. (2010). The Maternal Factor: Two Paths to Morality. Berkeley: University of California Press.

[47]Noddings (2003).

rejoicing, and challenging.[46] This engrossment can prompt the one-caring, through sympathetic reactions, to engage in motivational displacement, that is, to help the cared-for.[48] This motivational displacement moves the one-caring's motivational energy away from personal needs and toward supporting the expressed needs of the other. The key to completing the caring relation is that the cared-for needs to recognize the actions of the one- caring and respond.[49] Therefore, the cared-for acknowledges the feelings and sentiments of the one-caring. The cared-for could share accomplishments, hopes, aspirations, dreams, etc., in a sense revealing more about oneself, which is a meaningful gift to the one-caring in and of itself and also provides further insight into how the one-caring can support the cared-for.[50]

The caring relation can take many forms in the athletic environment. For example, upon completing a race, a swimmer is disappointed in her race. The coach approaches her and she shares her disappointment. The coach listens to her and empathizes with her disappointment and frustration. The coach also asks her what she would have done differently. She describes her need to work on her flip turn and her pacing during the race. They agree that they should address these issues in practice next week. Alternatively, caring encounters may not revolve around sport. For instance, a soccer coach sees an athlete enter the locker room visibly upset. When he exits and makes his way to the field the coach decides to walk with him and acknowledges to the player that he sees that he is upset. The athlete begins to describe how he is a failure (i.e., refusing to help his little brother get ready for school, standing by when someone bullies another kid, and failing his first test in chemistry). Throughout this process, the coach listens and empathizes; however, the coach also confirms the potential for a different set of actions for the athlete. The coach sees him, as he wants to be seen, as a caring and intellectually capable young man. The coach provides counterexamples to note how he has been a

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[48]Noddings (2010).

[49]Noddings (2003).

[50]Noddings (2003).

successful person and notes that it is not too late to rectify these situations. They agree to talk more after practice.

As can be seen in these examples, engaging in a caring relation depends upon dialogue that occurs between the one-caring and the cared-for. It is through dialogue that the one-caring learns of the interests and needs of the cared-for as well as communicates aspects of engrossment. The one-caring takes an invested interest in the cared-for. It is also through dialogue that the one-caring discusses the expressed needs of the cared-for and, if needed, help the cared-for come to understand why some expressed needs may not be supported or should not be pursued. For example, a coach asks a young soccer player, who intentionally pushes an opponent to get the ball, about her action. The child simply states that she wanted the ball so she just pushed the other player out of the way. It would not be enough for the one-caring to state the action was wrong. Rather the caring coach would ask the child what it might have felt like to be pushed away from the ball. The coach may also encourage the child to think about what could have happened if the other girl had fallen and been hurt. The coach may even refer to an incidence a few weeks back when a girl was pushed, fell, and limped off the field crying. The coach may ask the player if she thinks she should apologize for her action. The caring coach would even prompt her to do so. Additionally, the coach would encourage the athlete to think about tactical skills learned in practice to possess the ball. Reminding the player that reaching one's true potential as a soccer player would mean perfecting these tactics rather than pushing, which requires no technical skill. The point of the interaction would be for the young player to learn to become more empathic, see the importance of reducing harm, and inevitably to see the opponent as one-caring. In so doing, the young player comes to realize that intentionally pushing another player is not an appropriate way to achieve the intending goal of possessing the ball. Additionally, it is learned that a better way to achieve what may be the underlying desire of the child, to be a better soccer player, is even jeopardized by such an action. Therefore, it is not to be assumed that the one-caring gives in to the whims of the cared-for. To do so could potentially compromise the ethical ideal of caring or not appropriately prepare the cared-for to live in a civil

society. However, what is important is that the one-caring listens to the cared-for and acknowledges the need while providing a rationale for an alternate path through respectful dialogue.

Researchers in the physical activity domain have also acknowledged aspects of the caring relation. For example, Hellison includes aspects of a caring relation in his framework for Teaching Personal and Social Responsibility (TPSR), a program that emphasizes building respect, effort and cooperation, self-direction, and caring through physical activity.[51] In the proposed daily curricular components of TPSR, Hellison includes relational time in which the leader is encouraged to interact and get to know each person in the program. The four goals of these "brief relational encounters" are to recognize the strengths and individuality of each person, listen to each person and hear her/his voice, acknowledge the decision-making ability of each person as well as provide an opportunity to practice this ability.[52] In the end, each person is accepted for his/her strengths and individuality and invited to take part in the community. Although these "brief relational encounters" fall short of direct motivational displacement, there is certainly an opportunity for a coach to be motivated to take action to support the athlete if the coach truly becomes attentive to the needs of the athlete. As Hellison notes, these encounters "help to guide the relational process."[52] Further, in delineating the leader qualities important to being relational, Hellison clearly notes the importance of listening and acting in the best interest of the other that does capture the caring relation.

Overall, creating caring interpersonal relationships requires an intentional approach by the coach that emanates from a genuine commitment to a caring philosophy. This commitment begins with a willingness to truly listen to the athlete and be moved to action on behalf of the other. A caring interpersonal relationship also sets the stage for a caring climate by providing a foundation for trust and

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[51]Hellison, D. (2011). Teaching Personal and Social Responsibility Through Physical Activity (3rd ed.). Champaign, IL: Human Kinetics.

[52]Hellison (2011), p. 52.

mutual respect between the coach and each athlete. This relationship not only fosters a commitment to the community and understanding of the importance of being in relation with others but also helps athletes learn to empathize with and care for others. That is, realizing that others care reawakens our own ability to care for others.[53] We now turn our attention to this endeavor.

Nurturing Care in Athletes

Preparing someone to care is a key element of the caring relation, and this ability to care begins with our experiences in caring.[54] It is in these experiences that individuals learn the importance of listening to and supporting another individual as well as respecting and accepting others. Additionally, the development of *ubuntu* in young people occurs in relation with others in the family and community.[55] Thus, it makes sense to begin exploring how coaches can nurture care in their athletes through caring relations. Noddings notes that the one-caring can encourage caring in the cared-for through the following four components: modeling, practice, confirmation, and dialogue.[56]

Noddings notes that there is a rich tradition of modeling within moral education that dates back to Aristotle.[57] In engaging in care, the one-caring is naturally demonstrating to the cared-for what caring is and how it occurs. In a team environment, a coach who is engaging in a caring relation with one athlete provides a model not only for that athlete but also for all athletes on the team. Shutte in describing the development of *ubuntu* also notes that one learns by

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[53]Mercado, C. I. (1993). Caring as Empowerment. School Collaboration and Community Agency. The Urban Review, 25, 79–104.

[54]Noddings (2003, 2010).

[55]Shutte (1993, 2001).

[56]Noddings (2002, 2003).

[57]Noddings (2002).

observing someone who has *ubuntu*.[58] However, Noddings notes that the one-caring must be careful not to focus on modeling caring for the benefit of the cared-for but rather focus on the cared-for.[59] Attending to the lesson of caring turns the one-caring's attentional energy away from the cared-for providing a diminished sense of what it means to care. Thus, it should be a model of natural caring. After the fact, the one-caring may engage in self-reflection to determine whether the response was appropriate and effective as well as how things might be done differently in the future.[60] Therefore, as coaches interact with their athletes and engage in caring relations, they should be cognizant of the fact that they are providing a model for how to care and reflect on whether their actions are in line with their philosophy of caring.

Another component of helping individuals learn empathy and caring is to provide opportunities for the practice of care. Noddings suggests that this is achieved by having individuals engage in caregiving activities or work together.[61] For example, she suggests service learning projects in which the one-caring can have meaningful dialogue and reflections about the experience that connect back to caring. The importance of practicing care and engaging in pro-social behaviors is exemplified in the Child Development Project (CDP), now known as Caring School Community. Battistich and his colleagues created the CDP as an elementary school intervention program focused on nurturing pro-social behaviors in young children.[62,63,64] Although it contains many components, relative to our discussion here is their focus on helping activities. Within CDP, children are encouraged to take on responsibilities within the school community like classroom chores, school service projects, or community service projects. Through these activities the children are counseled to reflect on the importance of the activity to the community (e.g., recognizing how their classroom chores help the class function better), encouraged to take on the perspective of another, and learn ways to help others in

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[58]Shutte (1993).

[59]Noddings (2002).

[60]Noddings (2002).

their community. In the youth sport domain, coaches could assign team members team responsibilities and discuss their importance to the team as well as organize community service events with the assistance of parents to help athletes understand the importance of caring for others in their community.

As the Child Development Project has evolved, an additional emphasis has been placed on children helping other children through cross-age buddy programs.[64] Within these programs, a younger child is paired with an older child, and they work together on service projects, play together during recess and field trips, or the older student helps the younger student with homework. Through this process, kids are practicing caring relations and with self-reflective activities and dialogue with the teacher, the kids learn how to care. Similar ideas have been implemented in physical activity programs. For example, Martinek, Schilling, and Hellison describe two physical activity programs, the Youth Leader Corp and the Apprentice Teacher Program, that focus on helping youth teach and care for others.[65] The emphasis for these programs is to empower young people by providing opportunities for them to lead others not only in developing sport skills but also in learning social and personal responsibility based on the TPSR framework. Youth leaders, who have participated in the program, create,

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[61]Noddings (2002).

[62]Battistich, V., Watson, M., Solomon, D., Lewis, C., & Schaps, E. (1999). Beyond the Three R's: A Broader Agenda For School Reform. Elementary School Journal, 99, 415–431.

[63]Battistich, V., Watson, M., Solomon, D., Schaps, E., & Solomon, J. (1991). The Child Development Project: A Comprehensive Program for the Development of Pro-Social Character. In W. M. Kurtines & J. L. Gewirtz (Eds.), Handbook of Moral Behavior and Development: Vol 3. Application (pp. 1–34). Hillsdale, NJ: Lawrence Erlbaum Associates.

[64] Schaps, E. (March/April 2009). Creating Caring School Communities. Leadership, 8–11.

[65] Martinek, T., Schilling, T., & Hellison, D. (2006). The Development of Compassionate and Caring Leadership Among Adolescents. Physical Education and Sport Pedagogy, 11, 141–157.

implement, and evaluate their own lessons for their younger program participants. They also meet with program leaders to hone their physical and social skills and discuss their lessons. Although the lessons vary in their incorporation of TPSR values, youth are given autonomy in the lesson and encouraged, over time, to reflect upon how they can grow as compassionate leaders. Therefore, it is clear that youth sport coaches have a variety of mechanisms for helping young people to practice care, whether that be through buddy systems during practices or creating leadership opportunities that focus not only on demonstrating prowess on the athletic field or promoting a strong work ethic but also by helping to promote shared values surrounding caring.

Flowing directly from the engagement in practice is the act of confirmation. That is, as a child engages in practice, the one-caring looks toward the ethical ideal that the child is capable of achieving and honors the act accordingly. However, when an action is not caring:

> [T]he one-caring considers always the possibility that the one-appearing-to-do-evil is actually in a deteriorated state, that he is acting under intolerable pressure or in error. She retains a responsibility, then, to relieve the pressure and to inform the error; indeed, she remains responsible for the actualization of the other's ethical ideal.[66]

Therefore, confirmation involves affirming the best possible motive for a given action. In the case of an unsuitable act, the other person is given the benefit of the doubt about her/his action while discussing how to more appropriately move toward the desired motive. For example, when a young field hockey player, clearly frustrated by the level of play of one of her teammates, yells at the player and calls her a name. The coach can pull the player aside and affirm her commitment to her team and wanting everyone to play their positions well but discuss alternative methods to communicate this information to her teammates. As Noddings notes, "it is wonderfully reassuring to realize that another sees the better self that often struggles for recognition beneath our lesser

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[66]Noddings (2010), p. 116.

acts and poorer selves."[67]

Underlying the use of modeling, practice, and confirmation in helping young people to understand caring is the need for open dialogue. Dialogue accompanies modeling in that we look at the model, our self or someone else, and discuss what the model did, how the model made others feel, and seek to praise or identify a better action.[68] Dialogue is apparent in sharing our reflections on engaging in caring practices and how these caring practices inform our thoughts and feelings about caring.[69] Dialogue also occurs as the one-caring intentionally recognizes spontaneous engagement in the practice of care by the cared-for and honors this action and/or seeks to help the cared-for refine his/her caring practice. The use of dialogue to confirm the cared-for may also take the form of helping one talk through how to reach her/his true potential and achieve expressed needs in a way that avoids harm and encourages reflection on the consequences of one's actions. As Noddings states, "There is a commitment to explore with the child the consequences of certain behaviors in light of the conventions of the culture to which the family belongs and to consider alternatives that avoid harm to self and others."[70] The use of dialogue is also key to fostering *ubuntu* as Shutte noted in his developmental stages.[71] Therefore, dialogue is a foundational aspect of teaching youth to care and to achieve *ubuntu*.

