

INDIANA

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JOURNAL

Indiana AHPERD Journal

Volume 42, Number 1

Winter 2013

Indiana Association for Health, Physical Education, Recreation, and Dance

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President's Message

"Pride in the Profession"

It is such an honor to be elected President of IAHPERD for 2013. It is difficult to consider myself capable of providing leadership to so many people that I look up to with such respect. How could I lead the colleagues that I call for answers? I quickly reflected on my years in the association and reminded myself that ours is an association built on collaboration and teamwork. Knowing that we all strive for advocacy in our fields and those fields are all united under IAHPERD.

Like most of us, I knew all my life I wanted to be in education. My parents, sister and brother-in-law are respectfully a retired college professor, retired early childhood education teacher, an occupational therapist and an elementary school principal. Holiday dinners provide for passionate conversation. I was born and raised in Morgantown, WV. Graduated from Goshen College, Goshen IN and began my career in education at Concord High School in Elkhart. In 1996 I accepted several positions for the Metropolitan School District of Decatur Township in Indianapolis. I began as middle school Health and Physical Education teacher, Head Athletic Trainer and Assistant Varsity Girls' Basketball coach. I received my master's degree from Indiana University in Educational Leadership in 2008. In 2009 I was awarded the IAHPERD Middle School teacher of the year, indeed one of the awards of which I am most proud. I am in my 17th year in Decatur Township and recently became the assistant principal at Decatur Middle School. I am a foster mother to two beautiful children that have been in my home for two years now. They keep the smile on my face.

The collaboration and teamwork with which we all seem to have in our blood became evident in the work the board conducted last year in rewriting our mission statement. Under past-president Keith Beutow's term we were able to produce an amazing mission statement within a few hours; a feat that corporate leaders often take months to develop. It's amazing what having a shared vision can accomplish.

Pride in the profession was an easy motto to select. Being around so many professionals in the field it is obvious by our work that we are passionate, we just do what needs to be done – we are workers! My challenge to you is to spend this year lifting your nose from the grindstone a little more often and tell someone what you do. In this time of high-stakes testing and

accountability, tell a Language Arts or Math teacher how we do writing and math within our content area. Explain to someone outside of your department what matters to you. Remind yourself why you chose this field and more importantly – why you've stayed.

It's going to be an amazing year for IAHPERD, we have returned to one state conference. We listened to the feedback from members and the board agreed. It allows us to plan for it each year, save leave days and budget for the event. Watch for details and requests for sessions in the immediate future!

Pride brings passion, spread the word!

See you in October!

"The mission of IAHPERD is to enhance the credibility of the disciplines within our Association through advocacy, professional development, and research-based pedagogies resulting in healthier communities."



**Do you have friends
 who'd enjoy The Indiana
 AHPERD Journal? Send us their
 addresses, and we'll send them a
 free sample issue.**

Name of Friend _____

Address _____

Your name (optional) _____

**Indiana AHPERD Journal,
 Karen Hatch,
 2007 Wilno Drive, Marion, IN 46952**

Message from the President

IAHPERD INFORMATION FOR JOURNAL

IAHPERD has sent numerous e-mails since the January of 2012. Several are coming back as undeliverable since the address is a school address and the school has IAHPERD filtered out. Please check your SPAM folder to see if indianaahperd@aol.com or inahperd@inahperd.org is in there and work with your school to change that and see that our communications are reaching you. Another solution is to send your home e-mail to: inahperd@inahperd.org for an update.

Thanks!

Attention IAHPERD Members

As an association, in the future more of our communications will be done through e-mail. If you did not receive an e-mail in January or February from: indianaahperd@aol.com or inahperd@inahperd.org – please update your e-mail address.

This may be done by e-mailing your current e-mail, name, and address to:

inahperd@inahperd.org

Any questions? Contact Karen Hatch, Indiana AHPERD Executive Director at the above e-mail or by telephone at:

765-664-8319

Thanks for keeping the IAHPERD membership records up-to-date.

Future AAHPERD National Conventions

2013

April 21-27
Charlotte, North Carolina



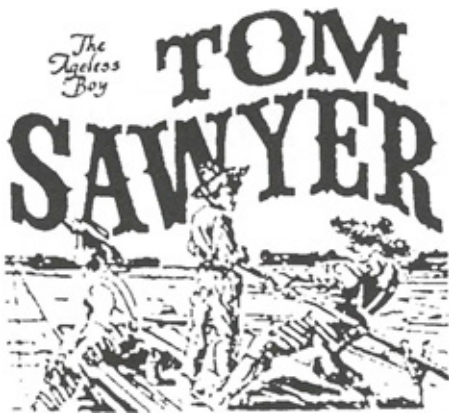
Truly a dynamic city, the changing face of Charlotte will surprise you. Walk along the bustling streets of Center City, step aboard the Historic Charlotte Trolley in South End, or stroll along the tree-lined streets of Dilworth to experience the warmth and Southern hospitality that visitors to the Queen City have come to know.

2014

April 21-27
St. Louis



Meet me in St. Louis, the gateway to the west. Here you can take in the view from the top of the Arch, America's tallest manmade monument, observe nature's power at the confluence of the Missouri and Mississippi rivers. You can get up close and personal with the Clydesdales and tour the historic Anheuser-Busch brewery, or cheer for one of the home teams, including baseball's Cardinals, the Rams football or the Blues hockey team. In the evening enjoy some authentic blues and jazz at one of many St. Louis night spots.



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Celebrating the Value of High School Activity Programs

By Robert B. Gardner, NFHS Executive Director, and Rick Wulkow, NFHS President

No matter where you live in this great country, October likely is one of your favorite months of the year. The heat is winding down in the South, leaves are falling in the Midwest with the transition of seasons, snow has yet to accumulate in the Northeast and the West Coast is as gorgeous as ever.

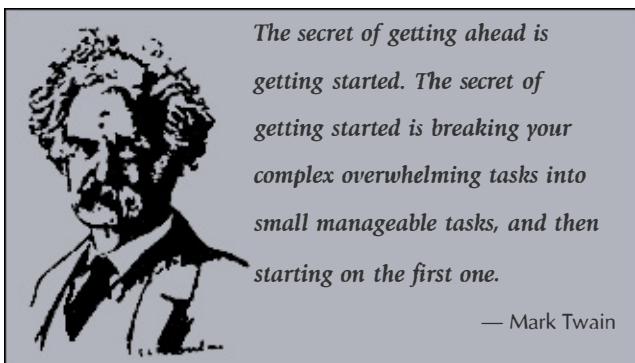
October is a marquee month in high school sports as well. Throughout the 50 states and the District of Columbia, on any given Friday night, there are approximately 7,000 high school football games involving more than one million student-athletes.

During the week there are cross country meets, volleyball and soccer matches, and field hockey games. In many of those same schools, students are involved in the various performing arts activities such as speech, debate, music and theatre.

More than 11 million students participate in activity programs at the high school level, and the NFHS has designated October as "National High School Activities Month." In the past, the third week in October was set aside for "National High School Activities Week," but we've expanded the celebration to the entire month this year.

And there is much to celebrate. Our cover story on page 12 reports on another record-breaking year in sports participation. During the 2010-11 school year, participation in high school sports increased for the 22nd consecutive time and produced a recordbreaking total of 7,667,955 participants. And the survey showed that more than 55 percent of students enrolled in high schools participate in athletics.

Outdoor track and field, cross country and the emerging sport of lacrosse registered significant increases in participation, along with boys and girls soccer, girls volleyball and boys basketball. Girls lacrosse increased nine percent from the previous year and cracked the girls Top 10 listing for the first time.



The secret of getting ahead is getting started. The secret of getting started is breaking your complex overwhelming tasks into small manageable tasks, and then starting on the first one.

— Mark Twain

That great news came on the heels of our feature in the September issue of High School Today which indicated that approximately 510 million fans attended high school sporting events during the 2009-10 school year, including 468 million during regular-season events and 42 million for state association playoff contests.

About two-thirds of those fans (336 million) attended high school regular-season and playoff games in football and girls and boys basketball – more than 2 times the 133 million spectators who attended events in those sports at the college and professional levels combined. Girls and boys basketball accounted for 170 million fans, while football was close behind at 166 million, with soccer third at 24 million.

Granted, there are many more games played at the high school level to reach that prodigious figure, but it is a great sign that high school sports continue to be a big part of communities throughout our nation. A ticket to a high school sporting event remains one of the best values for the entertainment dollar.

While these latest surveys on participation and attendance were extremely encouraging, we know there is much work ahead. With budget issues forcing many schools to find alternative methods of funding or cut back on programs, school leaders must continue to champion the cause for high school athletic and performing arts programs.

These vital programs provide one of the best bargains in our community and will continue to do so as long as our nation supports them as an integral part of the education of our young people. These programs teach more than 11 million young people valuable life skills lessons such as ethics, integrity and healthy lifestyles.

There is fundamental, empirical evidence that high school activity programs provide a successful way in which to create healthy and successful citizens. Many of these studies are documented in *The Case for High School Activities*, which is available on our Web site at www.nfhs.org.

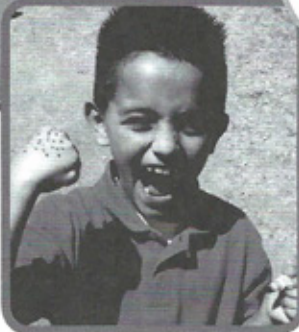
Although promoting the value of these programs in our nation's schools should be an ongoing, year-long event, we encourage you to go the extra mile this month as we celebrate National High School Activities Month. Take this opportunity to toot your horn even louder, to show appreciation to your communities for their support of your programs, to thank those spectators who support your activity programs throughout the year, and recognize the coaches and contest officials who make it all possible.

Thanks for all you do to keep the doors of opportunity open for the nation's student-athletes.

Reprinted with permission. National Federation of High School Associations. *High School Today*, Volume 5(2):1, October 2011.



We Jump. We Shoot. We Save!



HEART HERO

Diego, age 8

"I've always known that my heart is different because my mom and dad have always taken me to the heart doctor. Doctors are going to switch the two bottom pieces of my heart around. Helping people with different hearts is important so doctors can find cures for kids like me!"

