

CASE 3. CURRENT CULTURAL AND SOCIETAL VALUE ISSUES

SCENARIO 1: GAMESMANSHIP OR SPORTSMANSHIP

Introduction. Competitive sports have a tremendous impact on our culture and lifestyle, influencing the values of millions of participants and spectators. It has been said that sports next to religion represent the strongest emotional investment of the American people in their daily lives. There appears to be a growing concern today about the moral and ethical conduct of those in leadership positions in the sports industry as well as the athletes and their coaches who play the game. A “win at all costs” attitude seems to dominate much of college athletics. To understand the role ethics plays in sports and competition, it is important to make a distinction between gamesmanship and sportsmanship. Gamesmanship is built on the principle that winning is everything. Under sportsmanship healthy competition is seen as a means of cultivating personal honor, virtue, and character. The goal in sportsmanship is not simply to win, but to pursue victory with honor by giving one’s best effort.

Financial investments and returns of the sports industry add a powerful influence on the moral responsibilities of sports to the athletes and the larger society. The National Collegiate Athletic Association has a 14 year television, internet, and wireless rights agreement starting in 2011 with CBS Sports and Turner Broadcasting through 2025 for more than \$10.3 billion. Athletic coaches are among the highest paid positions in the college and university world, in some states the *highest paid public employee*. As the financial stakes of sports get higher and higher, the drive to win creates pressure to cut corners, perhaps at the expense of the academic mission of the college.

In the 2013-2014 athletic season, the No.1 of the top 20 highest paid coaches in the U.S. was the basketball coach at Duke University, \$7,233,976. Number 20 of the highest paid coaches was the football coach of the University of Georgia, \$3,200,000. The average for the 20 coaches was \$4,395,087. According to the Chronicle of Higher Education, your state’s highest paid public employee is most likely a college football or basketball coach.

Questions and Issues for Discussion. Some ethical issues extend across all levels of play—youth, collegiate, and professional. Focus your discussion primarily on the issues relevant to college athletics. One way to divide the issues is to look at behavior in the game as opposed to behavior in one’s personal life (on-field and off-field). On-field behavior could include intent to harm and incidents of retribution for the behavior of an opponent. A few of the questions direct the discussion toward college officials and toward societal and cultural values, especially in the allocation of resources and equal opportunity for all students.

Actual examples of personal behavior of athletes off-field: a DUI; traffic offense; sexual assault; being involved in fights; stealing computers and other electronics; having disparaging comments posted on Facebook; becoming involved in a fight with a girlfriend and pleading guilty to physical harassment; breaking into an SUV while drunk; arrested for disorderly conduct.

Consider the case of James Winston: Winston played college football for the Florida State Seminoles and as a redshirt freshman became the youngest player to win the Heisman Trophy and helped lead the Seminoles to a victory in the 2014 BCS National Championship Game. Winston also played on Florida State’s baseball team. During his time as a student at FSU, Winston received attention for a number of

incidents off field, for which there was no prosecution or little retribution: pellet gun battle in his apartment with an estimated \$4000 damage; accused of raping a woman in his off-campus apartment; entering a Burger King and helping himself to a soda from the fountain machine; accused of stealing \$32.72 worth of crab legs from a supermarket; jumping up on a table on campus screaming a sexually charged expletive-laced phrase. Winston was never indicted for any of these incidents. He received a first-half game suspension against Clemson.

1. In what way and to what extent is one's personal behavior (on-field and off-field) relevant to eligibility to play intercollegiate sports? What behaviors might make one ineligible to play?
2. Should character education be a part of intercollegiate sports? What virtues should be extolled in playing the game as well as in one's personal life?
3. Are college sports compatible with the goals of higher education? Football and basketball especially have become a minor league for creating successful and professional athletes. On what grounds do we justify the large allocation of tax revenue to state college intercollegiate sports programs, especially in regards to other pressing needs facing higher education and state budgets in general?
4. Do we exploit college athletes if we don't pay them? Sports in higher education are for whom? On the other hand, is it unfair if college athletes are given support services that are not available to other students (e.g., tutors; special, easy courses; degrees for sub-standard college work)?
5. The use of performance enhancing substances (drugs, vitamins, hormones. etc.) is another issue. What ethical questions do they introduce into college sports?
6. In a recent study of deceased football players of all levels – from professional down to high school – 177 out of 202 examined brains showed evidence of progressive neurological disease. Repeated blows to the head have been linked to dementia, memory loss, depression, anxiety, and violence. What ethical issue does this raise?

SCENARIO 2: RELIGIOUS FREEDOM VS. VIOLATION OF INDIVIDUAL RIGHTS

Introduction. Local communities, state governments, the Federal government, the Supreme Court, corporations and businesses, entertainers, Chambers of Commerce, religious organizations, and human rights groups have become involved in the societal issues around sexual orientation, sexual identity, and sexual behavior. Legislatures across the country are fighting over the issues of sexual identity and orientation. *Two major issues are at the center of this debate.* One has to do with providing services to lesbian, gay, bisexual, and transgender (LGBT) persons if one's faith is in conflict with their sexual practices; and the second centers on bathroom use by transgender persons. Some laws apply to both of these issues and others just to the transgender issue.