Overall, the caring relation provides insight into nurturing care within young people by using modeling, practice, confirmation, and dialogue. Incorporating these concepts in their practices, caring coaches can encourage empathy and caring among their athletes.

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[67]Noddings (2002), p. 21.

[68]Noddings (2010).

[69]Noddings (2002).

[70]Noddings (2010), p. 196-197.

[71]Shutte (1993, 2001).

Developing a Caring Team

In addition to developing caring relations and nurturing caring concepts with athletes, coaches also develop a caring climate by considering how caring permeates all aspects of team culture and community. This harkens back to the *ubuntu* philosophy of sharing a way of life:

> According to Afro-communitarianism, the relevant relationship to prize is not merely one of caring for others' quality of life but in addition, sharing a way of life. A fundamental moral value for *ubuntu*/botho is identification with others, which is, enjoying a sense of togetherness and coordinating behavior to realize common goals.[72]

Further, Noddings does discuss the idea that communities need to be altered so that harmful situations, for example, bullying or antisocial behavior, do not arise because they are counter to the ethic of the community.[73] Thus, care extends beyond a relationship with an individual and just nurturing care to fostering a caring sport community. Caring sport teams can begin by incorporating a set of norms, values, rituals, and language surrounding ideas of caring and *ubuntu*. That is, there is an emphasis on developing community and a caring sport community. However, building upon practices within *ubuntu* and the caring relation, a caring coach could also incorporate specific caring practices that could further foster a caring sport team. These practices include building solidarity and harmony, promoting inclusion and acceptance, and emphasizing consensus building and community decision-making.

Developing the Caring Community

Within a caring team atmosphere, a coach clarifies the norms and values surrounding caring and helps athletes adopt the norms and values of the team. However, individuals are not forced into

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[72]Metz & Gaie (2010), p. 284.

[73]Noddings (2010).

community; rather, they are helped to see the value of community and sharing a way of life so that they can voluntarily choose to participate.[74] Therefore, as athletes become familiar with the team norms and values it is hoped that they come to recognize the importance of caring and respectful interactions in a caring sport community and seek to adopt the norms of that community. That is, they know what it feels like to be cared for and want to preserve that community and extend it to others. They come to value the importance of respect, trust, patience, generosity, safety, acceptance, and concern for others by having these values practiced on them. By teaching these norms, practicing them, and encouraging their practice in others, the norms become valued and adopted within the team. Over time, these norms become part of the shared history of the team that each new member learns as they enter the team. That is, storytelling of caring, tough love, respect, learning to appreciate others, joy, overcoming obstacles, etc., are shared with new members and revisited by current and retired members. Those stories of whom we are and what we stand for related to caring become part of team lore. Additionally, rituals and symbols that emphasize caring norms are developed. For example, a team that does a high ropes course at the beginning of each season, which focuses on trust, support, and shared commitment, can become a team ritual. This ritual creates a shared emotional experience that reinforces the team norms that are dialogued, modeled, and practiced throughout the athletic season. Through these strategies, coaches help athletes understand the importance of community and invite athletes to take part as noted by Metz and Gaie.[75] Additionally, coaches build the foundation of community by developing a shared history, emotional connections, and shared rituals and symbols.[76]

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[74]Metz & Gaie (2010).

[75]Metz & Gaie (2010).

[76]McMillan, D. W., & Chavis, D. M. (1986). Sense of Community: A Definition and Theory. Journal of Community Psychology, 14, 6–23.

Building Solidarity and Harmony

A distinguishing element of *ubuntu* is the idea that individuals enter into community with others and seek to live in harmony with others while working toward achievement of the common good.[77] Thus, an individual within community is working toward living in solidarity and harmony. Inherently built into sport is the notion of solidarity. That is, a team working together to achieve a common goal that encourages all athletes to strive for improvement (i.e., personal growth). Shutte stated that sport provides a good learning ground for teaching the social practice of *ubuntu* because athletes have an opportunity to work toward solidarity and develop team harmony.[78] Young athletes could come to recognize the importance of collective efforts toward achieving goals as well as learn their responsibility to the community in achieving the group's goals. Team members also learn the importance of supporting one another's goals and encouraging others in their pursuit as the individual's goals represent the accomplishment of the team's goals. As athletes engage in these actions, they work toward solidarity; some would say, foster teamwork. However, it goes a bit deeper. What is desired and supported is not only the achievement of the collective goals and how athletes work together to achieve them but also how people support one another's individual accomplishment and the community. Individuals recognize that they are the community, and they become more fully human when they engage in and support the community and its goals. Thus, out of necessity to help the team succeed, athletes learn to consider the needs and perspectives of others and recognize the need to work together and place the team ahead of self. It is also not only about winning and physical improvement but also about fully developing one's humanity. Athletes come to understand how their interactions with others on the team can influence team harmony and learn strategies for maintaining harmony or dealing with conflict that could disrupt harmony. They learn to empathize and care for the betterment of all individuals on the team. They work toward helping one another achieve *ubuntu*. However, just by

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[77]Metz & Gaie (2010).

[78]Shutte (2001).

participating in sport youth will not necessarily learn these lessons. Coaches must teach and reinforce the concepts of harmony and solidarity and then have athletes practice the lessons learned within the context of sport.

Promoting Inclusion and Acceptance

Another element of the caring atmosphere is acceptance and inclusion. In many ways, this reflects the caring relation at a team level. In the athletic realm, this may take the form of the coach helping athletes maintain their own voice or reclaim it by accepting them for who they are while also encouraging them to be in relation with others on a team that promotes the same acceptance. All members of the team feel included, valued, and accepted. This inevitably means that the environment is physically and emotionally safe so that all individuals feel safe to speak their voice and be themselves. This does not necessarily mean that all actions each athlete takes are acceptable, and some actions are unacceptable, but that the athlete is accepted. Additionally, while all team members are accepted for where they are right now, their potential is also confirmed, and they are encouraged to achieve this potential, not only athletic potential but potential as a person. So all team members are welcomed into the community, and each member is encouraged to engage in caring relations (i.e., engrossment and motivational displacement) as well as practice *ubuntu* (i.e., respect others, empathize with and care for others, be generous and patient, hospitable, and tolerant). Athletes get to know one another and support one another as well as accept and affirm one another. As Battistich contends, a teacher, in our case "coach", creates an environment where relationships among all students are exemplified by caring not just the relationship between teacher and each individual student.[79] All communal relationships are of great value and need to be nurtured.[80]

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[79]Battistich, V. (2008). Voices: A Practitioner's Perspective: Character Education, Prevention, and Positive Youth Development. Journal of Research in Character Education, 6, 81–90.

[80]Metz & Gaie (2010).

Emphasizing Consensus Building and Community Decision Making

Although its traditions, rituals, and rules that guide the community toward its common objective of developing caring young people mark a team, this does not mean that the individual team member is not heard or that a coach exercises autocratic power in dictating what occurs on the team. A caring team embodies the *ubuntu* notion of consensus building. Consensus building allows each person to voice concerns as others listen. Once mutual understanding is achieved, group members work toward consensus on the issue at hand. Thus, demanding blind conformity is not desirable and could not be if the one "in power" is practicing *ubuntu*. Rather, team members are exposed to traditions, norms, and rules; critically think about them before adopting them as their own; and are called to think about self within the group rather than the self alone.[81] In a way youth come to understand the workings of the team because there is a level of transparency, and athletes are encouraged to participate in the community. Further, these norms and traditions can be questioned and through mutual understanding consensus is achieved about whether and how these rules should continue. However, in consensus building all individuals must be open-minded (i.e., each person looks toward the other as the cared-for and practices engrossment and motivational displacement). However, where expressed needs of individuals conflict further, discourse occurs until it becomes clear why some expressed needs may not be in the best interest of the individual and/or the community. For example, a coach may have a rule that his middle school basketball players do not engage in trash talk toward their opponents. The practice following a very intense game where trash talking occurred on both sides, the coach discusses the use of trash talking. The coach reminds players of the rule; and one player, who is a frequent offender, notes her opposition to the rule. Under consensus building, what would follow is an opportunity for the player to voice her opposition to the rule and provide a rationale for her position followed by the coach providing a rationale for his position. Other members of the team would also note their thoughts on the rule. Throughout the

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[81]Metz & Gaie (2010).

process, all voices would be heard, and at some point consensus would be achieved. However, this may not be accomplished before this one practice session. It may be a series of conversations and practiced actions where players evaluate the influence of trash talking on them and other individuals before consensus is achieved. As an aside, it is important to note that consensus building will not work effectively if the person does not feel he is cared for in the community. Thus, a caring relation and a sense of empathy are clearly intertwined with this notion of mutual understanding and consensus. Further, from a pragmatic standpoint it is important to note that solidarity is sometimes not achieved through consensus building and rather tolerance is pursued.

Another important aspect of consensus building relates to the conception of power. Traditionally, power has been defined as one having power over another; however, power can also be negotiated.[82] Thus, power fluctuates based on situational factors and one's own agency (e.g., one can freely give up power or negotiate for power with another). On a caring team, this can even be more common as there is a mutual dependency for the good of the team. So each person's power can be challenged, and people need to negotiate with one another to reach objectives. This inherently implies that individuals must navigate the use of their own agency in the process while empathetically considering those within the community.

Embedded in consensus building is the notion that each individual is empowered by the community to take an active role, and individuals engage in community decision making because they have a sense of ownership in the community. However, this involvement may be lessened by the knowledge, expertise, and development of the individual. Battistich and his colleagues believed that community decision-making, in which children were involved in setting classroom rules and norms and having choice in learning activities, was a key component of a caring school

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[82]Dominelli, L., & Gollins, T. (1997). Men, Power, and Caring Relationships. Sociological Review, 396–415.

community. [83] Schaps also noted the importance of providing students "voice and choice" in the classroom so that students can have a voice in the decision-making process and choice over activities.[84] Noddings also speaks to this idea by suggesting that a teacher seeks students' perspectives and identifies their needs and interests, which can then be incorporated into curriculum planning.[85] Clearly, a sense of autonomy is encouraged relative to group engagement. By empowering kids to make decisions within the community and holding them accountable for their actions, they learn to take personal and social responsibility[86] as well as see the influence of their decisions on the community, further developing their empathy. Reviewing the elements of community, Battistich and his colleagues stated that

> [C]ommunities are defined as places where members care about and support each other, actively participate in and have influence on the group's activities and decisions, feel a sense of belonging and identification with the group, and have common norms, goals, and values.[87]

Many of those elements are captured in the components discussed here for creating caring teams. By developing norms, values, and rituals based on caring and *ubuntu*, coaches begin the process of developing a caring sport community. The caring sport community is further instilled by building solidarity and harmony, promoting inclusion and acceptance, and emphasizing consensus building and community decision-making.

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[83]Battistich, V., Solomon, D., Watson, M., & Schaps, E. (1997). Caring School Communities. Educational Psychologist, 32, 137–151.

[84]Schaps (2009).