Hoops For Heart a national education and fundraising event created by the American Heart Association and the American Alliance for Health, Physical Education, Recreation and Dance. Middle school students have fun playing basketball while becoming empowered to improve their health and help other kids with heart-health issues. And it's a great way to satisfy the physical education standards as determined by the National Association for Sport and Physical Education and the American Association for Health Education.

Funds raised through Hoops For Heart give back to children, communities and schools through the American Heart Association's work:

- Ongoing discovery of new treatments through research
- Advocating at federal and state levels for physical education and nutrition wellness in schools
- CPR training courses for middle and high school students

Hoops For Heart helps students:

- Learn the value of community service and contribute to their community's welfare
- Join with other children to help kids who have heart problems
- Develop heart-healthy habits while being physically active
- Learn basketball skills they can use for the rest of their lives
- Earn gift certificates for free school P.E. equipment from U.S. Games

With your support, we can help protect and improve children's health. Your efforts to educate your students and raise funds for research and outreach are vital to improving kids' lives.

Call 1-800-AHA-USA1 or visit heart.org/hoops to get your school involved.



Lawsuits in the NFL: 30 Years of Legal Issues Regarding the League, its Players, and Affiliates 1982-2012

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Abstract

The NFL has become one of the most popular sports in America throughout the past 30 years, and has taken in billions of dollars in revenue in the process. With thousands of players in the NFL and the league handling contracts with thousands of merchants and vendors, lawsuits regarding contracts and miscellaneous legal issues are bound to occur. Lawsuits occur in every different department of the NFL, including contract agreements, licensing, agent troubles, copyrights, trademarks, television rights, drug testing policies, antitrust laws, and medical issues. Since the early 1980's, the NFL has been sued by multiple companies and players regarding issues listed above, just to name a few. The NFL has also sued players and businesses due to breach of copyright laws, trademark issues, contractual disagreements, and antitrust violations.

Contractual Issues

Although it does not happen as often as it does in the NBA, MLB, and NHL, the NFL still is not immune to contract disputes- lockouts and strikes in 1982, 1987, and 2011 can confirm this argument. The National Football League Players Association (NFLPA) has historically served as the labor union for NFL players. Among its duties is negotiating collective bargaining agreements (CBA) with league owners, which governs the negotiation of individual player contracts for all of the league's players. The NFLPA was established in 1956, and has re-written the CBA twice in its history during labor disputes: the 1987 strike and the 2011 lockout.

One CBA was in place since 1993, and was amended in 1998 and again in 2006. But in 2008, the owners exercised their right to opt out of the agreement

two years early (NFLPA, 2007). This led to a lockout in 2011, the NFL's first work stoppage since 1987, which was the longest distance between work stoppages of all the professional sports.

Under the current (2011) CBA, several items were altered: (Davis, 2011)

- Free agency guidelines returned to the way they were from 1993 to 2009. This means that a player needs four years of experience to become an unrestricted free agent, and three years of experience for restricted free agency.
- The salary cap is now \$120.375 million, with no team salary minimum (Florio, 2011). For the 2011 season, teams have the option of using a \$3 million exemption on a signed player. For the years following the 2011 season, teams have the option of designating three player exemptions at \$1.5 million each.
- The salary minimum will return for the 2013 season, at which time each team must spend at least 89% of the cap in cash on player salaries (Florio, 2011).
- The rookie compensation was altered. There is a limit to the amount of money given to rookies, with the maximum total in 2011 being \$874 million. First round picks receive four-year deals, with a fifth year option. In the second through seventh rounds, there are slotted four-year deals.
- The league minimum salary for players increased by 10-12 percent, based on tenure.
- A team's ability to place a franchise or transition tag on top players to retain his rights did not change. Other major concerns included health and safety of players, as well as former player benefits and pensions.

The new 10-year collective bargaining agreement runs through 2021, and has an estimated value of \$12-\$16 billion per year (Clayton, 2011).

With thousands of players in the NFL, and contracts being written and changed on a weekly basis, there are going to be some discrepancies that can't get settled outside of a courtroom. When dealing with millions of dollars in contract money, a player, his agents, and the owners want to make sure all details are laid out correctly in the contract and no one comes out on the losing end. While the NFL and agents do their best to make sure contract negotiations don't end up in court, every once in awhile an argument will make its way to a jury. Most issues are based on the CBA, as explained in the following cases. In *Dryer v. Los Angeles Rams* (1985), Fred Dryer of the Los Angeles Rams of the NFL, attempted to bypass the usual contract dispute resolution plan as outlined in the collective bargaining agreement between the NFL and the NFLPA, and have his matter decided by a California state court. The Rams petitioned to have the court compel arbitration as outlined in the CBA. The court denied the petition by the Rams because it felt that since all contract disputes could go before the commissioner, it failed to meet the "minimum levels of integrity" required. The California Supreme Court reversed the decision, and found that since an arbitration system that covered the dispute was in place, the court would not interfere. The CBA was made in order to handle disputes such as these, and Dryer was not in the right to have the higher courts handle his case, since the CBA had plans laid out in order to handle his situation.

In some instances, players let their agents handle their entire contract negotiations, and don't necessarily realize what they're locking themselves into. In *Detroit Lions, Inc. v. Argovitz* (1984), Detroit Lions free agent running back Billy Sims, under the guidance of his agent Jerry Argovitz, signed a contract with the Houston Gamblers on July 1, 1983. On December 16, 1983, Sims signed a second contract with Detroit, and filed a complaint in Oakland County Circuit Court seeking a determination that the July 1, 1983 contract between Sims and the Houston Gamblers was invalid because the defendant, Jerry Argovitz, breached his fiduciary duty when negotiating the Gamblers contract. The court concluded that Argovitz breached his duty to Sims by having significant ownership interest in the Houston franchise, and not representing him properly in contract negotiations with Detroit. The contract between Sims and Houston was rescinded by the court. In this case, Argovitz should've warned Sims of his interest in the Gamblers before allowing him to make a contractual decision.

Other issues involving free agency and salaries arise during contract disputes, and players and the league have been known to sue for re-payments well into the twenty-millions of dollars in money they feel that they earned. In *McNeil v. NFL* (1992), New York Jets running back Freeman McNeil and other NFL players argued that Plan B free agency restrained players' ability to offer their services on the open market because the compensation deterred

other teams from pursuing restricted free agents. The players argued that this violated Section 1 of the Sherman Act. The court rejected the NFL's request for summary judgment based on the labor exemption, and allowed the case to go to trial on the merits. In the trial, the court reasoned that because the players were not represented by a union, no bargaining relationship existed between the players and the league. The players successfully argued that Plan B was an unreasonable restraint on trade, and was not in its least restrictive form. Contract issues regarding salaries are common in the NFL, but most can be resolved before heading to the courts. In some cases though, neither side can reach an agreement and the dispute must go to trial. In *White v. NFL* (2007), the Minnesota District Court affirmed the arbitration decision of Special Master Stephen Burbank forcing the Denver Broncos to repay wide receiver Ashley Lelie \$220,000. When Lelie refused to report to training camp in the summer of 2006, the Broncos agreed to trade him so long as Lelie agreed to repay \$220,000 of a \$1.1 million option bonus paid prior to the 2003 season. Burbank ruled that Lelie's forfeiture was forbidden under §9© of the 1993 Stipulation and Settlement Agreement that stated "No forfeitures permitted (current and future contracts) for signing bonus allocations for years already performed, or for other salary escalators or performance bonuses already earned".

In what turned out to be one of the most highly publicized events in NFL history, Michael Vick was sentenced to 23 months in prison due to his participation in a worldwide dog-fighting organization. The Atlanta Falcons sued Vick for re-payment of his bonus money he earned prior to the events sending him to prison. They won in arbitration, but the argument went to the Minnesota District Court, who in *White v. NFL* (2008), reversed an arbitration ruling of Burbank that stated the Atlanta Falcons could recover \$19.97 million of bonus money paid to Vick. Judge Doty, who has presided over all disputes arising out of the NFL collective bargaining agreement since its inception in 1993, ruled that the Vick roster bonuses were "other salary escalators" under article XXIC, §7(b)(iv)(3), subject to the "already earned" test used in prior cases. Once Vick met the requirements of the roster bonus, that of being on the 80-man roster on the fifth day of the league year, the bonus became "already earned", and could not be forfeited.

Licensing

Licensing agreements are the basis of how the NFL and merchandisers reach terms on when and how their products will be used. They form agreements to allow teams to use certain products, and in some cases, only those products. While licensing may allow some merchandisers to be termed the "official merchandiser of the NFL", teams can still have contracts with other companies allowing them to wear their products and use their items. In general, licenses can be a form of monopoly when merchandisers use them to eliminate other companies from distributing their products the NFL teams.

In *American Needle, Inc v. New Orleans Saints* (2007), a headwear manufacturer and previous licensee of NFL

Properties and the individual clubs of the NFL, sued when the NFLP granted an exclusive merchandising license to Reebok, claiming that the exclusive license violated Section 1 of the Sherman Act. Originally, the District Court granted the NFL's motion for summary judgment, however, the Supreme Court reversed and remanded the ruling, stating that the NFL could not be considered a single entity for licensing purposes.

Licensing agreements can be tricky in some cases. In *Gridiron.com, Inc. v. National Football Player Association* (2000), plaintiffs sued for a declaration that it did not violate defendant's licensing agreement with NFL players. The NFL had a licensing agreement with 97% of NFL players. A group licensing program, as defined by the NFL, was one that utilized six or more NFL players, while the plaintiff operates a group of Web sites "devoted to professional football" that utilized the images of over 150 players. The court held that the "plaintiff's contractual agreements with the players violated defendant's proprietary rights in six or more NFL players' images". The court permanently enjoined the plaintiff from using the images of six or more NFL players.

Agent Issues

Professional athletes hire agents to handle all contract issues and make sure they earn their money that is owed to them. Sometimes, though, agents aren't always out to protect their clients, but more so take their money and invest it in their own endeavors. When players don't have the slightest idea where their money is going, crooked agents are bound to take it and use it for their own benefit. In *Black v. NFLPA* (2001), agent William Black was found to have illegally taken money from two of his clients, Ike Hilliard and Fred Taylor, both NFL players. Black sold shares in a company of which he was president to these clients at an inflated price, took the money, and deposited it into a sham company, with the money being funneled directly to him. Black attempted to have the case dismissed, but his request was denied. After being suspended for three years, Black brought a case against the league (*Black v. NFLPA*), alleging that its conduct was racially motivated. His case was dropped, and Black's suspension was upheld.