This subject has been one of the big ongoing news issues of 2016. The proponents of the laws denying services or prescribing bathroom use argue that it is a violation of religious freedom if persons or organizations are required to provide services to those whose sexual lifestyle violates their religious beliefs. Opponents to these laws argue that to deny services because of sexual identity is discrimination and a violation of their individual rights. Several large corporations have objected to their passage noting that it is discriminatory—Home Depot, Toyota, Nissan, MGM Resorts International, Tyson Foods, AT&T, IBM, and Levi Strauss. The NBA has opted not to host the 2017 All-star game in Charlotte due to the legislation. On the other hand, strong support and initiatives for the legislation have come from

legislators across more than 20 states, church-related groups, and national Christian organizations. It has become a national issue with the Federal government's orders to the states that according to regulations they are required to protect transgender people's access to bathrooms, locker rooms, and showers.

Proponents: Religious freedom being denied. Many people of faith say they are under siege by powerful cultural forces and the courts. At least 12 states have introduced laws allowing persons of faith to refuse services to LGBT persons or to require transgender persons to use the restroom of their birth gender. They say their traditional beliefs about marriage and sexuality are under attack. Supporters of the transgender bathroom laws argue that persons with sincerely held religious beliefs against homosexuality and transgender sexual identity should be protected from laws that would cause them to have to perform services on behalf of or accept the behavior of gay and transgender people. They also argue that the laws are needed to protect their privacy as well as protect women and children against sexual abuse when using the same bathroom.

Opponents: Denial of services to all persons is discrimination. Those who argue that the withholding of services or accommodations on the basis of sexual identity, orientation, and conduct cite the following situations. With increasing frequency through state laws and litigation, individuals and institutions are claiming discrimination. The following are examples:

- Business owners refusing to provide insurance coverage for contraception for their employees.
- Graduate students, training to be social workers, refusing to counsel gay people.
- Pharmacies turning away women seeking to fill birth control prescription.
- Bridal salons, photo studios, and reception halls closing their doors to same-sex couples planning their weddings.

Opponents say that all of this legislation is a solution in search of a problem. It is the transgender person, especially of school age that needs to be protected from harassment and violence. Of the 12 states that have had non-discrimination laws for several years regarding public accommodations, none report any increase in sexually related incidents or violence because of transgender use of restrooms. Religion is seen as being used to discriminate against and possibly harm others.

Recent Legislation. The Washington Post reports that since 2013, legislatures have introduced 254 bills, 20 of which have become law (as of July, 2016). These laws cover several categories that appear to limit LGBT rights: religious exemption; transgender rights; marriage refusal; and other related issues. The most comprehensive bill of the states introducing legislation on sexual orientation and identity is the one passed by Mississippi in April, 2016. It gives religious organizations, government employees, businesses, and individuals the right to refuse services to gays and lesbians, esp. when it comes to same-sex marriages. The law says it protects from discrimination claims anyone who believes that marriage is between one man and one woman, that sexual relations are reserved solely for marriage, and that the terms male and female pertain only to a person's genetics and anatomy at birth. North Carolina passed a less comprehensive measure that included language to bar transgender people from using bathrooms according to their preferred sexual identity but are required to use bathrooms according to the sex on their birth certificates. Nearly 200 corporate leaders have urged the measure's repeal, arguing it is bad for business because it makes recruiting talented employees more difficult and they are likely to lose customers. **NOTE:** On August 3, 2016, the Supreme Court blocked a federal court of appeals case that would have required a Virginia School Board to allow a particular student to use a bathroom of his choice (the boys' bathroom) as a transsexual rather than his gender at birth.

On June 30, 2016 a federal judge blocked the controversial Mississippi law that would have gone into effect by July 1, 2016, which would have allowed business and government employees to deny services to gay and transgender people based on religious grounds. U.S. District Court Judge Carlton Reeves issued a 60-page opinion in which he described the Mississippi law, known as House Bill 1523, as “state sanctioned discrimination.” Reeves wrote that the law granted “special rights” to certain citizens who held beliefs reflecting disapproval of lesbian, gay, transgender, and unmarried persons...that violates both the guarantee of religious neutrality and the promise of equal protection of the laws.” He further wrote that “under the guise of providing additional protection for religious exercise, it creates a vehicle for state-sanctioned discrimination on the basis of sexual orientation and gender identity.”

Proponents, including Mississippi governor Phil Bryant, have defended the law as a way to prevent discrimination against people like him—Christians with deeply held religious beliefs about marriage and sex. Supporters of the law have said that the government, by condoning same-sex marriage, was discriminating against religious citizens who had differing views.

The Tennessee General Assembly passed a bill that was signed into law by the state’s governor that would permit licensed professional counselors to deny services to clients based on the provider’s “strongly held religious beliefs.” Before passage this language was changed to “sincerely held principles.” To provide services would be a violation of one’s conscience and therefore be party to sanctioning a lifestyle that violates one’s religious beliefs. Opponents argue that this is discrimination and that denying services based on personal beliefs could harm access to professional care for many of the most vulnerable members in the community. A person living in a rural area may be denied any services from a mental health professional because the nearest counselor willing to provide services may be 75 miles away.

Questions and Issues for Discussion. Avoid getting into legal and constitutional issues and focus on what is the “right thing to do” or what is the most ethical position one can take.

1. According to the opponents of the legislation referred to above there are two major human rights issues—the withholding of services to LGBT persons and the restroom accommodations to be used by transgender persons. To the proponents of the legislation the issue is one of religious liberty and their individual rights. Discuss the ethical issues and positions when considering economic consequences, human rights, and religious liberties.
2. Can the conflict be resolved? If so, is there one right that takes precedence over all others when individual rights are in conflict?
3. Using your ethical position regarding the above issues, how would you vote as a legislator?