[85]Noddings (2003).

[86]Hellison (2011).

[87]Battistich et al. (1997), p. 137.

CONCLUSION

The popularity of sport among youth and the communal nature of sport make it a perfect vehicle to help young people develop into more caring and socially and emotionally competent individuals who come to understand the importance of participating in one's community. However, sport participation alone will not guarantee such a transformation; rather, coaches need to create a climate, a caring climate, for this to occur. As noted throughout this chapter, being in relation with others, nurturing caring in athletes, and developing a caring team denote a caring climate. Thus, caring, as informed by, although not completely adopting all aspects of, the caring relation and the African ethic of *ubuntu*, permeates all aspects of the sport team.

Overall, the caring sport climate has the potential to provide an environment where young people can feel safe; cared for; and accepted; and in so doing, help them come to find their own voice and realize their own potential. A caring sport climate also sets the stage for young people to learn how to develop empathy—a key building block—to being in relation and living in community with others, which are important skills for living in a civil society. However, for this to take place coaches need to be intentional in establishing a caring sport climate and authentically practice it. The framework discussed here provides a place to begin that endeavor.

Implementing a Positive Social Psychological Climate in High School Athletics

By Lori A. Gano-Overway

Coaches play a key role in encouraging sport participation and fostering life skills across athletes' developmental years.[1] Coaches draw on many tools to motivate athletes and over the last several decades, researchers and practitioners have learned much about the type of sport environment that can help youth and adolescents experience greater motivation, confidence, and enjoyment, while also developing important life skills. Researchers have explored feedback patterns[1, 2], achievement goals and the motivational climate[3,4,5,6], autonomy supportive behaviors[7,8], team building and

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[1]Horn, T. S. (2008). Coaching Effectiveness in the Sport Domain. In T. S. Horn (Ed.), Advances in Sport Psychology (3rd Ed.) (pp. 239–268). Champaign, IL: Human Kinetics.

[2]Smoll, F. L., & Smith, R. E. (2002). Coaching Behavior Research and Intervention in Youth Sports. In F. L. Smoll & R. E. Smith (Eds.), Children and Youth in Sport: A Biopsychosocial Perspective (pp. 211-233). Dubuque, IA: Kendall Hunt Publishing.

[3]Ames, C. (1992). Classrooms: Goals, Structures, and Student Motivation. Journal of Educational Psychology, 84, 261-271.

[4]Duda, J. L., & Balaguer, I. (2007). Coach-Created Motivational Climate. In S. Jowett & D. Lavallee (Eds.), Social psychology in sport (pp. 117–130). Champaign, IL: Human Kinetics.

[5]Harwood, C., & Biddle, S. H. (2008). The Application of Achievement Goal Theory in Youth Sport. Retrieved from https://ess220.files.wordpress.com/2008/02/agt1.pdf

[6]Harwood, C., Keegan, R. J., Smith, J. M. J., & Raine, A. S. (2015). A Systematic Review of the Intrapersonal Correlates of Motivational Climate Perceptions in Sport and Physical Activity. Psychology of Sport and Exercise, 18, 9–25.

cohesion[9] and caring and relatedness behaviors[10,11,12,13]. This document provides some basic strategies coaches can use to create a positive social psychological climate within high school athletics based on this collection of work.

Emphasize Effort & Improvement

Coaches can begin to create a positive and supportive psychological climate by considering what it means to achieve excellence in sport. There are two ways to respond to this question, but it appears that both may lead us to the same answer. The first way to respond is to say that to achieve excellence in sport one must win games or events. However, if we probe a little deeper we may ask ourselves, "How do we win games and place first in matches?" Often we as coaches recognize that to win games and championships we need motivated athletes who strive to reach

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[7]Amorose, A. (2007). Coaching Effectiveness. In M. S. Haggar & N. L. D. Chatzisarantis (Eds.), Intrinsic Motivation and Self-Determination in Exercise and Sport (pp. 209-227). Champaign, IL: Human Kinetics.

[8]Mageau, G. A., & Vallerand, R. J. (2003). The Coach-Athlete Relationship: A Motivational Model.

[9]Carron, A. & Eys, M. (2011). Group Dynamics in Sport (4th Ed.). Morgantown, WV: Fitness Information Technology.

[10]Fry, M. D. & Gano-Overway, L. A. (2010). Exploring the Contribution of the Caring Climate to the Youth Sport Experience. Journal of Applied Sport Psychology, 22, 294-304.

[11]Gano-Overway, L. A. (2013). The Caring Climate: How Sport Environments Can Develop Empathy in Young People. In K. Pavlovich, & K. Krahnke (Eds.), Organizing Through Empathy (pp. 166-183). New York, NY: Routledge.

[12]Jowett, S. & Poczwardowski, A. (2007). Understanding the Coach-Athlete Relationship. In S. Jowett & D. Lavallee (Eds.), Social Psychology in Sport (pp. 3–14). Champaign, IL: Human Kinetics.

[13]Rhind, D. J. A., & Jowett, S. (2010). Relationship Maintenance Strategies in the Coach-Athlete Relationship: The Development of the COMPASS Model. Journal of Applied Sport Psychology, 22(1), 106-121.

their potential. While talent and ability would be helpful, we recognize the need for athletes to give good effort and strive for excellence. The second way to respond to this question is to state specifically that excellence is about reaching your potential — it is about improvement that can only come through athletes' effort and persistence. Therefore, as coaches, we can help to achieve this excellence by creating an environment that will encourage a strong work ethic and emphasize athletes' improvement. Here are a handful of strategies that may help in this endeavor:

- Often as coaches, we assume that athletes know what type of effort we want them to exhibit in practice. However, this is not always the case. Take a bit of time to think about behaviors that you would like to see in your athletes during practices and during games. Once you have identified these behaviors, communicate them to your athletes maybe put a poster that lists what it means to work hard.

- To help reinforce effort in practice you want to catch your athletes engaging in your effort behaviors. Consider the following strategies:

    o Verbally praise athletes when you see the behavior.

    o Stop practice and give a shout-out to those athletes who are putting forth good effort, while reminding all athletes why these behaviors are important to their success.

    o Create a daily log with all athletes in the first column and each of your effort behaviors in the remaining columns (see Thompson for the concept of Positive Charting[14]). At the end of each practice, record the behaviors you observed (or assign a parent to help with this activity). Tally your logs at the end of each week and offer rewards to those achieving a certain level of effort (e.g., if all athletes earn a certain score

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[14]Thompson, J. (2010). The Power of Double-Goal coaching. Portola Valley, CA: Balance Sports Publishing.

by the end of the week the team gets to design part of practice, have an ice cream social organized by the parents, or play a scrimmage or a game of their choosing). Remember to remind the athletes that the reward is linked to their effort. Additionally, consider checking out smartphone apps that will help you track these behaviors and allow athletes to see how they are doing (e.g., Class Dojo).

- Create opportunities for athletes to give their best effort by providing appropriate challenges during practice. In swimming, for example, you might create a Practice Record day where each swimmer swims a set (5 x 50 @ 3) to see if they can swim it faster than s/he did earlier in the season or last season.

- To help athletes focus on improvement, consider using goal setting. Have the team work together to devise team goals (or you as the coach set team goals) and then work with individual athletes to set personal goals. Sit down with each player once every two weeks (make sure to stagger these so you are meeting with one or two athletes a day after practice) to identify and praise athlete improvement. During these meetings, it may also be necessary to identify new or additional strategies to continue to make progress or consider modifying goals. John Amtmann describes how the football coaching staff at De La Salle High School incorporates weekly short-term goals into their program. He states, "Each player shares his goal the upcoming game with the rest of the team and another designated player assesses overall success."[15]

- End each practice or competition with five highlights of the day. Use this as an opportunity to highlight athletes' behavior or celebrate goal accomplishments. However, this

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[15]Amtmann, J. (2005, November), p. 38. Coaching and Leadership. Coach and Athletic Director, 75, 36- 38.

does not need to focus exclusively on effort or improvement. Think about other behaviors that are important for your program.

- Remember, it is hard to give 100 percent effort on every single drill or set in practice. Be sure to choose those drills that are most critical for 100 percent effort and provide athletes downtime to recover and refocus. Reflect on how your sport environment can influence athletes to consider only the outcomes such as winning and outdoing others. Create messages that can combat these as they arise in practice or competition. For example, Harwood and Biddle created the acronym RESISTANCE to support tennis players' focus on their own effort and improvement.[16]

Rating:	'It's not the rating or ranking that produces the performance.'
Esteem:	'Separate the person from the outcome.'
Seeding:	'Matches aren't played on paper, they are played on tennis courts.'
Importance:	'Any match is just as important as any other match.'
Score:	'It's not about the score, it's about your effort, discipline and focus.'
Team:	'Effective team members play like the player who gained selection.'
Audience:	'An audience's main desire is to witness a player trying their best.'
No justice:	'One bad line call or net cord does not win or lose a match.'
Comparison:	'Never base achievements solely on comparisons with others.'
Endorsements:	'High fashion and designer labels never won a tennis match.'

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[16]Harwood & Biddle (2008), p. 69.

Being a Good Teacher

Another pivotal part of helping our athletes achieve excellence is becoming a good teacher. By teaching techniques and tactics, we help our athletes improve and move toward reaching their potential. To make this more likely to happen we need to engage in good teaching practices.

- Provide great skill demonstrations which include these key steps:

    o Tell the athlete why a skill is important to learn and when it can be used.

    o Set a goal for what you would like to accomplish.

    o Make sure you have their attention.

    o Tell them 3-4 key steps to focus on to complete the skill.

    o Show them how to do the skill.

    o Have them repeat the key steps or come up with a story or mnemonic device to help them memorize the skill steps.

    o Have them practice immediately and repeat on following days with appropriate technical feedback.

- As Vince Lombardi noted, "They call it coaching but it's teaching. You do not just tell them – you show them the reasons." Good teachers help their athletes develop an understanding of the game by cluing them into why certain techniques and tactics are advantageous in game situations. A great way to do that is by setting up scrimmage situations that help them understand why a particular tactic is useful.

- Give timely technical feedback that encourages improvement to all athletes.

- Develop systematic practice plans that incorporate time for teaching and learning as well as conditioning.

- John Wooden believed in teaching basketball fundamentals. However, the purpose of teaching fundamentals was "to provide a foundation on which individual creativity and imagination can flourish."[17] Therefore, while using drills and repetition was important, Coach Wooden understood the importance of placing it in a context and creating practices that contained teaching something new, used variety, increased task complexity in order to engage players during practice, and gave them a sense of the game that could unleash their own creativity on the court.

Create Fun & Engaging Practices

Practices are very important to the development of an athlete and are critical times for coaches to work on techniques and tactics that will help their teams be successful. However, it is sometimes erroneously assumed that because it is practice where conditioning, skill development, and learning needs to take place it cannot be fun and engaging. There is nothing further from the truth. There are many ways that coaches can create fun and engaging practices to help their athletes enjoy working hard. Here are a few things to consider:

- Simply varying drills and sets during practice can make practice engaging and new.

- Keep athletes active throughout the practice. Standing around waiting to play is not fun.

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[17]Nater, S., & Gallimore, R. (2006). p. 61. You Haven't Taught Until They Have Learned: John Wooden's Teaching Principles and Practices. Morgantown, WV: Fitness Information Technology.

- Create skill challenges for the athletes to improve their techniques during practice (e.g., in soccer you can do a crossbar challenge — have a subset of your athletes work on kicking the ball toward the goal with the objective of hitting the crossbar. Have them start close and then move back 5 feet when they have hit the crossbar or have them start far back but hit the crossbar five times before moving on to another station/activity).[18] Soccer coach, Gavin Casey, gives his soccer players equipment (two corner flags, five disc cones, one pop-up goal, and a ball), puts them in teams and gives them five to eight minutes to organize a game using all the materials.[19] The players enjoy getting a chance to be actively involved in practice and develop games that peak their own interest and are usually challenging. During their games, Coach Casey stresses everything that he wishes to see the athletes accomplish that day (e.g., create space, set triangles, communicate).[19]

- Create a game that will build physical conditioning or encourage using appropriate strategy/technique (e.g., playing water polo with your swimmers, make up wild and crazy relays for your track team, or play ultimate basketball where the teams can only pass the ball).[20]

- Have the athletes scrimmage during practice to prepare for competition. Remember, equally match athletes to create optimal challenge for all athletes.