Sometimes, agents make mistakes that can end up costing their clients millions of dollars. If players don't go over their contracts with their agents, mistakes could arise that aren't caught by an agent. In *Poston v. NFLPA* (2006), when the NFLPA discovered in January 2004 that agent Carl Poston failed to ensure that a 2006 roster bonus worth \$6.5 million negotiated with the Washington Redskins for linebacker LaVar Arrington was not included in the final contract, it initiated disciplinary proceedings against Poston for negligence. In March 2006, the NFLPA suspended Poston for two years and Poston appealed the suspension. At the same time, Poston filed suit seeking a stay to the enforcement of the arbitration proceeding, claiming that he would seek irreparable harm, but the court disagreed. At Poston's and the other agent's urging, the Congressional Subcommittee on Commercial and Administrative Law held a hearing in December 2006 on

the NFLPA's arbitration procedures. Poston and agents complained that the arbitrator was not impartial, but instead an employee for the NFLPA. Poston had also lost a lawsuit against the NFLPA after being disciplined in 2001 because one of his employees provided airfare to Florida State football players. Poston contended that the NFLPA arbitration system was flawed and fundamentally unfair but the court cited deference to the arbitration process.

Copyright Issues

We hear and see the warnings whenever a professional event is televised- "Any other use of this telecast or any pictures, descriptions, or accounts of the game without the NFL's consent is prohibited", but will they honestly take legal action on us for discussing the game with our friends or co-workers? The NFL copyright laws over-do it just a little, but are there to protect them from any circumstance that may put their organization in jeopardy. The likelihood of them suing a fan for discussing a past game is minimal-to-none, but when a company breaks the copyright law to make a profit or benefit themselves in some way, legal action will most likely be taken. In some cases though, the NFL is taken to court based on their infringement on another person's copyright. In *Bouchat v. Baltimore Ravens Football Club, Inc.* (2003), it was determined that one of the Baltimore Ravens' logos infringed on an artist's copyright. The artist created a logo for the Ravens but was never compensated and subsequently registered the trademark in 1997, a year after the Ravens had already begun play. While it was determined by a jury that the Ravens did infringe on Bouchat's copyright, he was denied damages because infringement began before he registered the work and because the team's revenues were not attributable to the use of the team logo.

In another instance, *Dryer v. NFL* (2010), former NFL players brought a class-action suit against the NFL alleging that the league's use of video footage from games in which they played in league's promotional videos violated their common law and statutory rights of publicity. In denying the NFL's motion for judgment on the pleadings, the court held that the right of publicity claim was not preempted by the Copyright Act and that allegations were sufficient to support players' claim that the videos amounted to commercial speech, for First Amendment purposes. The case is still ongoing as of now.

SHARE YOUR JOURNAL
WITH A STUDENT
OR COLLEAGUE

Trademark Issues

The NFL is very well-known for guarding its intellectual property rights to the full extent of the law. As the most popular and most profitable sporting event in the United States, the Super Bowl is clearly the NFL's most prized trademark, and the rules governing its broadcast and appearance are accordingly very strict. Without the clear permission of the NFL, broadcasters and other media may not use the following terms or images (Mullin, 2012):

"Super Bowl"

"Super Sunday"

The Super Bowl logo

"NFL," "AFC" or "NFC"

"The National Football League"

"American Football Conference"

"National Football Conference"

Any team name or nickname

Media outlets may state the following terms and information without the NFL's permission:

"The Big Game"

"The Professional Football Championship Game"

The date of the game

The names of the two competing cities, as long as the team names are not mentioned

Any statement mocking the fact that the NFL doesn't allow the media to use any of the forbidden terms

Most trademark cases involve a team or individual suing the other over improper use of their trademarked logo. In *Johnny Blastoff, Inc. v. Los Angeles Rams Football Company* (1998), the plaintiffs and defendants both claimed exclusive rights for the use of the mark "St. Louis Rams". The plaintiff registered the mark in Wisconsin with the intent of using it in conjunction with a fictional cartoon storyline, while the defendant registered the mark in Missouri after the announcement that the Los Angeles Rams were moving to St. Louis and would change their name to the St. Louis Rams. The court noted, "As between competing claimants to a trademark, the party who first appropriates the mark through use acquires superior rights." The court held that a substantial portion of the public associated the mark "St. Louis Rams" with the defendant at the time of plaintiff's registration, and found that there was a likelihood of confusion by prospective purchasers of the goods and services of the parties. The court disagreed with the plaintiff's argument that the "Rams" mark had become generic and that therefore the defendants lost their rights in the mark. The plaintiff argued that the use of "Rams" by several college football teams made "Rams" generic. The court held that this was irrelevant to a professional football team, and the "Los Angeles Rams", still to this day, are known as the St. Louis Rams.

In *Harjo v. Pro Football, Inc.* (1999), a group of Native American rights advocates petitioned the Trademark Trial and Appeal Board of the U.S. Patent and Trademark Office against the Washington Redskins of the NFL. The Redskins had six different marks that contained Native American images or names that were offensive to the petitioners. In June 1999, the Patent and Trademark Office issued an order

to cancel the registration of the marks held by the Redskins due to their offensive nature. The Redskins successfully appealed the cancellation of the marks in *Pro Football Inc. v. Harjo* 284 F. Supp. 2d 96 (D. D.C. 2003), as the district court found that there was not substantial evidence to indicate disparagement and that the suit was barred by the doctrine of laches, which prevents legal action after a certain time period.

In some cases, organizations don't even know they're in competition with each other when using the same logo or term for their product. In *Hawaii-Pacific Apparel Group, Inc., v. Cleveland Browns Football Co. LLC* (2006), the Browns and NFL Properties Inc. had registered the marks "Cleveland Browns Dogs" and "Cleveland Browns Dawgs" with the state of Ohio Trademark Office in 1985 after Browns fans became known as the Dawg Pound. The request was granted in 1988 for a period of 10 years. NFLP and the Browns licensed the trademarks to various apparel and novelty manufacturers. Unaware of the registered trademarks, Hawaii Pacific Apparel Group started a line of apparel featuring phrases such as "Dawg Pound" in 1986 and attempted to register the phrase in 1994 with the U.S. Patent and Trademark Office. Its request was denied as a result of the opposition from the NFLP. In this instance, Hawaii-Pacific Apparel spent 8 years selling their products with the term "Dawg Pound" on it before realizing that the Browns had already trademarked it. Fortunately, the Cleveland Browns didn't sue the Hawaii-Pacific Apparel Group for using its term illegally from 1988-1994.

In some cases, the court favors teams even though another organization clearly applied for a trademark first. In *Dallas Cowboys Football Club, Ltd. v. America's Team Properties, Inc.* (2009), the Cowboys sued a Minnesota clothing company who registered its name as a trademark and printed the slogan "America's Team" on various shirts sold at sporting events. The court found that the Cowboys' use of "America's Team" extended all the way to 1979, giving them trademark priority over the defendant. Furthermore, the team's use had acquired secondary meaning and thus the defendant infringed on the Cowboys' trademark. The Dallas Cowboys, although they had been using the term "America's Team" for 30 years, had not yet applied for a trademark on the name. They won this case in large part to the popularity and public knowledge of this term as referred to the Cowboys. Had America's Team Properties not applied for a trademark on the slogan, they most likely could've been able to keep using it, but since they requested the trademark, Dallas fought them and won all rights pertaining to the term.

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Television Rights

The Super Bowl is the second-most watched sporting event in the world yearly, just after the UEFA Champions League final. In fact, four of Nielsen Media Research's top ten programs are Super Bowls (Nielsen, 2007). Networks have purchased a share of the broadcasting rights to the NFL as a means of raising the entire network's profile (McKenna, 2006). The Super Bowl is so popular annually that many high-profile companies debut popular commercials during the game. The television rights to the NFL are the most lucrative and expensive sports broadcasting commodity in the United States. Under the current television contracts, which began during the 2006 season, regular season games are broadcast on five networks: CBS, Fox, NBC, ESPN, and the NFL Network. Regionally shown games are broadcast on Sundays on CBS and Fox, carrying the AFC and NFC teams respectively. These games generally air at 1:00 pm, 4:05 pm, or 4:25 pm Eastern Time. Nationally televised games include Sunday night games (shown on NBC), Monday night games (shown on ESPN), Thursday night games (shown on NBC), Thanksgiving Day Games (CBS, Fox and NBC as of 2012) (NFL, 2007). Additionally, satellite broadcast companies such as DirecTV offer NFL Sunday Ticket, a subscription based package that allows most Sunday daytime regional games to be watched. This package is exclusive to DirecTV in the US. The NFL also produces programming for various networks, mainly highlight shows like *Inside the NFL*, which airs on Showtime, and other programs including *Hard Knocks*, an HBO series detailing training camp for certain teams, and *30-for-30*, a weekly series airing on ESPN. The league also produces an animated children's show *NFL Rush Zone: Guardians of the Core* which airs on Nickelodeon (NFL Rush, 2012).

With the multitude of companies that the NFL deals with regarding contracts, lawsuits are bound to occur. Throughout the past 20 years, there have been lawsuits made by the NFL, and there have been many against the NFL. In *NFL v. The Alley, Inc.* (1983), the courts found that local games could not be broadcast in this establishment because it used an apparatus that was not commonly used in private homes. Even though this law was very clear regarding this issue, it's hard to enforce it due to the large number of establishments (bars, restaurants, etc.). Therefore, participating in this act authorizes substantial monetary damages and criminal penalties to help deter violations from occurring.