- Infuse fun into a practice (e.g., have volleyball athletes dress up in their Halloween costumes for practice, between sets or drills have the athletes do crazy dances (e.g., chicken dance,

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[18]Additional skill challenges can be found at
http://www.insidesoccer.com/?isf=library&lib_id=290481

[19]Casey, G. (2005, April). You Can't Coach Soccer Just for the Fun of It. Coach and Athletic Director, 75, 46-48.

[20]Details as well as information on a variety of fun drills and games can be found at http://files.leagueathletics.com/Text/Documents/9255/36068.pdf

hokey pokey, Macarena, hand-jive), or create three-legged basketball players (a version of the three-legged races), and have them do dribbling drills together).

Navigate Mistakes in a Useful Way

Making mistakes is a big part of the learning process. As John Wooden notes, "If you're not making mistakes, then you're not doing anything. I'm positive that a doer makes mistakes." If this is the case, the question is how can coaches appropriately respond to mistakes in practice and competition to help teach and reinforce this idea. Here are some ideas worth considering:

- When an athlete makes a mistake demonstrate confidence that you know s/he will fix it the next time. If necessary, offer constructive feedback for fixing the mistake or ask the athlete how the mistake might be fixed next time. Empathize with the athlete. Remember: We all make mistakes, and sometimes it is just best to let it go or wait until a later time to address it. If your athlete tends to ruminate on mistakes, remind the athlete of positive performances s/he had and encourage her/him to reflect on those aspects of performance.

- Try not to substitute a player who has just made a mistake. This can send the message that mistakes are punished and to be avoided, potentially leading athletes to fear making mistakes and creating unneeded anxiety during competitive situations.

- At the end of a competition, have athletes provide their highs and lows from a competitive event and use it as an opportunity to praise the highpoints and develop plans for working on weak points. If the mistake is repeated, consider why this might be the case. Is more practice needed to develop the correct response? Are the athletes anxious or flustered and you need to help them develop mental skills to manage their anxiety level? Alternatively, does the athlete not understand how to execute the correct response?

Sometimes, we as coaches say something repeatedly and think we are being clear but the athlete is interpreting our instructions differently. It is sometimes helpful to have the athlete talk through what they are supposed to be doing during a particular play to see where the breakdown in communication is taking place.

- It is also useful to recognize that focusing on mistakes may not always be the best way to prevent them in the future and may create an environment that is perceived as negative by players. Coach Tony DiCicco recalls such an incident when working with the USA Women's National Soccer Team. With suggestions from Colleen Hacker, he decided to catch them being good.[21] That is, he and his coaching staff decided to stop play when athletes were executing an excellent play or demonstrating a key tactic and provided accolades to the players. They still kept note of mistakes made during practice, but they did not call them out during practice rather they met as a coaching staff to decide what teaching and drills needed to occur in the following practices to help reduce the likelihood of making those mistakes again in the future.

Clarify Team Roles & Clearly Communicating Expectations

Consider the following scenario: You have an athlete, Constance, who works very hard in each practice but is just not as talented on the court as another athlete, Abby. Constance does not start and rarely gets playing time. She is frustrated and comes to talk with you. How do you respond?

This is a complex situation, and there are multiple ways to respond. However, this scenario reinforces the importance of letting players know, earlier in the season, what their role will be and clearly communicating expectations about playing time. For example, a coach could approach Constance at the beginning of season and

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[21] DiCicco, T., Hacker, C. & Salzberg, C. (2003). Catch Them Being Good: Everything You Need to Know to Successfully Coach Girls. New York, NY: Penguin.

explain to her that her role on the team is as a secondary player. That is, she will not see much playing time because there is another player that has stronger skills (the coach may even explain what these skills are). The coach would then describe to the athlete the importance of this role. First, it will mean putting in a lot of work trying to develop her skills so she can fill in for the starter, Abby, when she is fatigued or injured. Second, it will mean that during practice she will need to continue to work hard to push Abby and other players to put in the effort needed to refine their skills. She is to lead by example and encourage her teammates to work hard during practice as well as put them to the test in drills and scrimmages. Therefore, her role is critical to developing a successful team but she will need to be aware that it is a position that, while critical, does not see much playing time. If she agrees to the role, it will be extremely important for the coach to honor and praise her effort and skill improvement during practices. The coach should also help her see the progress that she is making in her skill development based on individual goals set early in the season.

Let us add a complication to this scenario that could undermine the team atmosphere. Let us say that Abby is talented, very talented, but she does not work hard in practice. In fact, she tends to goof off and leads other players astray. Her general demeanor takes away from your team culture of emphasizing the importance of working hard. Further, Constance questions you on why you allow Abby to start when she does not work hard in practice. How do you respond? While there is no easier answer here, it is important for coaches to communicate clearly their expectations. If developing a good work ethic is a key component to a coach's sport program, those actions that do not support it would need to be addressed. Here are some ideas:

- A coach could talk with Abby about setting goals that are more challenging and working toward improvements in order to meet her true potential both of which would require her to put forth greater effort in practice.

- A coach could create additional challenges for her in practice, which would require greater effort on her part.

- A coach could communicate with Abby the importance of working hard in practice and that to be a complete player requires not only talent but also drive (or effort). Encourage her to lead by example not only in her techniques/tactics on the field but also in her work ethic.

- If needed, a coach might also make the decision not to play Abby in a game to emphasize the point that working hard in practice is one criterion for playing time.

Build Solidarity

Coaches are often looking for a team that works together to achieve a common goal, as well as a team that encourages one another to stay on task and strive for excellence. However, this is not an easy endeavor, and requires that coaches be vigilant about developing a team culture where athletes push themselves to reach their potential physically, mentally, and socially, as well as buy into the mission of an athletic program.

- A coach can begin by reflecting on what type of team culture you want to create. If a coach wants to develop norms of excellence, enjoyment, and effort, it is important to share those ideas with the team. In fact, it may be useful to sit down with the team and discuss what it means to work towards excellence, to give good effort, and have fun during practices and games. As your team begins to understand these concepts, it will be important to reinforce and honor these ideals as your athletes portray them throughout the athletic season. As a coach, you can reinforce these norms but it is also helpful to have your upper-class athletes do the same. However, be sure you talk with your veteran players about how to effectively communicate with new members of the team, so as not to create conflict or rifts on the team.

- Another method to reinforce norms is to create an activity that reinforces this concept. This can be simply setting up practice challenges that drive home the point. However, you

could also follow the suggestion offered by soccer coach Debra LaBrath, who assigns her soccer team a book to read in the off-season that emphasizes concepts that are important to be an effective team player.[22] Prior to team tryouts, athletes must pass a written quiz on the book.[22] While the books are often not about soccer, the point is to reinforce ideas that help to nurture a team environment she is trying to create.[22]

- In addition to setting broader norms about your team culture, it can also be useful to develop a Team Mission (see Janssen, for details on creating a Team Mission[23]). Once the Team Mission is created, be sure to communicate each athlete's responsibility in helping the team achieve the mission. While this can be formally expressed by having athletes set individual goals for the season based on this team mission, it is also important to remind them periodically in practice of their commitment to the team and its mission.

- With a Team Mission created, it is important to live it. Try to create goals for each practice and competition that connect back to some aspect of your Team Mission, and then periodically assess improvement in each area of the Team Mission. Additionally, periodically check in with your players to have them identify what the team needs to work on to help achieve the mission.

- Remind players to support one another in achieving the mission as well as asking them to share their individual goals with teammates so they can support one another and share their progress throughout the season.

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[22]LaBrath, D. (2009). Coaching Soccer Successfully. Champaign, IL: Human Kinetics.

[23]Janssen, J. (2002). Championship Team Building: What Every Coach Needs to Know to Build a Motivated, Committed & Cohesive Team. Tucson, AZ: Janssen Peak Performance Inc.

Provide Opportunities for Choice & Decision Making

Coaches can help athletes better engage during practices by providing them the opportunities to be more involved in the day-to-day practice planning and implementation. Doing so can help athletes feel like they have a say in how they are developing as an athlete, that is, it helps them feel autonomous. To help develop athlete autonomy consider the following suggestions adapted from work by Mageau and Vallerand:[24]

- Identify ways to provide athlete's choice. In practice, this may be as simple as allowing athletes to choose warm-up activities or choose between two different sets or drills. However, it can be as complex as allowing athletes to create a practice session within certain guidelines you provide. Competition might also offer opportunities for providing choice. For example, a coach could ask athletes to choose one track and field event that they would like to participate in during an upcoming meet. Alternatively, a basketball coach would let the point guard call the plays to give her/him an opportunity to choose strategy during games.

- Another possibility is to incorporate your athlete's interests into practice. If you can learn what makes them tick and build that into practice session that can help them feel more engaged. For example, if an athlete loves to listen to music while running, create an MP3 playlist of music for the athlete to listen to while working out. You could even incorporate your workout directions as an MP3 file. A high school volleyball coach shared with me how she had her athletes fill out an interest form at the beginning of the season that included what volleyball drills they loved doing, and those they absolutely despised. She reviewed their lists and tried to incorporate their favorite drills as much as possible and eliminate, when possible, those they disliked doing. It made her practice sessions much more appealing to her players.

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[24]Mageau & Vallerand (2003).

- Create an idea center. Women's collegiate soccer coach Andrew Jones, implemented an idea system that encouraged players to offer their ideas for having a better soccer season with him. Athletes shared ideas from having food available after practice for student-athletes that go directly to lab courses to changes in pre-game menus and watching more game film. By encouraging the expression of ideas and implementing them the athletes felt empowered and motivated.[25]

- If it is not possible to provide choice (i.e., there are just some drills and activities that need to be done and chosen by you), provide the athletes a rationale for why the drills or tasks are being done. Acknowledging the athlete's need to understand why s/he is doing a particular drill when it is hard or complicated can help encourage engagement versus apathy or frustration.

- Avoid trying to control behavior through punishment or ridicule. Try to identify those behaviors and attitudes that you would like to see during practice. Encourage those behaviors rather than trying to control negative behavior through punishment (e.g., making athletes run wind sprints when they have not given the effort needed in practice, making athletes run laps when they were not listening to you during practice, or yelling at athletes for making mistakes). Remember, the key is to teach athletes what positive behaviors and actions are. Communicate what you are looking for and let them know when you see it. However, do be aware that providing rewards (e.g., trophies, ribbons, points toward a prize, etc.) can also be perceived as controlling if they are not linked to their own improvement as an athlete and person. Therefore, it is key to provide good information about how a reward is in recognition of them moving closer toward reach their

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[25] Jones, A. (2005, March). The Power of Ideas (Borrow from Business Management). Coach and Athletic Director, 76, 42-49.

potential.

- Another way to increase athlete autonomy is to provide opportunities for athletes to make good decisions during practice and competition. Coaches can provide many opportunities to practice making good decisions. For example, on the baseball field you could freeze play during a scrimmage or drill and have players process possible strategies. Alternatively, coaches could have post-game reflections or post play reflections and discuss decisions made, possible alternative decisions, and the impact on play.

Develop a Caring Relationship

Theodore Roosevelt said, "Nobody cares how much you know, until they know how much you care." It certainly matters to people when you have their best interests in mind. In fact, many of the strategies already reviewed really depend on the coach caring enough to act in the athlete's interests in mind. However, developing a caring relationship goes a bit deeper. Making connections with athletes is not just about helping them to invest in your program and give their best effort but rather helping them to understand that part of our humanity is about making connections with others and learning to live in community. Therefore, creating caring relationships is providing athletes a role model for how to interact with others with compassion, dignity, respect, and kindness. Many coaches do this regularly but here are a few simple ways to begin making this connection:

- Welcome athletes daily to practice. Greeting each athlete sets the tone that you are happy to see her/him. You can also do a collective greeting, fill them in on the activities for the day, and take questions.