The same situation occurred in *NFL v. Cousin Hugo's, Inc.* (1984). In this case, the NFL sued a restaurant for intercepting and broadcasting live telecasts of St. Louis Cardinals football games. The district court held that the NFL was entitled to a temporary restraining order preventing the defendant's actions. In *NFL v. McBee* (1986), a bar owned by the defendant would intercept live broadcasts of blacked-out football games with a satellite dish, and then provide the game on the television at the bar, while fans would not be able to watch the game at home. The bar, however, did not qualify under any compulsory licenses

and was found in violation of copyright infringement by broadcasting the game without the consent of the National Football League. In *NFL v. Primetime 24 Joint Venture* (2001), the NFL won \$2.5 million in damages against a satellite carrier that was rebroadcasting NFL games into Canada after first capturing the broadcast signals in the United States without permission.

The NFL hasn't won every suit pertaining to television rights, though. In *NFL v. Insight Telecommunications Corp.* (2001), the NFL brought suit against a broadcast re-transmitter for violating its copyright by broadcasting seven NFL games in Canada from six Boston television signals through an agreement with a Massachusetts television transmission company. Insight was granted summary judgment when it was determined that it was an exempt passive carrier because it had no direct or indirect control over the content or selection of the primary transmission. In these cases, unless a business legally pays for a channel or subscription service airing an event, the league is entitled to monetary damages. This type of interception is no better than theft, and the court treats it in this manner. As demonstrated in the cases, above, the majority of businesses that try this act of re-transmission and get taken to court by the NFL eventually lose this argument.

The NFL has also been accused of running a monopoly over professional football in North America throughout the years, and was sued in 1988 by the United States Football League based on these accusations. In *United States Football League v. National Football League* (1988), the United States Football League sued the NFL for allegedly monopolizing professional football and using predatory tactics to limit the growth of the USFL. The USFL, which chose to play in several of the same markets as the NFL, had decided to move its season schedule from the spring (when it wasn't in competition with the NFL) to the fall (when it was in direct competition with the NFL) but was unable to secure a television deal that would broadcast its games. The USFL argued that the NFL had used predatory tactics against it by securing television deals with the three major networks at the time- CBS, ABC, and NBC.

The fact that the NFL rotated the Super Bowl among the three networks gave the NFL the leverage it needed to ensure that none of the networks carried USFL games. Without a television contract, the USFL had no way of competing against the NFL. The USFL also argued that the NFL was clearly trying to put them out of business by expanding into USFL geographic areas and increasing rosters. For example, the USFL argued that the NFL and city of Oakland conspired to destroy the USFL's Oakland Invaders in exchange for the NFL's promise that Oakland would receive an NFL team. The city of Oakland had already lost the Raiders to Los Angeles, when owner Al Davis moved the team over the objections of NFL owners and citizens of Oakland. In fact, the USFL used Davis' testimony in this case to supplement its argument that the NFL was using predatory tactics, as Davis had admitted under oath that he "sensed" the NFL wanted to destroy the Invaders. The USFL further alleged that the NFL attempted

to “co-opt” its players with a supplemental draft of USFL players and roster increase.

The jury found in favor of the USFL insofar as it was able to prove that the NFL did indeed enjoy a monopoly, which was in clear violation of Section 2 of the Sherman Act. The jury did not find that the NFL used predatory tactics to sabotage the USFL. The jury awarded the USFL \$1 in damages, which was trebled (tripled) to \$3, pursuant to the Clayton Act. There are two primary reasons why the USFL received such a small award. First, the jury expressly rejected the USFL’s television claim, which had alleged that the NFL had used its monopoly power with the networks to keep the USFL from procuring lucrative contracts. While the USFL alleged various counts of anticompetitive behavior, the television accusation was the heart of the case by the USFL’s own admission. Second, the jury believed that the USFL itself was largely responsible for its unappealing product. The USFL attempted to obtain injunctive relief against the NFL based on the jury’s finding of monopolization. The USFL sought one of three possible reliefs: (1) USFL teams were to be merged into the NFL; (2) the NFL was to be split into two separate leagues; or (3) the NFL would be forced to give up one of its three television contracts. The injunctive relief was denied due to an unlikelihood of success on the merits, and the USFL subsequently folded.

The NFL has also had issues regarding satellite television services and the products they offer. In *Shaw v. Dallas Cowboys Football Club* (1999), the Third Circuit held that the NFL clubs’ agreement to collectively sell their broadcast rights to DirecTV did not constitute “sponsored telecasting” within the exemption of the Sports Broadcasting Act. A “sponsored telecast” is one “which is financed by business enterprises in return for advertising time and are therefore provided free to the general public”. In *Schwartz v. Dallas Cowboys Football Club* (2001), the NFL agreed to pay 1.8 million defendants a total of \$8.5 million and offer a “Single Sunday Ticket” package which allows customers to purchase the package at a weekly rate. As a result of the settlement, the NFL is also protected from future litigation regarding the matter as long as they continue to offer the weekly package.

In *NFL Enterprises LLC v. Comcast Cable Communications, LLC* (2008), a New York State appellate court reversed a finding by the lower court that the contract between Comcast and the NFL Network allowed Comcast to restrict distribution of the NFL Network to a sports tier. The court found the agreements ambiguous and held that there was a triable issue of fact as to the parties’ intentions and remanded for further consideration. In September 2007, the tier constituted unfair discrimination. In May 2009, the parties settled the dispute which included Comcast’s agreement to include the network as part of its regular package.

Other issues concerning the NFL and broadcasting rights have arisen throughout the years. In *Philadelphia Eagles Football Club, Inc. v. City of Philadelphia* (2003), the Supreme Court of Pennsylvania ruled that media receipts

from television broadcasts of Eagles’ games were subject to the business privilege tax, but the amount taxed should be roughly proportional to the amount of games telecast from the Eagles’ home stadium. In 2009, CBS sued the NFLPA for the rights to use players’ names and statistics for their fantasy football leagues without a licensing agreement, and in *CBS Interactive, Inc. v. NFLPA, Inc.* (2009), the courts granted their request for a declaratory judgment, giving them permission to do so.

Drug Testing

The NFL banned substances policy has been acclaimed by some (Maske & Shapiro, 2005) and criticized by others (Roberts, 2005), but it is the longest running in American professional sports, beginning in 1987 (Maske & Shapiro, 2005). The current policy of the NFL suspends players without pay who test positive for banned substances as it has since 1989: four games for the first offense, eight games for a second offense, and 12 months for a third offense. The suspended games may be either regular season games or playoff games (NFLPA, 2008).

Since the NFL started random, year-round tests and suspending players for banned substances, many more players have been found to be in violation of the policy. By April 2005, 111 NFL players had tested positive for banned substances, and of those 111, the NFL suspended 54 (Roberts, 2005). Starting the 2007 season, the new rule prohibited any player testing positive for banned substances from being able to play in the Pro Bowl that year. In 2009, nearly 1 in 10 retired NFL players polled in a confidential survey said they had used now-banned anabolic steroids while still playing. 16.3 percent of offensive linemen admitted using steroids, as did 14.8 percent of defensive linemen (USNews, 2009).

Athletes will come up with many excuses to invalidate a positive drug test- some will say they didn’t know the substance was banned, while others will say that they just plain didn’t do it, when in all reality they’re most likely lying. In *Long v. National Football League* (1994), Terry Long, a member of the Pittsburgh Steelers, failed a drug test when his urine tested positive for anabolic steroids. He was then suspended pursuant to the NFL’s drug testing policy. Long sued the National Football League, the Pittsburgh Steelers, the city of Pittsburgh, and the Stadium Authority of Pittsburgh, claiming that the league’s policy violated the 4th and 14th Amendments of the U.S. Constitution; Article 1, Section 8 of the Pennsylvania Constitution, and various state laws. The court held that Long failed to show a sufficiently close nexus between the actions of the city and city officials and the decision of the NFL to establish an actionable constitutional claim based on his suspension for use of anabolic steroids. The court concluded that Long was suspended based on independent medical conclusions and NFL policy objectives over which the state had no influence.

In *Holmes v. National Football League* (1996), a professional football player was involuntarily enrolled in the league’s drug program and then suspended after testing positive for marijuana use. He sued the league, alleging

that its actions constituted a breach of the collective bargaining agreement. However, the court upheld the ruling of the league, reasoning that constitutional rights do not apply to procedures of arbitration between league and players pursuant to the collective bargaining agreement. In this instance, the player didn't oblige to participating in the league's drug policy, but was subjected to it anyways. This may seem like the league is in the wrong for subjecting him to the tests, but if they didn't do what they did, players would get away with using drugs of all sorts.

In *Bryant v. National Football League, Inc.* (2007), former NFL wide receiver Antonio Bryant filed for a temporary restraining order after the NFL told him that if he did not submit to drug testing, he could be disciplined by the NFL. Bryant was a member of the San Francisco 49ers during the 2006 season, when he was charged with DUI and other offenses after driving his Lamborghini over 100mph. As a result of the incident, Bryant was suspended for the final 2 games of the 2006 season and the first 2 games of the 2007 season. Prior to the 2007 season, while not a member of any team, Bryant failed a drug test. Bryant contended that because he was not actively pursuing employment with an NFL team, that he should not have been subject to additional drug testing in the fall of 2007. Bryant's motion for a temporary restraining order was denied because he had failed to show he was at risk of suffering an immediate injury. The case was voluntarily dismissed by both parties soon after the NFL filed a motion to dismiss, claiming that Bryant's claims were preempted by the Labor Management Relations Act which requires deference to collectively bargained grievance procedures.

As stated above, in some instances players claim to not know that the substance they were taking was banned by the NFL. In *Williams v. National Football League* (2009), several NFL players tested positive for bumetanide, a banned diuretic and masking agent. Two of the players, Kevin Williams and Pat Williams, both of the Minnesota Vikings, sued the NFL, claiming that the NFL and its doctor, Dr. Lombardo, knew that the banned substance was in StarCaps, a popular product, and failed to adequately warn the players under Minnesota drug testing law. The court found that the state law drug testing claims were not preempted by the NFL collective bargaining agreement. This decision arose out of a complex case that called into question a sports league's ability to collectively bargain for a drug testing policy without having to consider each state's individual drug testing laws. A Minnesota state court later reinstated the suspensions, finding that the Williams were not harmed by the violation in state law.