- Get to know all your athletes. Know their interests, joys, strengths, and weaknesses as this relates to their sport so that this can be considered in practice planning. You want them to know that you care enough to include their interests.

- Provide structured opportunities in practices, on the way to games, and outside of athletics for athletes to get to know one another. Here are some examples to consider:

  o During preseason pair up new and old players and have them conduct teammate interviews (give them a series of question they can ask one another both general and fun questions and have them introduce their partner to the group).

  o Start a practice asking athletes to complete this sentence . . .

    ▪ I like soccer because . . .

    ▪ My favorite sport player is . . .

    ▪ The thing I like about school is . . .

    ▪ What I like to do on the weekend is . . .

  o Lanny Landtroop suggests having athletes write the name of a tangible item on a sticky note and then collect them all.[26] Athletes stick them on their forward and then walk around introducing themselves to each member of the team and asking yes-no questions about the item written on their sticky note. The game continues until everyone has had a chance to meet and then individuals try to guess their item.

  o Work with your parent volunteers to plan outings for the team. For example, have your field hockey team go to the lake for a day of swimming. Have a cookout at the local park and invite your soccer parents to play a pick up soccer game with their son or daughter. Have a talent show or karaoke night for

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[26]Landtroop, L. (2012). Positive Communication, Positive Results. In D. Hannula & N. Thornton (Eds.), The Swim Coaching Bible, Vol. II (pp. 320-332). Champaign, IL: Human Kinetics.

your team to display their talents. Create a scavenger hunt or geocaching event for your team. Have the team go to another school-sponsored event together as a team to support their classmates. Have your team create team T-shirts. Organize an adventure activity like a ropes course, zip lining, or whitewater rafting.

- As coaches, we all recognize that people need to do a better job listening to one another and, as you may imagine, this can be extremely important in developing good coach-athlete relationships. While we are probably all fairly familiar with active listening skills like maintaining good eye contact, not being distracted when someone is talking to you, seeking clarification, etc., we may be less familiar with understanding what are important things to attend to when talking with our athletes. In attending to our athletes, we want to get a sense of how they are feeling, what they are asking for and why, and what they need. Landtroop also made an insightful comment about communicating with athletes when he noted that communication with athletes revolves around the answer to three basic questions: "Do you care about me? Can you help me? Can I trust you?"[27] Attending to our athletes' motives and needs can help us communicate more effectively and demonstrating that we have their best interest in mind.

- Consider the welfare of the athlete. Take an interest in the lives of your student-athletes outside of the athletic realm. Hellison suggests engaging in brief relational encounter in which you recognize and respect the athlete, honoring his or her strengths, and listen to his or her thoughts and opinions.[28] It may not be possible to connect with all athletes but consider making five connections a day. Other ideas include:

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[27]Landtroop (2012), p. 328.

[28]Hellison, D. (2011). Teaching Personal and Social Responsibility Through Physical Activity (3rd Ed.). Champaign, IL: Human Kinetics.

- o Plan times for conversations about life.[29]

- o Write a letter or encouraging note when you know they need it.[29]

- o Go for a walk and talk.[29]

- Create an environment that is physically and emotionally safe so that all individuals feel safe to speak their voice and be themselves. This can begin by setting up ground rules of how the team operates in a respectful way (e.g., be supportive of each other (no put-downs), listening without interrupting, respectfully disagree, be kind to each other (no bullying), etc.). However, really developing a safe environment revolves around looking for opportunities to:

  - o *Teach* values like respect, kindness, trust, patience, generosity, safety, acceptance, care, and concern by telling stories that show appreciation for these values.

  - o *Model* these values to your team.

  - o *Talk* about these values when a positive or negative event happens in your community or on your team (those teachable moments) and have athletes share stories of when they have seen these values in action during the previous week or have them show and tell of a role model who exhibits respect, kindness, or a helpful attitude.

  - o *Reinforce* these values when you see them exhibited by your team, and do seek assistance to help reduce

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[29]Hoogerstraat, F., & Phillips, M. (2012). The Not-So-Obvious Tools Coaches Might Be Missing! Paper Presented at the National Coaching Conference, Indianapolis, IN.

bullying[30] and hazing[31] on your team.

- Look for opportunities to provide encouragement and support for your athletes. This can be simply using your observational skills to know when an athlete might need an encouraging word during practice and games. However, it can also be creating opportunities for encouragement to take place through the following activities:

  o Set realistic practice goals based on each athlete's season goals and discuss with athletes how each practice supports their goals.

  o Remind athletes the potential you see in them by creating challenges in practice and recognizing their excellent work when they achieve those challenges.

  o Play 'Good Job! Tag.' During practice, assign a person or two (depending on the size of the team) to say "good job," or offer a positive word to another player. When they do, that "tagged" player becomes it, and passes along an encouraging word to another teammate. The goal is to make sure everyone is tagged during practice.

  o Assign a positive statement to each member of the team (including coaches) that they then pass along to another team member before the end of practice.

  o Have a high-five practice drill, or set in which athletes high-five each other following successful attempts at a particular skill or tactic.

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[30]   http://truesport.org/articles/coaches/9-ways-coaches-can-prevent-stop-bullying-sport/

[31]http://www.teamcaptainsnetwork.com/public/226.cfm

- Maintain the relationship over time. Hoogerstraat and Phillips remind us that once a part of the team, always part of the team.[32] So plan for reunions with former athletes and invite them back to visit.

- Develop opportunities for athletes to care for others. Many coaches already engaged in activities that do just that. Here are a few examples:

  o Have athletes take on team responsibilities (e.g., putting up nets, taking equipment to the field, keeping the locker room tidy, carrying water containers, etc.) so they come to understand the importance of helping and contributing within a community.

  o Develop buddy system (e.g., secret sisters, evaluation buddies) that encourage athletes to care for and support one another.

  o Foster leadership by rotating weekly practice leaders so everyone learns to encourage and support others, lead by example in practice, and develop responsibility of helping the team by lead warm-ups, offer suggestions to weekly practices, organize team-building events after practice or games, etc.

  o Have the team participate in community service projects. Bryan Masi, Athletic Director for Northville Public Schools offers several ideas for community service revolving around four broad areas including:[33]

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[32]Hoogerstraat& Phillips (2012).

[33]Masi, B. (2012). Community service in the Northville high school athletic program. Retrieved from
http://patch.com/michigan/northville/bp--community-service-in-the-northville-high- school-a2560745cda

- ▪ Special causes (e.g., raising money for a cause such as Layups 4 Life),

- ▪ Projects that help others in the community (e.g., food drives, toy drives, beautification programs),

- ▪ Projects related to "current or emergency situations" (e.g., snow shoveling sidewalks following a snowstorm), and

- ▪ Projects involving youth helping other youth (e.g., helping in sport camps and clinics, participating in an afterschool reading program for elementary school children, or helping the local middle school sport team).

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FIFA Avoids Concussions – For Now

By Ronald S. Katz[1]

I.   INTRODUCTION

Amidst its well-publicized legal woes, FIFA (Federation Internationale De Football Association), recently dodged a legal bullet when, on July 16, 2015, it was dismissed with prejudice from a lawsuit filed in federal court in the Northern District of California.[2] It is not likely, however, that this speck of good fortune will last, for several reasons: 1) The record before the court which granted FIFA's jurisdictional motion to dismiss was created before FIFA's recent problems came to light, problems that revealed helpful jurisdictional facts (although the appropriate jurisdiction may be New York rather than California); 2) substantial, credible scientific evidence exists that heading in soccer is not safe for children under 14, even though soccer authorities, of which FIFA is the highest, hold the game out to be safe for children; 3) in light of this relatively recent scientific knowledge, soccer authorities are increasing the risks inherent in the game of soccer. Therefore, either FIFA will have to voluntarily take action to reduce the concussion risks to children from heading the ball or it will likely be facing a credible lawsuit in New York.

II.   NEW JURISDICTIONAL FACTS

The standard used by the California court for general jurisdiction is that the plaintiff must demonstrate that the defendant corporation has affiliations so continuous and systematic as to render it essentially "at home" in the Forum State. Based on a record created

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[2]Rachel Mehr et al. v. Federation Internationale De Football Association a/k/a "FIFA;" the United States Soccer Federation, Inc.; US Youth Soccer Association, Inc.; American Youth Soccer Organization; National Association of Competitive Soccer Clubs, Inc. d/b/a/ US Club Soccer; and California Youth Soccer Association, Case No. 14-cv-3879-PJH

before the recent action by the U.S. Department of Justice (DOJ) against FIFA, the California court ruled that the plaintiffs did not meet this standard because, despite, among other things, putting on matches in California, FIFA has no office or bank accounts in California, does not pay taxes there, maintains no distribution or manufacturing facilities there and is not registered to do business there.

Obviously, from its recent aggressive enforcement actions, the DOJ believes that there is jurisdiction over FIFA in the U.S. and that FIFA is extremely powerful, wealthy, and corrupt. Probably many more facts relevant to jurisdiction will be coming out as the DOJ action proceeds. At the least, however, it has been reported that an informant of the DOJ, Chuck Blazer, who was a member of FIFA's Executive Committee from 1996-2013, conducted FIFA business from the 49th floor of the Trump Tower in Manhattan, where he had two apartments, one reportedly for his cats. These facts would seem to establish that FIFA was at home in New York.

Therefore, regardless of what happens in the California case, in which plaintiffs' lawyers have said that they will appeal the FIFA jurisdictional ruling, there would seem to be no impediment to obtaining jurisdiction over FIFA in New York.

III.   HEADING IS UNHEALTHY FOR CHILDREN

Health risks for children under 14 from heading a soccer ball have been well documented in peer-reviewed journals and in a comprehensive book published in 2012 for general readers, *Concussions and Our Kids,* by Dr. Robert Cantu, a leading sports neurologist who advises, among others, the National Football League. For example, children's necks are much weaker than those of adults and their heads are much bigger in proportion to the rest of the child's body, resulting in a bobblehead effect that makes it easier for the brain to collide with the skull in a collision. Also, certain protective brain lining called myelin does not fully develop until puberty, leaving prepubescent children more vulnerable to brain injuries resulting from concussions. Finally, children are in

less of a position to understand that they have sustained a concussion, much less to request or demand remedial action.

Not only are the above health risks for children now well known, but there are also well-known consensus protocols on how to deal with concussions. [3] These protocols, which have not been implemented by FIFA or the other defendants in the California complaint, include a step-wise return to play, which prohibits same day return to play; formal baseline and/or post-injury neurocognitive testing of players; and management of concussions onsite by medical personnel with specific expertise in concussion diagnosis, treatment and management. Because adults are in a better position to insist on these protocols, children are those who need these protections most.

IV. FIFA IS INCREASING THE RISKS INHERENT IN THE GAME OF SOCCER

Focusing on the merits, the California court analyzed the element of a negligence cause of action that there must be a duty owed by defendant to plaintiff. The court focused on the legal rule that there is no duty to prevent risks that are inherent in a sport, but rather only a duty not to increase the risks to a participant over and above those inherent in the sport.

It could be argued, however, that the risks in soccer have increased as knowledge about concussions has increased, as it certainly has done in the recent past. By not taking actions consistent with this new knowledge, there is certainly an argument that FIFA and the other defendants have increased risk.