Antitrust Issues

Antitrust law is used in sports to describe all laws that intend to promote and regulate competition and make our competitive economic system work (Corley & Reed, 1996). For instance, the NFL has a set of bylaws, including the Collective Bargaining Agreement, that helps the league, teams, and individual players deal with legal issues in a proper manner. The laws were made to prevent cases from going to court, but in some instances, it is inevitable. With

the demise of the USFL, many of their players were drafted or entered the NFL as free agents in the upcoming years. Between the supplemental draft and NFL free agency, a few lawsuits were brought to the courts over these systems. In *Zimmerman v. National Football League* (1986), a potential NFL player brought suit against the league and challenged the supplemental draft system that had been instituted to allow NFL teams to draft former USFL players after the USFL had gone out of business. The plaintiff claimed that the draft was in violation of federal antitrust laws because players were restricted from bargaining with more than one team and this restriction impeded their earning potential. The court found that the draft had been a result of in-depth arm's-length negotiations between the NFL and NFLPA.

In *Powell v. National Football League* (1988), following the expiration of the collective bargaining agreement in August 1987, the NFLPA unsuccessfully attempted to strike. After the aborted strike, a group of NFL players filed a class action suit against the NFL that challenged the right of first refusal/compensation system on the fact that the system was in violation of Section 1 of the Sherman Act because it restrained player movement. The NFL moved for summary judgment based on the labor exemption. The players association argued that the exemption was no longer applicable because the collective bargaining agreement had expired and impasse had been reached. The court agreed with the NFL's assertion that the labor exemption should be maintained for some period of time after the agreement had expired because the terms and conditions of the agreement would still be in effect. However, the court concluded that the impasse would mark the point at which the labor exemption ceased to exist, and therefore the trial could move forward based on merits. The appeals court then reversed the district court's ruling in a 2-1 decision in *Powell v. NFL, 930 F.2d 1293* (8th Cir. 1989). The court felt the exemption should continue even after the impasse had been reached. In essence, the court stated that as long as the conditions imposed by the league resulted from good faith bargaining during the collective bargaining process, the exemption continued after expiration of the collective bargaining agreement and after impasse. This decision was important because as long as the NFL and NFLPA maintained a continuing bargaining relationship, and as long as the NFL maintained the status quo, the contract provisions in the agreement were exempt from antitrust litigation, regardless of the fact the collective bargaining agreement had expired. This ultimately led to decertification of the NFLPA. Shortly thereafter, in November 1989, the players voted to dissolve the NFLPA and once again sued in *McNeil v. NFL*. In March 1990, the NLRB ruled that the owners owed roughly 1,400 players almost \$19 million total for refusing to let them return to work in October 1987. McNeil and the players eventually won their case versus the NFL in 1992, and resulting settlement talks produced the first form of free agency in NFL history.

In a highly publicized antitrust lawsuit, Ohio State running back Maurice Claretts sued the NFL's eligibility

rule that a player must be at least three years removed from high school graduation to enter the NFL draft. In *Clarett v. NFL* (2004), Clarett was initially granted summary judgment on antitrust grounds, but the suit was ultimately overturned citing the precompetitive effects of the NFL's eligibility requirements. This law still stands, and has yet to be challenged again by a high school or collegiate athlete.

Medical Lawsuits

Typically, sports organizations require their athletes to be cleared by a physician before the beginning of their seasons. These doctors are responsible for checking an athlete's physical fitness and ability to handle rigorous activity. Most players are free to play after being cleared by their physician. However, some athletes may have unexpected health concerns that need to be dealt with promptly. If a doctor does not properly screen an athlete, they may not catch these health problems. As a result, that athlete can be seriously endangered when he or she participates in games or even just practice. A doctor must prevent an athlete from playing if they are not healthy enough to compete. If these doctors do not order sufficient screening tests to measure potential health problems, the athlete may not know or understand what problems can arise if they push their body too hard.

The following issues can arise if a doctor does not adequately screen athletes:

- Heart attack
- Stroke
- Pulmonary embolism
- Severe muscle damage
- Cartilage or ligament damage
- Bone fractures

These health concerns can potentially lead to permanent health issues for an athlete. In severe cases, a condition may prove fatal when worsened by physical activity (Axelrod, 2012).

Sometimes, teams will withhold medical information from a player in favor of the team's season aspirations. In *Krueger v. San Francisco Forty-Niners* (1987), Krueger, a player with the 49ers, sued team personnel for fraudulent concealment of medical information. The court found that due to the team's interest in keeping Krueger on the field, he never received a full disclosure of the extent of his knee injury and thus continued to play when he should've retired from the game. The court ruled in favor of Krueger and held that he might be entitled to damages for fraudulent concealment of medical information by team personnel.

In other cases, injured players expect to receive compensation for injuries occurring on the field, but teams try to relieve themselves of those duties based on contract terms. In *Pro-Football, Inc. v. Paul* (2002), the court of appeals upheld a worker's compensation award to Tito Paul, a former member of the Washington Redskins who had suffered a knee injury while playing against the Pittsburgh Steelers. The Redskins argued that since Paul had originally signed a contract with the Denver Broncos in Colorado before being traded, his contract had not been "made in Virginia". The court ruled that since Paul's trade

to the Redskins was only completed when he passed a physical exam administered by the team in Virginia, the contract had in fact been made in the state.

While practice-related deaths aren't extremely common, they do happen almost every season. Athlete's life insurance policies will aid the families left by the death of the athlete, but if the family believes a wrongful death has occurred, they may file suit against the team. In *Stringer v. Minnesota Vikings Football Club, LLC* (2005), the Supreme Court of Minnesota reviewed a wrongful death suit filed by the widow of Vikings offensive lineman Korey Stringer, who had died of heatstroke after collapsing at football practice. Members of the Vikings' training staff were among the defendants. The court ruled that since Stringer had been a co-employee of those defendants, his widow could prevail only if she demonstrated that the defendants owed Stringer a personal duty and were grossly negligent in performing it. Since the defendants were acting within the scope of their job duties when they attempted to treat Stringer at the Vikings' practice facility, they owed him a professional duty but not a personal one. The summary judgment in the defendants' favor was affirmed.

Risk Management Tips

The following risk management tips have been developed based on the case laws outlined above. Throughout the past 30 years (1982-2012), implementing these tips may've prevented the individuals, as well as the league, from taking these matters to court.

Contractual Issues

- The NFL Collective Bargaining Agreement has policies set in place to hear issues related to player contracts.
- When NFL players have disagreements over contractual issues, they will most likely not be heard by the courts because of the Collective Bargaining Agreement.
- Although players have agents to handle the fine-print of their contracts, they still need to make sure that all details are inserted into the contract correctly to prevent salary errors.
- Players should research agents and their backgrounds, deciding which one is right for them before making their selection.
- Once a team has given a player their bonus, that money is officially theirs. Even if a player is let go by the team soon after their bonus is paid, the team has no right to get that money back. If teams want to include a refund clause in a contract, they will need to lay it out and explain to the player issues that may cause them to revoke the bonus. Without the player signing such an agreement, nothing can be done to relieve the team of those payments made.

Licensing

- The NFL is not a single entity, and cannot hold itself to one particular licensee.
- When an organization owns group licensing rights to a particular group of players, it is best that other companies try not to sign said players to their own

licensing group. This isn't allowed, and can cost a company millions of dollars in lawsuits if handled improperly.

- Running monopolies is an invalid business practice, and selling licenses in order to start a monopoly can lead to lawsuits.

Agent Issues

- Before giving money to agents to invest, players should take the time to research where their money will be invested.
- While not all agents are crooked, there are some out there looking to take their clients' money for their benefit, so players should perform extensive research on their agents before hiring them, if not getting to know them on a personal level before they sign with them.
- While agents in the NFL are professionals and perform their jobs well, they sometimes make mistakes, and players should have a second opinion on all contract negotiations before signing long and short-term deals with teams.

Copyright Issues

- As an individual or a professional sports team, copyrighting logo designs instantly will help prevent the copying of them by other organizations.
- Without copyrights, logos can be copied and used for the benefit of individuals or teams without the permission of the original designer.
- The NFL is responsible for the reproduction of its players' video footage, and players must be warned or compensated accordingly if the league plans to use them in promotional footage.

Trademark Issues

- Before re-using NFL slogans, logos, or other items, media outlets and other businesses should get the right from the NFL to use them, therefore preventing the possibility of lawsuits.
- The NFL owns trademarks on merely all of its popular slogans, and absolutely no one can use them without gaining proper permission from the league first.
- If a company doesn't want their logo to be repeated by a professional sports team, they must trademark it before the NFL designated it to a team.
- In most cases, trademark lawsuits dealing with team names and logos end in the league or its teams winning the case, due in large part to the popularity and coverage of the logo.
- Although NFL teams may not necessarily trademark all of their slogans, if the battle goes to court over them, and they can prove that they had been using them longer than the plaintiff in the case, they will most likely still win the case.

Television Rights

- Local businesses and media outlets must have permission or pay properly to broadcast NFL games on their televisions.
- Stealing NFL events from outside viewing sources for their own benefit can cost businesses millions of

dollars in lawsuits if caught and sued by the NFL.

- Although monopolies are illegal in sports, the NFL has almost every television network monopolized into viewing its events. If any other football league were to try and sign contracts with one of these channels, they would be denied time slots due to the NFL's stranglehold on them.
- The NFL Network can't be added to basic cable packages, and must be included in a premium or upgraded package.
- NFL teams only are required to pay business privilege taxes on games broadcasted from their home stadiums, not away games.
- Internet activities such as fantasy football leagues don't necessarily need permission from the NFL to use players' names in its web-based league.

Drug Testing

- Although players may not willingly enroll themselves in the NFL's drug testing program, they are still eligible for suspension if a positive drug test is found.
- Excuses don't work for relieving positive drug tests unless the drug in violation was found to be prescribed by a doctor to the athlete.
- The NFL's Collective Bargaining Agreement is not required to take each individual state's drug policy procedure into consideration when handing out suspensions for failed drug tests.

Antitrust Issues

- Antitrust laws are put in place to keep the NFL and its policies in order. Violating these laws can mean serious lawsuits, and suspensions or monetary fines.
- Antitrust laws cannot be changed or altered, and if found to be not in the best interest of the players, will need to be taken to the courts to determine if they should be reversed or re-written.

Medical Lawsuits

- Whether it helps or hinders the team's best interests, a player should be told in full the extent of his injuries by team doctors. Withholding information from players can lead to worse injuries, including career-ending ones. Players who are not told of injuries by team doctors are in the right to sue for monetary damages incurred because of team negligence.
- If a player goes down on the field for a medically related reason- whether in practice or a game, as long as the team does all they can to help the player immediately, they can prevent wrongful death lawsuits from the family of said player.
- Doctor negligence can lead to serious court cases, so teams should always get second opinions when dealing with player injuries to make sure their diagnosis is correct.

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Health Connections

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Abstract

The goal of the program is for the students to gain experience with teaching health to students in grades K-6 and to learn more about community organizations. The community partnership for this experience is the American Red Cross and the Boy & Girl Scouts of America. This teaching idea is for use in teacher preparation programs studying school or community health.

Key words: health, service learning, teaching

Introduction

Service learning provides students with a meaningful experience by providing projects that reinforce skills learned in the classroom while benefiting the community. In Furco's (2002) view, "Service-learning seeks to engage individuals in activities that combine both community service and academic learning. Service-learning programs are typically rooted in formal courses (core academic, elective, or vocational); the service activities are usually based on particular curricular concepts that are being taught" (p. 25). Service learning provides teacher candidates with service learning and enables them to be able to continue to develop such projects.

This project illustrates how service learning can support student learning while serving the community. The goal of the program was for students to gain experience with teaching health to scouts or students in grades K-6 and to learn more about community organizations. The community partnership for this experience was the American Red Cross and the Boy & Girl Scouts of America. By participating in this project, students were able to:

- Learn more about the American Red Cross and the Boy & Girl Scouts of America.
- Prepare and present a health lesson.
- Apply the National Health Education Standards: a) "comprehend concepts related to health promotion and disease prevention", b) "demonstrate the ability to access valid health information and health-promoting products and services", c) "demonstrate the ability to use goal-setting and decision-making skills to enhance health", and d) "demonstrate the ability to use interpersonal communication skills to enhance health" National Commission Health Education

Credentialing (2008).

- Apply the responsibilities of a health educator. Some of these responsibilities include (a) communicate and advocate for health and health education, (b) serve as a health education resource person and (c) administer health education strategies, interventions and programs.
- Reflect on the experience and serve the community.

The scouts receive badges through their den for meeting requirements (Readyman Badge or Skill Builders Emergency Preparedness Badge).

Procedure

There were a series of steps in implementing the service learning project. This lesson can be completed in as little as two and a half hours or expanded to four hours. First, the materials needed for the training include the American Red Cross Basic Aid Training Instructor's Manual, American Red Cross Basic Aid Training Participant's Manual, gloves, roller bandages, triangular bandages, infant and adult manikins, and face shields. The American Red Cross Basic Aid Training includes emergency response skills, conscious choking, wounds, caring for shock, burn care, nosebleeds, fire, water and bicycle safety, splinting, poisoning, bites and stings. The Webelos Readyman Badge requirements are in line with the American Red Cross Basic Aid Training Course. The pre-service students were assigned a topic. The topics included: a) what to do after in an emergency, b) calling 911 and making a list of emergency numbers, c) how to treat for shock, d) how to care for someone who has been poisoned, e) rescue breathing, f) how to care for burns, g) how to care for bites and stings, h) how to care for bleeding, i) what to do in case of a fire and make a fire escape plan, j) safety rules for riding on a bicycle, in a bus or in a car, k) how to use a first aid kit, l) how to help someone who is choking, and m) safety when swimming. These topics are covered in the American Red Cross Basic Aid Training courses which also are the requirements for the Webeelos Readyman Badge. Then, the pre-service students prepared a 5-10 minute lesson over the assigned material covered in the American Red Cross Basic Aid Training course. Students in the class had to adjust their lesson plans according to the developmental level of the audience. Next, the

pre-service students provided the training to the cub scouts and/or girl scouts. The age of the scouts ranged from 6-14 (daisy scouts, cub scouts and girl scouts). Due to individual differences the lessons prepared by the students varied by delivery and style. The scouts were invited to participate in the training which took place on campus. This eliminated travel time for the college students and provided university exposure for the scouts. At the completion of the course, the scouts received badges through their den for meeting program requirements (Readyman Badge or Skill Builders Emergency Preparedness Badge). See Figure 1.

Figure 1



Assessment Technique

Students were asked to create a lesson plan addressing the National Health Education Standards. They were asked to reflect on their teaching experience and responded to the following questions to guide their written reflection of the teaching experiences.

- What was the goal of your presentation?
- What were the National Health Education Standards addressed in your presentation?
- What was the main point you are trying to communicate to your intended audience?
- How did you select the information for the presentation?
- Did you feel prepared to give your presentation? Explain.
- What did you learn during this presentation?
- What will you do differently during your next presentation?

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American Heart Association




Hoops For Heart is a national event created by the American Heart Association and the American Alliance for Health, Physical Education, Recreation and Dance. Students have fun playing basketball while becoming empowered to improve their health and help other kids with heart-health issues.

Hoops For Heart helps students:

- Learn the value of community service and contribute to their community's welfare
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- Learn basketball skills they can use for the rest of their lives
- Earn gift certificates for free school P.E. equipment from U.S. Games


Your efforts to educate your students and raise funds for research and outreach are vital to improving kids' lives.

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American Alliance for Health, Physical Education, Recreation and Dance

AAHPERD is a proud program partner of HoopsForHeart.



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UNDERGRADUATE ABSTRACTS

The Hypocrisy of Competition & Exclusivity in the Olympics

Hillary Anderson – Ball State University

Faculty Sponsor: David Pierce

Every four years athletes from all across the world converge in one city to compete in a variety of athletic competitions. Over a few short weeks, the eyes of the entire world are focused on one mega-event. Throughout the Olympic Games, sponsors across the globe make sure to elicit their best business strategies to take full advantage of the marketing opportunities at hand. The small but all too valuable window that presents itself allows marketers a way to reach each and every target market.

Now let us engage in some visualization- you are at the Gold Medal heat of the Women's 100 meter dash and you're craving a Whopper, washed down with a nice cold Pepsi and the only thing to cover the tab is your American Express? Looks like you'll have to wait to cure those cravings, because unfortunately for you, McDonalds, Coca Cola and Visa are your only option, thanks to sponsor exclusivity. Laws governing competition are established in order to protect the consumer from forms of monopolies. Most would argue that

the customer should be able to choose where exactly they spend their hard earned dollar. But, for members of the IOC and many other professional sport organizations, these rules and regulations do not always apply, and can result in large profits from the sales of these exclusivity rights.

These exclusivities do not belong solely to corporate sponsorships, but also are present in broadcast and media rights. The bidding process to obtain these media rights is a very long, meticulous and expensive competition that allows a broadcast company to be the sole providers of coverage in their particular market. Presentations are given, negotiations take place, billions of dollars are laid out on the table, and essentially one company walks away the winner. When the event rolls around; the winner of these rights will essentially prevent any competitor from broadcasting the same event that they previously obtained. A competition designed specifically with a goal to prevent competition, talk about hypocrisy!

Chase Charlie Races 2012

Marianne Kroening – Ball State University

Faculty Sponsor: David Pierce

The 5k is an event where anyone of any age takes a scenic 5k run or walk through Ball State's campus and ends the race on the 50-yard line of Ball State's football field at Scheumann Stadium. The Mile Mania is geared toward kids ages 13 and under to run through the Briner Sports Complex, also ending the race at the 50-yard line of Scheumann Stadium. The Kiddie 100 is a race from the North end zone to the South end zone for kids ages 8 and under at halftime of the football game.

This year marks the biggest and best year of the 12-year tradition of the Chase Charlie Races. The previous record for attendance at the races was 590 participants in all three races combined. The 2012 Races shattered that by over 100 participants, putting us at 714. This event was such a success due to our marketing efforts.

According to the post-event survey, over 50% of the participants found out about our event through some kind of Internet marketing strategy. This year was the first year we implemented Internet

marketing, and we have found that moving forward it is important to start marketing more on the Internet, and less on paper. 74 of 80 people who took the post-event survey said they were at least somewhat likely to participate in next years race. The post-event survey was helpful in telling us what we need to improve on, and what we did well. We had many comments saying that our race was very well run, and at the end of the day, Chase Charlie Races was able to put over \$2,000 toward a scholarship for a Sport Administration student that excels in the classroom as well as in leadership roles within the sporting community. This is a new scholarship put together just this year.

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NFL Club Season Ticketholders Satisfaction with Services Rendered

Tricia Hensley – University of Indianapolis
Faculty Sponsor: Jennifer VanSickle

Season ticket sales account for 65% of the gate receipt revenue generated for the Indianapolis Colts (Indiana Business Journal, 2012) with a large portion of that revenue coming from the sale of club tickets. Season ticket holder renewals are based upon a variety of factors, including on-field performance, service, ticketing, and personal involvement (McDonald, 2012). Since the front office employees have no control over the product on the field, determining the satisfaction levels of customers in other areas, such as parking, concessions, and overall value is important. Therefore, the purpose of this study was to evaluate club seat ticketholders satisfaction with their game day experience. This study was completed as a part of a class project, in conjunction with Colts employees.

Surveys (n=337) were administered during one home game. Participants (season ticketholders) were approached in the lounges at halftime and were asked 19 questions about their satisfaction with the facility and amenities associated with being a season ticketholder. Respondents

were also asked to offer suggestions to improve the level of game day service for club seat ticketholders.

Results revealed that season ticket holders were generally satisfied with the amenities in the lounges, fan behavior in their section, the location and service at the concession stands and bars, the level of service from ticket-takers, the convenience of entering the stadium, and the level of service from security and garage employees. Season ticketholders were most dissatisfied with the variety of food and beverages in the lounges, the convenience of entering and exiting the garage, and the location of parking. Additionally, 55% of the participants indicated that the game day amenities justified the price. Recommendations to Colts employees included informing the club season ticketholders of club parking garages with tools such as parking maps and emails, adding additional seating to the club lounges, and considering healthier food vendors or healthier food options.