Related to this duty is the so-called Good Samaritan doctrine, which the California court recognized as a duty on the part of a

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[3] Protocols include, among others, the Vienna Protocol; the 2004 National Athletic Trainers' Association Position Statement: Management of Sport-Related Concussion; the 2006 American College Of Sports Medicine Concussion Consensus Statement; the 2008 Zurich Protocol; and the American College of Sports Medicine's Concussion (Mild Traumatic Brain Injury) and the Team Physician: A Consensus Statement—2011 Update.

volunteer who, having no initial duty to do so, undertakes to provide protective services to another. The court found no such duty on the part of the defendants, which does not appear to be consistent with the fact that all of these organizations hold out the game of soccer as safe and take measures to enhance its safety. Indeed, the Reuters report of FIFA's dismissal stated that FIFA "would continue monitoring issues affecting players' health." Such monitoring, it could easily be argued, imposes a Good Samaritan legal obligation to protect the health of participants from known risks.

V.   CONCLUSION

Given the current state of scientific certainty about the risks to children of heading a soccer ball, it is difficult to believe that the courts will defer to organizations like FIFA, which appears to have had other priorities than the health of children, to solve this problem. Therefore, FIFA will likely have to defend itself in a U.S. court for what appears to be a wrong visited on children. As the maxim states, for every wrong, the law provides a remedy, and, despite its recent success in California, FIFA is not likely to be an exception to this rule.

The Development of the Self: Implications for Organized Youth Sport Programs

By Jay Coakley[1]

George Herbert Mead was a noted social psychologist who taught at the University of Chicago in the 1930s. He is famous for his theory of the self in which he used the game of baseball to illustrate the complexity of the relationship between the individual and the social environment. In his theory, he explained that the social and conceptual abilities required to fully comprehend relationships between different positions in a complex game were similar to the abilities required in the role taking processes that underlie all social relationships and, ultimately, serve as the basis for all social order in society.

My own interests in social psychology and the self has led me to use Mead's theory to (1) understand the process through which sport participation affects the behavior and development of young people, and (2) describe and set the limits of what can be expected from the children in organized youth sport programs.

Interaction, the Self, Role Taking, and Participation in Organized Team Sports

Mead states that people or *selves*, as he chooses to call them, are the products of social interaction. "The self," he said, "is essentially a social structure, and it arises in social experiences (1934: 140). He also explained that the development of the self occurs as people interact with others and learn to give meaning to their experiences.

In the case of youth sport participation, this means that children are influenced by the social relationships associated with playing sports more than the actions of fielding fly balls, shooting baskets, or hitting a ball over a net. Relationships with coaches, parents,

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[1] http://www.uccs.edu/soc/jay_coakley.html

friends, teammates, opponents, and peers provide the contexts in which sport experiences are defined, interpreted, and given meaning in a person's life.

Mead explained that a prerequisite for full participation in complex social interaction was the ability to take the roles of everyone else involved in a situation—that is, to see the situation through their eyes and understand their points of view. It was in developing this idea that Mead used a child's participation in an organized game as an example.

Mead explained that to fully understand a game, children must be ready and able to view the game through their eyes. In a sociological sense, this means that playing a game or participating in any complex social activity ultimately requires an ability to cognitively grasp the concept of a social system or an interrelated set of positions or roles existing apart from self.

However, children are not born with this ability. This is illustrated by a mother's efforts to teach her five-year old son to understand that his grandmother is also her mother, and that his uncle is also her brother. The five-year old thinks only in terms of social connections that involve him directly and personally. Within his developmental limits he understands his relationship to his mother, his relationship to his grandmother, and his relationship to his uncle. However, he cannot conceptually separate himself from these personal relationships to specific other people and grasp the notion of a kinship system in which *positions* are related to *one another* apart from himself. He knows that he is a nephew to his uncle; but the notion that his uncle is his mother's brother is too complex for him to handle. And the notion that his uncle is his grandmother's son is an idea that he will not fully grasp until later in his childhood.

According to Mead, the reason these conceptualizations are too complex for a young child to handle at this point is that they are in what he described as the *play stage of self- development*.

The play stage is characterized by an ability to put oneself in the role of only one other person at a time. Thus, the boy in the example is able to use his mother's perspective to view and evaluate himself, as well as to view and evaluate the rest of the world. He has an idea of what his mother thinks of him because he can put himself in the role of his mother and view himself as an object from her vantage point. He is also able to use his grandmother's perspective in the same manner, and his uncle's. But he is not yet able to use his grandmother's perspective to view and evaluate his mother or his uncle. Such a perspective would require him to take more than one role at a time and look at the relationships between his mother, grandmother, and uncle apart from his own relationships with any of these people.

It is not until children have the ability to take more than one role at a time that they enter what Mead referred to as *the game stage of self-development*. It is in this stage that children first begin to understand relationships that do not involve themselves directly. This understanding enables them to begin viewing themselves in a manner that is not directly linked to specific other people in their lives.

Mead never pinpointed the age at which the child moves from being able to take only a single role at a time (the *play stage*) to being able to take multiple roles simultaneously (the *game stage*). However, research does suggest that the role taking abilities of children become increasingly more sophisticated as they move through a series of developmental changes.

During the ages of 4-6 children are in an egocentric stage; they are able to differentiate themselves from others and the rest of the social environment, but they are not yet able to take the point of view of another person.

From 6-8 years old, children start to be able to understand the point of view held by another person but they perceive their own point of view as the correct one. During this time, interdependence may exist in social relationships but it only occurs incidentally. The actions of children involve little reciprocity (give and take back and

forth). Instead, they are based on internal conceptions of what should be rather than on what can be created through interpersonal relationships. For example, watch a group of 3-7 year olds play house to confirm this point about reciprocity: each child follows his or her own "script" based on an ability to take one role at a time.

It is not until children are 8-10 years old that they begin to develop role taking abilities enabling them to understand and accept another person's point of view. Then, between 10 and 12 years old they begin to develop the ability to distinguish more than a single point of view, and to be able to assess the differences between these perspectives in a reasonably objective manner. This enables them to take what could be called a "third party perspective" that is not simply limited to their own view or the view of a single other person.

Finally, after age 12 the ability to engage in formal reasoning operations combined with increasingly diversified social experiences adds another dimension to the role taking process. During early adolescence, it becomes possible for young people to put themselves simultaneously into the roles of a number of others and form or a "generalized other" that takes into account and summarizes the perspectives of multiple others all at once. This signifies that the person is now able to fully engage in complex human interaction.

In the case of competitive youth sports, it is important to have a general idea of the ages during which these transitions are made. During the *play stage*, which seems to persist through at least age 8, children do not have the conceptual tools required to understand the complex interaction involved in many sports, especially team sports. Even children between ages 8 and 12 years old are only beginning to develop those conceptual tools.

Since a team is a collection of interrelated positions much like a social system is a collection of interrelated roles, participation in team sports requires relatively sophisticated role taking abilities. Unless each of the relationships between all the positions on the team can be understood, the only way a child can be taught to play

a position on a team is through a combination of imitation and behavioral conditioning.

However, it is nearly impossible to condition young players to respond appropriately to every set of contingencies encountered in games like baseball, football, basketball, hockey, and soccer. Similarly, most young players have not watched any single sport, for a long enough time, to be able to identify with and imitate the actions of players in specific positions across a variety of game situations.

Prior to age 12 children don't have all the abilities to understand team strategies and positions on the field. These girls play "beehive soccer" because they are taking one role at a time—that is, trying to kick the ball toward one end of the field.

The fact that various proportions of children under 12 years old have not fully entered the game stage of self-development explains several phenomena that have perplexed many youth team coaches and parents of young athletes in team sport. One such phenomenon is what might be called "beehive soccer." Anyone who has watched a group of 8-year olds play soccer has seen the following:

1. 20 pairs of feet, each within 10 yards of the ball, and each motivated by a basic understanding that they are supposed to kick the ball toward one goal or another;

2. Goaltenders each motivated by the basic understanding that if they wander more than 15 feet from their nets they will incur the wrath of every adult cheering for their team; and

3. Vocal adults, some sitting, some standing, and most repeatedly yelling to one or more players "stay in your position" or "get back where you belong" or "weren't you told not to cross that line?"

However, the players seldom stay in their positions. At their age, they are capable of taking only one role at a time and it involves kicking the ball in the direction of their opponents' goal. *Staying in position* requires the ability to conceptualize all the positions on both teams and all the relationships between those positions. Players must be able to visualize these relationships to determine their position and move accordingly.

Without "taking the attitudes" of all the other players on both teams, judgment about one's own position are nearly impossible to make. This is true for all team sports. Positions are territories and responsibilities that are constantly changing depending on the actions and relationships among other players. Positions are emergent dependent on where everyone else is.

It is possible to take young team members and condition them to stay in their positions. But the process is tedious for both players and coaches because there are so many different situations that occur during a game. To create each of these situations in practice and have each player rehearse individual responses to them would be extremely boring to team members and coaches.

In baseball, for example, this involves hitting dozens of ground balls to infielders and telling them that given certain conditions the throw must go to first base where one of their teammates will be to catch it. This is difficult to do, but it gets even more complicated

when "force outs" and "double plays" are taught. These new situations involve changing responsibilities even though the ground ball is the same.

Think of how difficult it is to teach children under age 12 on a little league team to know their positions when there are base runners on first and second with one out and the batter hits a line drive into deep right-center field. To have all nine players on the team go immediately to where they should be would require years of conditioning done by coaches with degrees in behavioral psychology. For example, the child playing second base should move into a position to take a relay throw from an outfielder. At the same time, the shortstop should cover second base with the third baseman covering third base. The first baseman would move into a "cutoff" position between the relay position of the second baseman and the catcher who covers home plate, and the pitcher should move into back up the catcher, and the left fielder should move in to back up the third baseman.

This all-at-once collective team response is unlikely unless the players have entered the game stage of self-development. It is only then that they have the ability to simultaneously take the roles of the three base runners and each of their eight teammates, and use this collection of different perspectives to determine their position. When few players are in the game stage, coaches will have to subject team members to rigid conditioning to get them to respond in the appropriate ways. Moreover, the more rigid the conditioning, the more boring and tedious participation becomes for the players. Unless, of course, coaches can convince players that winning is all-important, and that winning depends on doing what they are told. Players who can be converted to this way of thinking are most likely to stay involved in the sport; others are likely to seek satisfaction in other activities involving less sophisticated role taking abilities.

Mead's theory leads to the conclusion that when organized youth sports involve players under the age of 12, many of them are in the play stage of development. Therefore, "beehive soccer" and its equivalents in other sports will continue to exist—unless the

children have been subjected to rigid conditioning during practices. It may be frustrating for adults to watch beehive soccer with children always out of position, but it is also frustrating to children when they participate in the tedious practice needed to condition them to always be in the right position.

Exceptions and Qualifications

Every now and then, a player under 12 years old may defy these conclusions based on Mead's theory of self. There is no precise age at which the transition from *play stage* to *game stage* occurs. The transition itself occurs over a period of time and some children go through it earlier than others. Therefore, there may be a proportion of the 9 to 12 year old participants in youth leagues who catch on to the dynamics of team play more quickly than others. However, in most cases this "catching on" is probably grounded in processes of modeling and imitation rather than a full understanding based on sophisticated role-taking abilities.

Some children have watched certain team sports and the players in certain positions long enough to act in ways that appear to involve a full understanding of the game and game strategy. The actions of these young players may be surprisingly appropriate during the playing of a game, but their actions are usually the result of imitation and role-playing rather than real role taking. Nevertheless, coaches look for players who have developed sets of imitative behaviors for key positions so that they can be assigned those positions on the team.

Coaches will also tell players with advanced physical skills that they should always "play the ball" so they can use their individual skills without staying in position. So there may be a shortstop on a baseball team who does nearly everything in the field without having to think about what teammates are doing. A quarterback and linebacker on a football team may be given the same freedom because they are so good that whatever they do is likely to be "the right thing." Some soccer and hockey coaches have even invented new positions or "non-positions" for skilled players who have the energy to roam all over the field or ice; playing both offense and defense. However, the accomplishments of these players are
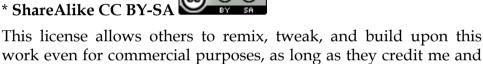
grounded in their physical skills and the freedom to use those skills as individuals rather than in sophisticated role-taking abilities.