Hendricks Regional Health YMCA Partnership

James Kersting – University of Indianapolis
Faculty Sponsor: Jennifer VanSickle

In 2011, the University of Indianapolis partnered with Hendricks Regional Health (HRH) YMCA in Avon, Indiana to create programming and marketing strategies for the newly installed Rock Wall. The goal of this project was to provide cost effective programming and marketing ideas for the HRH YMCA to derive profit from the wall without the interruption of current member services. In order to complete this task, students were required to come up with some type of program intended to increase usage of the wall on a fee basis and to generate promotional materials for the recommended programming. Program details and operational information were the final elements of the project that were presented to the HRH YMCA staff.

To increase overall use of the wall and generate income, it was suggested that the YMCA start a program called "Climb Club." Customers who wanted to join the club could purchase memberships that entitled them to unlimited climbing during a designated term. For example, one could purchase a three month membership for \$80 and a 6 month membership for \$150. In addition

to the "Climb Club", it was suggested that the HRH YMCA hold charitable events associated with the Rock Wall to increase community involvement and interest in the wall. Canned food drives, clothing donations, and Breast Cancer Awareness Month climbs were just a few of the charitable themes that the YMCA could sponsor. Target markets, demographic data, and promotional ideas were all highlighted within a detailed marketing plan for both of the promotional ideas. Finally, operational details such as staffing information, weekly specials, and equipment needs were explained within the presentation.

The HRH YMCA was an enlightening class project that provided interesting insight into the behind the scenes work that goes into event planning and programming. Presenters learned that budgeting, creativity, and conceptual planning are all necessary in creating an efficient and effective program. Overall, this particular presentation was well received. The management at the HRH YMCA highlighted the creativity and details associated with the "Climb Club" and considered implementing these ideas in the future.

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Applied Program Evaluation & Management: Manchester University Intramural Program

Tyler Krempasky – Manchester University

Faculty Sponsor: Ryan Hedstrom

In the fall of 2011, Manchester University's Sport Management program was approached about taking over the organization and management of the institution's intramural program. After accepting this project, students in a Sport Leadership & Governance course set out to redesign the program. The first step was to develop a needs assessment survey to be given to the student body. Students in the course created, disseminated, and analyzed the survey. The survey was approved by the Institutional Review Board Committee. Approximately 25% of Manchester's students completed the surveys. To augment these results, a faculty member also conducted focus groups with Exercise & Sport Sciences courses. To gain new ideas for the program, students also researched intramural program at similar institutions. Results of the survey and focus groups revealed that policies needed to be revised in the areas of: (1) eligibility and rosters; (2) officials; (3) forfeits; and (4) league communication. The remainder of the course project was focused on revising these policies and overall program organization. The class also developed an organizational chart and position descriptions (intramural intern, sport supervisors, and officials) for the intramural program. During the summer of 2012, a student and several faculty/staff redesigned the program website and rules and regulations. This updated website is now also used for posting results (within 24 hours) and schedule changes. To further facilitate communication, a twitter account

has provided immediate postings and information. Sport management students at Manchester have now taken over the leadership of the intramural program in several different capacities. For example, a new position was created, student intramural intern. This individual is responsible for overseeing all sport supervisors; communicating all intramural information to participants and student body; serving as a liaison between intramural staff and faculty supervisor(s); serving as the authority on all sport rules and tournament structure; facilitating intramural meetings throughout the year; and marketing the intramural program to participants and student body. Along with the intern, sport management students rotate sport supervisor roles through a practicum experience. These individuals are the coordinators for a specific sport season. As part of the practicum experience, students are responsible for organizing and running several campus tournaments of a sport not currently offered by the intramural program. In the spring of 2013, students in Event Management & Promotion will provide a first-year evaluation of the program. The purpose of taking over the management and organization of the program was to provide sport management students at Manchester University more experiential education. This was accomplished through program evaluation, policy research and development, organizational planning, and the practical experience of running sport leagues and competitions.

A Debate Over the Rise of Intercollegiate Athletic Programs Costs

Scheyanna Mundell, Christopher Marietta, and Peggy Pearson – Indiana State University

Faculty Sponsor: Ethan Strigas

During the last 25 years, intercollegiate sport programs have been transformed from glorified student activities to multimillion-dollar operations. However, only a small portion of Division I programs are able to cover expenses and/or even generate a profit out of these operations. Even then, profitable programs usually rely on few revenue sports like football and basketball to offset losses from non-revenue sport like track and field, golf, volleyball, etc. The reality is that most Division I schools, and almost all Division II & III schools run considerable deficits every single year of operations. Although these programs face financial challenges, salaries for coaches and athletic administrators along with costs for facility construction and renovations continue to rise creating in many cases a public outcry. This is because, the growth and success of those intercollegiate sport enterprises depend on, to a great extent, the direct support of their revenues from university subsidies – via student fees – and state allocations (making

higher education for all students increasingly expensive). The purpose of this presentation is to discuss and further analyze the different roles and contributions of various stakeholders to this practice. This research especially focuses on the various contributions that government and taxpayers are making to University intercollegiate athletic programs. The role and influence of the NCAA administration, athletic directors, media outlets, and University administrators are also discussed. Data for this research collected through in-depth structured interviews with student body representatives and student surveys (convenient sample) from a major state university in order to evaluate student knowledge, perceptions and attitudes towards this practice. This research work also proposes a set of actions that have the potential to reduce the cost of intercollegiate programs and their reliance on government subsidies and student fees.

GRADUATE ABSTRACTS

Title IX Proportionality Prong: Compliance of Division I BCS Universities

Laura Simon – Ball State University

Faculty Sponsor: Larry Judge

Title IX was enacted to help assure gender equity within the educational system. Title IX was created from a number of women coming together wanting equal rights within the educational systems. Along the way policy interpretations and specific court cases have helped shape how we enforce and think about Title IX. It has helped provide more opportunities for females within sport throughout the United States. There are now five times as many female athletes as there were in 1972, when Title IX was passed (Leung, 2009). The proportionality prong of Title IX has been controversial since it was passed and Division I schools have difficulty staying in compliance with regards to proportionality. Sports have historically been categorized as masculine. Unfair treatment of women in sports has translated to society and so women have worked hard to change stereotypes in the work force. Bandura's (1977) social learning theory tells us that perceptions and behaviors can change overtime. If women

can achieve equality in sports then perhaps that can translate to general society. This can happen through more media exposure of female sports to the younger generation (Bandura, 1986). Using the Fisher's exact test ($p=0.0039$), the results of this study show that university compliance will vary by conference within the BCS. Wilcoxon's test showed a significant difference in the proportionality gap from 2005 ($M=9.2$) to 2011 ($M=8.58$, $SD=6.60$), $N=127$, $z=-2.409$, $p=.016$. Overtime, the proportionality gap is shrinking; meaning the number of female athletes is starting to mirror the amount of female undergraduate students in each university. Changes are being made to improve gender equity within Division I, but more can be done to help improve gender equity in sports which could translate into society. Future research could further examine the proportionality gap with regard to various demographic segments such as public v. private, size of school, and northern v. southern states.

An Examination of FBS Athletic Halls of Fame

Megan Ridley – Ball State University

Faculty Sponsor: James Johnson

Hall of fames in Football Bowl Subdivision (FBS) institutions are established to educate tourists, fans, and intellectuals alike on the historic athletic performances of their many storied athletes. However, what are the similarities of the HOF inclusion criteria, committee selection, and school information between these institutions?

Division I allows for institutions to choose subdivisions based on the scope of their football programs. The three subdivisions are: Football Bowl Subdivision (FBS), The Football Championship Subdivision (FCS), and the remaining programs of Division I do not sponsor football. For purposes of this study we will examine only the FBS and explore the characteristics of athletic halls of fame. Halls of fame have not been explored in depth in the sports management or sports administrative literature. Halls of fame have been compared to museums, but literature suggests that halls of fame and museums are inherently different and should not be treated as similar entities. In athletic hall of fames, a variety

of exhibitions displays for numerous practical and pragmatic reasons, often to construct notions of legacy. A museum is a building in which objects of historical, scientific, artistic, or cultural interest are stored and exhibited. A hall of fame is a similar establishment commemorating the achievements of a particular group of people with an emphasis on preserving athletic accomplishments. We seek to examine the FBS collegiate schools that have created athletic halls of fames to immortalize their athletes and their passion of the sport. Many collegiate athletic halls of fame were erected to mimic the professional halls of fame. Ideas were taken from the Naismith Professional Basketball Hall of Fame, Cooperstown (Professional Baseball's Hall of Fame), and Canton, (National Football League's Professional Hall of Fame). Therefore, the purpose of this presentation is to observe the commonalities, differences, and trends within FBS school among the athletic hall of fames. We will explore the body of literature that examines halls

of fames and other cultural productions as new trending and fashionable demonstrations. Descriptive statistics were used to show the breakdown of each conference in the FBS. Statistics were taken from the school information, undergraduate enrollment and number of varsity sports; committee information, committee members, people on

the committee from the athletic department and not the athletic department, and people on committee but not employed by the university; and finally hall of fame criteria for induction. This examination of FBS athletic halls of fames will fill a gap in the literature exploring these hallowed halls of enduring achievement.

Gender Differences in U.S. Olympic Media Coverage

Myshel Rodenbeck – Ball State University

Faculty Sponsor: James Johnson

Women have struggled in the Olympic media world since the beginning. The Olympics demonstrate equality among men and women, though the Olympic media demonstrates the lack there of. 21st. Century Olympic females have become stronger and more determined to prove their “place” among the males, whereas the media is slow to take notice and acknowledge their achievements to the world. Research throughout this project will try to prove the fact that women have been overlooked and demeaned within the American media coverage of the Olympics. The study will entail a simple interview with a male Olympic coach, asking his perspective of media coverage with female Olympians. A random survey will then be sent to the students of Ball State University

asking questions about their perspective during the 2012 Olympic Games. Previous media research of the female Olympians, the effects the Olympic media has on females in society and female athletes in today’s world, and finally, defining a possible change between the media and future female Olympians will be the focus of the research for this study. The results from these key objectives and the data that will be collected from past years will help support the hypothesis of this case study while providing a little education about the media and the gender differences; from the moment the media took interest in the Olympic Games, to the year females were allowed to participate, and now into the 21st century.