Conclusion

Cognitive and interpersonal abilities of most children under the age of 12 are incompatible with the demands of complex team sports. Children in the play stage of development cannot fully understand the concept of social structure so they must be subjected to tedious behavioral conditioning processes to effectively participate in team sports to the satisfaction of adults. This suggests that game models should be simplified and adults should revise their expectations related to the performances of young athletes.

Saving the World with Youth Sports:
Who Is Doing It and Are They Succeeding?

By Jay Coakley

"Sport and development" is a key buzz-phrase at this point in the 21st century. Today, there are people working and volunteering in hundreds of programs worldwide that use sport as a key component in their efforts to intervene in the lives of children and adolescents perceived to be in need.

Many of the children served in these programs face challenges related to poverty, war and dislocation, and a range of medical, psychological, and social problems believed to be more than they can handle by themselves. The stated missions of these programs vary, depending on where they are, who they serve, and the priorities of organizational sponsors.

This is an admirable goal. But what are the youth being inspired to do? And what kind of follow occurs to see if and under what conditions they do it or not?

Programs involving participants from low-income and poverty-stricken areas in wealthy nations often focus on providing activities that young people can do after school, on weekends, and during school breaks in a safe environment where there is adult supervision, as well as access to sport facilities, equipment, and coaching. These programs have a long history, but they grew rapidly during the 1980s and 1990s in the United States, when a social problems industry emerged in response to the public services vacuum created by cutbacks in national and local programs. Sport programs previously supported by public resources became increasingly dependent on "soft money" from public and private sources.
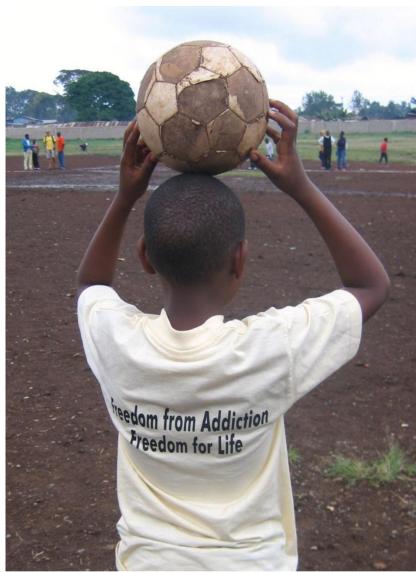
To obtain money from sources having conservative orientations, those who proposed programs usually argued that youth sports would reduce character deficits among young people from low-income, predominantly ethnic minority families — a population that potential funders often perceived as threats to the status quo. As a result, "Midnight Basketball" programs and their youth sport equivalents were funded to take ethnic minority males off the streets and keep them in gyms in the evenings and weekends when they were apt to get into trouble.

According to those proposing the programs, sports would simultaneously control and inculcate discipline among "disadvantaged" and "at-risk" youths who lacked the attributes needed to obtain socially acceptable goals in mainstream institutions. In other words, playing sports would compensate for what was missing in the lives of "disadvantaged youths." In the parts of the world where there are desperately low standards of living, sport-for-development programs often focus on fostering self-efficacy and self-esteem, changing gender attitudes so as to reduce gender inequities, increasing knowledge of HIV/AIDS so as to change sexual practices, and providing leadership training so as to create local staff who could work alongside existing staff and become involved in their communities.

There are so many of these programs today that it is difficult to count them accurately. Like domestic programs in wealthy nations, their goals and program designs vary in terms of where they are, whom they serve, and the orientations of people in sponsoring organizations. However, their mission statements and fund-raising narratives are generally similar to those used previously in the social problems industry in the United States: They are organized around a deficit reduction model with children portrayed as innocent victims of drought, civil war, the oppressive or genocidal actions of national and tribal leaders, and general social disorganization caused by widespread corruption and a lack of individual irresponsibility.

People who favor structural transformations find these sport programs to be ineffective. The focus on individualism and making "good choices" fails to help children living in conditions where survival depends on collective rather than individual actions, and where real choices are few and far between.

But the people who fund and manage sport-for-development programs often stress that change will come if young people learn that their lives are products of their own choices, and that improving their lives depends on learning the right values, working hard, and being individually responsible and accountable.

Sport for Development programs often focus on poor and at-risk children. But there is little evidence showing that these programs change the lives of young people or their communities. (Photo compliments of Kevin Young)

Bringing Sociology to Youth Sport-for-Development

From the perspective of the sociology of sport, an interesting aspect of youth sport-for-development programs is that they are based on the idea that personal attributes and skills are the foundation for positive youth development. But this ignores the need to focus on larger issues of social and structural change at neighborhood, community, and societal levels.

As I observe young people in the United States who become increasingly skilled athletes and compete at progressively higher levels in club-based youth sports, it appears they see themselves as individuals sponsored by their parents, with little or no reference to or awareness of their membership in a community that transcends family and sports clubs.

If this is the case, youth sport programs are unlikely to produce forms of development that link young people with their local communities, or encourage them to identify as citizens with vested interests in collectivities that go beyond family and team. This creates a situation in which positive youth development comes to be a matter of personal achievement rather than engaged citizenship. If a young person succeeds as an athlete under these conditions and "wants to give back," as elite athletes often proclaim, to whom do they give back when parents and elite clubs were the primary, if not the only, sponsors and support system in a sport structure that progressively separated them from their communities, and from opportunities to engage themselves in civic actions?

Fortunately, there is a tradition of youth organizing and critical youth empowerment programs that critical scholars in the sociology of sport can use as models for sport programs that define development in ways that go beyond personal attributes. For example, one of the most important indicators of development among young people is their ability to see the connections between their own actions and contributions to their neighborhoods and communities.

Therefore, the most effective youth development programs are those that facilitate civic engagement in a supportive context. These programs promote community-based leadership, decision-making, and action. Their success depends on a safe and supportive environment, personal participation, and engagement, youth-adult relationships characterized by equality, critical thinking about interpersonal and political issues, participation in efforts to create community-based change, and the awareness that change requires both individual- and community-level empowerment.

Effective programs combine youth development with community development and social change strategies. This alerts young people to the ways that power relations affected local communities and the lives of individuals. This outcome is crucial, although most sport-for-development programs that serve relatively powerless populations of young people generally ignore it.

Although youth organizing and critical youth empowerment have not been linked with youth sport programs, there is no reason that such a link is not possible, or would not be helpful in producing positive developmental outcomes for individuals and communities. Of course, it is important not to be naïve and romantic about the so-called power of sport to promote change, but at the same time, there is a need for theoretically informed explanations of the ways that sports and sport participation can be organized and combined with other activities for the purpose of empowering young people to make choices about change-oriented civic engagement based on a critical awareness of the factors that negatively affect their lives.

Finally, it is admittedly difficult to develop programs designed to enhance the agency of young people (ages 12-18). However, the people who work in youth organizing and critical empowerment programs may be willing to form cooperative and mutually supportive relationships with scholars who want to engage in forms of action research to test the efficacy of including sport participation in those programs. There is no research on how this might occur, but the recent growth in the visibility and popularity of sports in many parts of the world creates a more amenable climate for such relationships.

Fortunately, we already know that outcomes associated with sport participation are contingent and vary with contextual factors that have been identified in a number of studies. Many of these factors overlap with key factors in youth organizing and critical youth empowerment—another reason to make connections with these organizations and programs. Without these and similar connections, sport for development programs miss opportunities to extend and evaluate their impact on communities as well as individuals.

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Youth sports: What we know

By Jay Coakley

Since the late 1970s, my students and I have talked with many children about their sport experiences and watched children play sports in different settings. We have learned the following:

General Conclusions:

- Individual children define and interpret their sport experiences in many different ways.
- Experiences among children differ depending on whether sports are informally organized and controlled by the players themselves or whether they are formally organized and controlled by adults.
- Informal, player-controlled sports are primarily action-centered, while formal, adult-controlled sports are primarily rule-centered. Each experience makes different contributions to the lives of children, and both have problems; however, people traditionally overrate the contributions of participation in organized sports, and underrate the contributions of participation in informal sports.

Player Controlled Informal Games:

- When children get together and make up their own activities and games, they emphasize movement and excitement
- When children get together and play on their own, they are interested in four things:
    1. Action, especially action leading to scoring.
    2. Personal involvement in the action.
    3. Challenging or exciting experience (close score/chance to display skills).
    4. Opportunities to reaffirm friendships during games.
- Skill differences and friendship patterns were the criteria used to choose teams in informal, player-controlled games

- Initiating and maintaining informal games is a complex operation; success depends on managing interpersonal relationships and making effective decisions.
- Informal games contain many modifications to maximize action, scoring, and personal involvement while keeping the scores close at the same time.
- Maintaining order in informal games depends on the extent to which players are committed to maintaining action.
- Players with the greatest skills also have the most freedom to use creative styles and moves in informal games
- Prestige and social status among players is important because it determines who becomes involved in decision-making processes during games; older players or those with the greatest skills usually have the highest status.
- Arguments, when they occur in informal games, are usually handled in creative ways, and do not often destroy the games.
- When children play together often, they become more skilled at solving conflicts in informal games.
- Problems in informal games do occur: bigger and stronger children may exploit smaller and weaker children, girls may be patronized or dismissed when they try to play with groups of boys, and those children excluded from games often feel rejected by their peers.
- Playing informal sports clearly involves the use of interpersonal and decision-making skills; children must be creative to organize games and keep them going.
- Informal sports provide experiences involving cooperation, planning, organizing, negotiating, problem solving, flexibility, and improvisation.

Adult-Controlled Organized Sports:

- Young people in formally organized, adult-controlled sports are likely to be serious and concerned with performance quality and game outcomes.
- Most apparent in formal, adult-controlled sports is that action and personal involvement is strictly regulated by formal rules; adults including coaches, managers, umpires,

referees, scorekeepers, timekeepers, and other game officials enforce these rules.

- When children play sports that are organized and controlled by adults, the adults emphasize learning and following rules so that games and game outcomes can be considered "official" within the larger structure of a league or tournament.
- The children in formal, adult-controlled sports often are concerned with the positions they play, and often refer to themselves as "defensive halfbacks" or "offensive ends," as "centers" or "left wingers," as "catchers" or "right fielders."
- The importance of positions in formal, adult-controlled sports is emphasized by coaches and spectators, who often encouraged players to "stay in position" during games.
- Adult-controlled schedules govern the duration and play of organized sports.
- Individual playing time in formal, adult-controlled sports vary by players' skill levels.
- In formal, adult-controlled sports, there is a virtual absence of arguments and overt displays of hostility between players from opposing teams.
- Rules and rule enforcement in formal, adult-controlled sports regularly caused breaks in the action, but players do not appear to resent these breaks.

Adult-controlled youth sports involve very different experiences than children have when they play informal sports that they create for themselves

- Rule enforcement (social control) in formal, adult-controlled sports are based on the self-control and obedience of players, but it ultimately rests in the hands of adults: coaches, referees, and game officials.
- Children in organized sports are generally serious about their games--they want to win, although usually they are not obsessed with winning.
- Physical skills and approval from coaches are the basis of status and autonomy among the players in formal, adult-controlled sports, and approval from coaches comes most often when players followed team rules.
- Games in organized sports are extremely stable--they do not end until the rules say they are over, regardless of the quality of play or the satisfaction of the players.
- Playing organized sports demand that children be able to manage their relationships with adult authority figures.

- Children in formal, adult-controlled sports also learn the rules and strategies used in activities that are highly visible and important within the culture, and through their participation, they often gain status that carries over to the rest of their lives.
- When children play organized sports they see bureaucracy and hierarchy in action, and they become acquainted with forms of rule-governed teamwork and adult models of work and achievement.

Final Note

We also noticed that when young people created and managed their own games, they seemed to take ownership of them in ways that did not often occur in adult-controlled competitive sports where structures, rules, rule enforcement, and expectations are imposed from the outside. Our sense was that unless young people develop a sense of ownership of a sport (and its rules) they are less likely to see and understand the ethical and normative foundation of their participation during competitions.

This made sense to us: when a young person learns that interpersonal cooperation and shared commitment to the rules of the contest are necessary, they are more likely to compete with a respect for the game and the rules. Therefore, if young people do not learn to cooperate in connection with their sport participation, they will be less likely to understand the significance of respecting the normative expectations that are the foundations of ethical actions in sports.

When children are put into competitive sports controlled by adults before they have learned to cooperate to the extent needed to claim ownership of a sport and its rules, their commitment to ethics and fair play will be tenuous. This may be why there is so much concern about the ethics of those who play sports today—a notion that awaits research.

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THE LEGAL ENVIRONMENT FOR SPORTS BETTING AND FANTASY SPORTS — A PRIMER

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A. INTRODUCTION

Sports betting is one of America's favorite pastimes. America has a substantial appetite for placing wagers on sports, including anything football to hockey. In 2014, the legal wagers placed in Nevada sports books totaled almost $4 billion. The two biggest sports betting events in the United States are the NFL's Super Bowl and the NCAA Men's Basketball Championships, often called March Madness. Bettors in Las Vegas sports books placed over $115 million of wagers on the 2015 Super Bowl. Estimates for March Madness in 2014 were as high $245 million.

The large dollar amounts wagered at Nevada sports books on sporting events are dwarfed by the amount bet *illegally*. Of the estimated $4 billion wagered on the 2015 Super Bowl, approximately 97 percent of that amount was bet illegally. Efforts to legalize sports betting outside Nevada continue to be thwarted by courts' interpretations of federal legislation that prohibit this expansion.

In the past few years a new phenomenon has roiled the debate on sports betting. Daily fantasy sports contests (DFS) have addressed the demand for short-duration competitions involving selection of a group of players whose statistical performances determine the winners of cash prizes. Instead of competing over the course of a season, the competition can be daily or over a weekend. In other words, there is "no season-long commitment. "The number of participants in fantasy sports has been estimated at between 40-60 million, and it is unquestionable that the customer base for DFS skews much younger than traditional fantasy sports. Unlike their

attitude towards sports betting, major sports leagues have embraced DFS, going so far as to partner with and promote DFS companies. For example, major media behemoth Yahoo recently entered the DFS arena.

Nevertheless, questions have been raised about the legality of DFS. Some critics assert DFS is simply a form of sports betting. Few states have specific legislation on DFS, leaving the matter to be decided by courts applying the traditional elements of gambling: prize, chance, and consideration. Proponents of DFS point to a federal law that exempts fantasy sports from its terms. The legality issue is discussed below.

In any event, the functional relationship between sports betting and DFS is clear: Restrictions on sports betting in the US have almost certainly played a role in the growth and popularity of DFS. Moreover, there are doubts that the efforts to repeal the federal law that forbids wholesale sports betting outside Nevada will be successful, or that the law will be overturned. As the DFS industry continues to grow, will the initiatives for legalized sports betting become less important? Can DFS become a surrogate for sports betting? Or is it simply a precursor to the inevitable legalization of sports betting? That is, if sports betting *were* to become legal, would the DFS industry wither?

B. BACKGROUND OF SPORTS BETTING RESTRICTIONS

1. The Professional and Amateur Sports Protection Act

Nevada legalized gambling in 1931. However, sports betting was not a prominent component of the Nevada gaming environment for many years. In 1951, the federal government had imposed a 10% tax on all sports bets, as well as licensing costs that made it unprofitable for casinos to offer sports betting. Although many stand-alone sports books operated in Las Vegas, it was not until Congress lowered the tax to two percent in 1974 that casino-based sports betting in Nevada took off. This popularity was no doubt aided by the increasing numbers of sporting events shown on television and the growth of professional sports, especially football.

Sports betting had its opponents, however. The attack on sports betting found its most persuasive voice in Senator Bill Bradley, a former basketball star in both college and the professional ranks. Bradley attacked sports betting as corrupting the integrity of and destroying the public's confidence in American sports. Bradley was instrumental in pushing for legislation that restricted sports betting, and in 1992 Congress passed the Professional and Amateur Sports Protection Act (PASPA). The law essentially outlawed sports betting on both amateur and professional sports. The law had several important exceptions:

- It exempted pari-mutuel betting on racing of animals (horses and dogs) and jai-alai, also a sport bet in pari-mutuel fashion;

- It "grandfathered" the states that had been conducting or had authorized sports betting before October 2, 1991. This included Nevada, Delaware, Montana, and Oregon.

- It gave New Jersey one year after the effective date of the act to obtain state approval of sports betting.

New Jersey failed to take advantage of the one-year window, although as described below, it has regretted that inaction and sought to rectify it. Many years passed without a serious effort to institute sports betting or to challenge PASPA. In March 2009, however, Delaware sought to take advantage of its "grandfathered" status by passing a law that allowed single-game betting on sports. Before the law could be implemented, the major sports leagues and the NCAA obtained an injunction. Soon after, the Court of Appeals for the Third Circuit ruled that because Delaware did not have single-game betting when PASPA was enacted with the grandfathering provision, it was prohibited from offering such betting now.

2. New Jersey's Efforts

a. Non-Buyer's Regret and *Christie I*

Although proponents of sports betting in New Jersey were not able to convince the state legislature to place a referendum on the ballot that would authorize such betting as provided for in PASPA, their efforts to have New Jersey legalize sports betting continued. In 1993 the New Jersey Supreme Court ruled that New Jersey Casino Control Commission did not have the constitutional or statutory authority to authorize sports betting in New Jersey's gambling casinos. It was not until 2011 that the people of New Jersey took PASPA on directly. Voters passed a constitutional amendment allowing the legislature to enact laws allowing sports betting; and in 2012, the legislature passed a law, which gave gaming authorities the power to license sports gambling in casinos and racetracks and casinos. The major leagues and the NCAA challenged this Sports Wagering Law as violating PASPA, with New Jersey contending that PASPA was invalid because it violated several provisions of the United States Constitution.

The same court that ruled on the Delaware case, the Third Circuit Court of Appeals, shot down the New Jersey plan. In a lengthy and constitutionally technical opinion, the court ruled that Congress had authority to pass PASPA and that the Act's provisions did not violate the US Constitution[2]. New Jersey's remedy, the same as available to all states, was to convince Congress that PASPA was a bad law and to change it. As the court put it, it was not its role to strike PASPA down because it had become unpopular.

b. *Christie II*

In the category of "more than one way to skin a cat" is New Jersey's next initiative. Seizing on statements in the *Christie I* opinion that the court did "not read PASPA to prohibit New Jersey from repealing its ban on sports wagering," and "it is left up to each state to decide how much of a law enforcement priority it wants to make

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[2]*NCAA v. Christie*, 730 F.3d 208, 232-33 (3d Cir. 2013), cert. denied, 134 S.Ct. 2866 (2014).

of sports gambling, or what the exact contours of the prohibition will be," New Jersey repealed many of its prohibitions against sports betting. Sports betting conducted at licensed casinos or horse tracks in the state would not be the subject of any enforcement effort by the state.

The federal judge whose decision striking down New Jersey's Sports Wagering Law was affirmed by the Third Circuit in *Christie I* also invalidated this measure. PASPA, as a federal law, preempted New Jersey's partial repeal of its sports betting prohibitions. Congress's purpose in passing PASPA was to prevent "creating a label of legitimacy for sports wagering pursuant to a state scheme," and that was what New Jersey was attempting to do here. The decision was appealed to the Third Circuit Court of Appeals, which has considered briefs and arguments but has not, as of July 15, issued its ruling.

Much could change depending on the ruling of the Court of Appeals. A decision reversing the lower court would be, by any measure, a landmark ruling. It would likely spur efforts in states to also challenge PASPA and establish sports betting, and might even prompt Congress to act to repeal, or conceivably expand, PASPA. On the other hand, if the court affirms the lower court's ruling, it is likely to blunt additional judicial attacks on PASPA, at least in New Jersey.

3. What is the Chance Congress Will Amend/Repeal PASPA?

This question has become more topical in the past year. In November of 2014, Adam Silver, Commissioner of the National Basketball Association, shook the sports betting world with an op-ed piece for the New York Times where he expressed support for bringing sports betting "out of the underground and into the sunlight. "This would allow for the monitoring and regulation of sports betting which, "despite legal restrictions, is widespread. "The system of regulation needed to be a "comprehensive federal solution," rather than a state-by-state approach. Silver did not approve of New Jersey's initiatives, calling them "bad policy."

Are the other league's willing to go along with Silver's thinking? So far, the other major sports leagues — Major League Baseball, the National Hockey League, and the National Football League — have not jumped on Silver's bandwagon. But Silver's article gave new hope to those favoring legalized sports betting. Should sports betting be legalized according to a uniform federal structure, or should it be left to the states? Is the problem as simple as the fact that the leagues want to be able to capture some of the revenue produced by a legal system of sports betting? What would be the effect of, for example, a 1 percent tax on all legal bets on sporting events, with the revenue being distributed to the leagues? Is figuring out how to monetize legal sports betting for the benefit of the leagues the way forward for sports betting? Or would the leagues still resist legalization? What would their opposition be based on?

C. THE EMERGENCE OF DAILY FANTASY SPORTS

Fantasy sports contests have come a long way. They were originally conceived in the 1980s as contests based on the accumulated statistics of the individual performances of real athletes. Traditional fantasy sports were season-long competitions in baseball, football, basketball, hockey, and many other activities. In the past few years, the traditional fantasy competitions have taken a back seat to DFS contests where the contests are, as the name suggests, daily. What are the legal issues raised by fantasy sports, especially DFS?

As noted above, only a few states have specific laws addressing whether fantasy sports are legal. In the absence of legislation, how do we know if DFS is gambling, and possibly illegal, or not? This issue is in many respects guided by state law. A majority of states use a standard that considers activities not to be gambling if skill "predominates" over chance. Though some element of chance may be present in a contest, if skill predominates, then the activity is not gambling.

Fantasy sports proponents contend that their contests are skill-

based and that chance does not predominate. Critics assert, especially with DFS, that chance plays a significant and predominant role and the activity is a form of gambling. Few court decisions on classical fantasy sports and DFS exist. In addition, the question of skill or chance might be answered differently, depending on whether it is a season-long or DFS contest. A key issue is how a court should go about deciding the skill vs. chance question. Until state legislation on fantasy sports becomes more widespread, or more court decisions are reached, there will be some uncertainty.

In the minds of fantasy sports proponents, federal law provides a clear indication that these contests are legal. The **Unlawful Internet Gambling Enforcement Act (UIEGA)** was passed in 2006. The controversial law was aimed at credit card processors, banks, and others and made it a violation of federal law for these entities to facilitate financial transactions which involved gambling that was illegal under state or federal law. Most significantly, however, the drafters of UIGEA created an exception for fantasy sports. According to the law, an illegal "bet," or "wager," does not include participation in any fantasy or simulation sports game, as defined by the law. Although the law did not use the term "fantasy sports," all the elements of fantasy betting were described: Outcomes are determined by "accumulated statistical results" and not the "score" or "point-spread" of a competition by a "single real-world team," nor the single performance of an individual athlete. The statute contemplated that entry fees will be charged and prizes awarded.

DFS companies and proponents often refer to UIGEA as "legalizing" fantasy sports because of the fantasy sports "carve-out." The Fantasy Sports Trade Association web site asserts that UIGEA "clarified the legality of fantasy sports." For a variety of reasons, this might not be as clear as proponents would like it to be. Nevertheless, the UIGEA has helped to fuel the industry.

The above description is general in nature, and does not express all the subtleties of the legal issues involved. It is an understatement to say that the legal environment for both sports betting and DFS is dynamic and fluid.