Understanding the Relationship between Youth Sports and Parent Behavior

Jason Doster and David Buckler – Ball State University

Faculty Sponsor: James Johnson

This study examines the affects of parent actions and attitudes on youth athletics and their administrators. Modeled on industry professional’s personal experience a case study was created to formulate a comprehensive overlook to offer possible solutions for administrators to quickly resolve issues within youth sport. Previous literature suggests there exists a strong link between negative and positive attitudes of parents affecting youth athletes in negative and positive ways. Whether coaches, parents, or spectators, adult attitudes directly impact children’s lives, and the easiest venue to portray such attitudes exist in the sporting world, mainly by anger. Youth programs are created for children to learn about a sport in a fun, safe environment. Sports can be one of the best ways for children to learn skills and values such as teamwork, but what happens when a youth program is no longer fun or safe because of parents? What happens when a game

that was created to be fun, becomes more about winning than anything else? When looking at youth sports we are asking these questions; can a parent’s attitude or behavior make an impact on their son or daughters game? Through data collection from quantitative and qualitative studies, as well as personal interviews, we will be analyzing what causes both a positive and negative impact when relating parenting behavior at a youth sporting event. We will then present the findings on how parent’s behaviors and attitudes can alter youth opinions about the sports themselves. This information will be helpful to administrators by providing qualitative information on how previous administrators have created opportunities for parents and children to succeed. With this information we hope to provide possible solutions to other parents and sport administrators so they may use our findings to help develop these games as safe and fun for today’s youth.

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Concussion Protocols and Procedures in High School Athletics

Katie Cretin – Ball State University

Faculty Sponsor: James Johnson

Concussions in general are very dangerous especially when they happen over and over again. There have been many studies that have looked to see what type of impact concussions have on someone, especially athletes. Concussions have been diagnosed not just from the college athletic ranks but also from the high school and youth levels as well. Concussions can have a lasting impact on how someone interacts with others. Nobody really knows how to heal concussions without making the player refrain from participation from their favorite sport. This poster will look at the new rules that ISHAA has implemented and how other states' high school sports organizations deal with concussions. There is a new frontier from the sports administration prospective on how to deal with concussions. They can have a lasting impact on the younger players that are unfortunate enough to acquire them. The concussed players might have a hard time dealing with the everyday tasks of their school day. This can negatively

affect their academic life. Concussions can vary from person to person, which makes it harder for athletic trainers or doctors to evaluate and treat. Concussions are unlike a broken bone that people can see on an x-ray. The new concussion law for Indiana high schools takes pressure off of the athlete who might be suffering concussion symptoms, and does not want to express those concerns to the school trainer or coach for any reason. High school athletes are now required to be removed from the sport immediately and may not return until cleared by a licensed health care provider. Younger athletes may not truly understand how bad a concussion might be to their overall health, so they may downplay some of the symptoms they are experiencing. This poster will discuss the new concussion protocols and procedures for student athletes at the high school level and how it affects the administration, coaches, and student athletes.

Implementing Student Development Programs: Using Transferable Skills Learned Through Officiating

Lauren Burns and Justin Raymer – Ball State University

Faculty Sponsor: James Johnson

Intramural sports officials are provided the opportunity to engage in some of the most influential developmental programs available to students on university campuses. These officials are provided many opportunities that students in other on-campus jobs are not. Students encounter scenarios that involve conflict resolution, scheduling, interpersonal communication, and sport specific skills. However, many campus recreation programs do not advertise these transferable skills that can help them reach their career goals. This presentation will demonstrate the benefits of officiating for intramural sports programs, as well as how to market an intramural officiating position as a student development program. The presentation will also highlight how professionals in intramural sports programs could implement this student development program within recreation using Student Learning Theory. This theory, created by Bandura, states, "people learn from each other through observational learning, which results in imitation and modeling" (Faircloth & Cooper, 2007, p. 46). Student Learning Theory has four factors that can be uniquely applied to most intramural sports programs. The first factor is attention, which utilizes the five senses that a person must use. Next is retention, which simply means to retain the information one just learned from the model. The

third factor is reproduction, which means translating what you have learned from the model into behavior. The last factor is motivation, which is what learners must possess in order to imitate what they have learned and apply it. Professionals can also apply the Communities of Practice theory which states that, "groups of people who share a concern or passion for something they do, learn how to do it better as they interact regularly," (Faircloth & Cooper, 2007). This theory is most applicable to intramural sport programs due to the daily learning that goes on from simply watching other officials. With a structured program using the principles of these two theories, recreation officiating can help increase student involvement, interest, and retention.

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with your coach or teacher*

Maintaining a Multi-Location Sport Complex through External Budgeting Control

Nathan Davis, Julie Hansell, and Aaron Turner – Ball State University

Faculty Sponsor: James Johnson

Due to the rapid expansion of capital expenditures in sport, the conceptualizing, developing, building, and maintaining of a high-quality facility has become a key factor in organizational success. This project examines the necessary components of maintaining a sport complex. It centers on a multi-location complex which operates year-round, and is under primary use by a major sport organization. However, the complex receives its funding through the local government and is therefore subject to external approval for decisions regarding budget items.

Using prior research on sport facility management, this project concentrates on the public funding of sport facilities, in contrast to their sport organization's private ownership. An encompassing view of effective facility management is guided by research in areas such as budget allocation, competencies of facility management, maintenance policies and strategies, and facility operations. The previous literature further appraises the elements involved in a facility's local effect: the effect on the local economy, the effect on the local environment, the

opportunity-cost of the facility, its identity as a public good, and its ultimate result in urban development. Finally, the management and maintenance of a multi-location complex is aided by research that helps to narrow the overall focus.

Most literature demonstrates that the economic impact by a sport facility is minimal. However, these facilities create opportunities for urban development by developing and utilizing land. In addition, the maintenance of facilities is generally lower on an organization's priority list. The allocation of the scarce monies towards maintenance needs to be competently managed.

Therefore, the purpose of this presentation is to offer an analysis on the impact of a major league baseball training facility. This facility attempts to resolve some of the aforementioned issues by combining multiple venues into one location. The facility also tries to find means of raising money for land and capital in ways that do not burden the tax payers or facility consumers. The combining of the facilities would help ease communication problems and address aging issues often seen in older facilities.

Developing Guidelines for Child Protection in Recreational Programs

TJ Herniak, Amy Hill, and Kelly Kwiatkowski – Ball State University

Faculty Sponsor: James Johnson

Child protection is a growing concern within sport and recreation at institutions of higher education. With the recent events at Penn State University and with various other incidents across the country, extra precautions are being taken in all aspects of sport. Although the area at the forefront of new child protection policies is college athletics, recreational sports is an area that experiences constant interaction with minors. This constant interaction requires that recreational sports programs have quality policies and procedures to protect the young people that use their facilities. Youth and Family programs are a growing part of the recreational industry and it is necessary for these programs to have appropriate guidelines in order to prevent any form of child abuse.

What guidelines and procedures are appropriate for these recreational programs? Determination of quality guidelines are a forefront priority for every recreational sports program in the country. With the findings in The Freeh Report and other relevant research, the development of guidelines and procedures for prevention of child abuse are necessary. More intense background checks are being required on a regular basis, and constant evaluations are being conducted on every employee within these recreational programs. But does a passed background

check and a quality interview permit an individual to exhibit quality child protection in recreational sports programs? We have taken a deeper look into what standard has been set by the Freeh Report for child protection and what current recreational sport organizations are doing to protect their child participants, allowing them to have a safe and memorable experience in the program. From this we will develop guidelines and procedures to implement a child protection plan that will ensure that each individual participating in the program, is aware of the protection policy in place. This policy will be developed to protect organizations from being responsible for such heinous crimes, and protect the participants that attend programs sponsored by the recreational sports organization. Therefore, this presentation will highlight child protection guidelines in place, and offer our solution in the form of a comprehensive policy supported by established guidelines and existing literature.

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NCAA Transfer Violations and the Consequences that Arise

Brittney Emmons – Ball State University
Faculty Sponsor: James Johnson

The National Collegiate Athletic Association (NCAA) is an organization that takes on many tasks in the college athletics world. It is the biggest such organization in the country that represents over 1,000 universities and over 4000,000 student athletes (NCAA.org, 2012). College athletics have been molded in to what they are today by this organization that was founded in 1906 (NCAA.org, 2012). The NCAA is a group that enforces many rules and regulations in the college athletics world to create a fair and safe environment. These rules are meant to protect the wellbeing rather than hinder the student-athletes, coaches, and universities sanctioned by the NCAA. Two of the main areas that the NCAA oversees are eligibility and compliance. These standards are set to create equality among the student-athletes and coaches as well as the athletic department itself. They are put in place to protect its users, but when broken can cause severe consequences that can leave bad reputations and hardships amongst the

violators. Solutions to these types of violations usually come in the form of penalties to the university, the athletic program, student-athlete or the coach. Some of these violations have been so severe that entire seasons have been erased and teams have been suspended for future seasons. Therefore, the purpose of this presentation is to review the NCAA transfer rules and present specific violations that have occurred at different universities. For each case, we will break down the rules that the university, coach, or player violated to determine from where the problem originated. Additionally, we will present information about the consequences that may have arisen from this violation and summarize what can be done differently in the future. An example of a violation may be that a coach tampered with a potential transferring player before being allowed permissible contact because a former coach was talking to the quarterback as a “friend”.

Balancing Academic and Athletics: The Life of a Student-Athlete

Chad DeWeese – Ball State University
Faculty Sponsor: James Johnson

The definition of a student-athlete is an individual who participates in, is eligible to take part in or may be eligible in the future to be involved in any intercollegiate sport. Student-athletes not only must perform in the classroom, but also encounter daily pressures to perform at the highest level on the playing field for their team and University. Student-athletes must maintain the minimum grade point average set by the NCAA, as well as any additional requirements set forth by their coaches and/or University. In order to remain eligible, student-athletes must achieve; 90 percent of the institution’s minimum overall grade-point average by the beginning of year two, 95 percent by year three, and 100 percent by year four, with a minimum of six credit hours to be completed each semester. Student-athletes have to also complete a certain percent of course work at the end of each year to remain eligible (i.e., 40 percent of the required coursework towards their degree must be completed by the end of their second year). The purpose of this presentation is to take an in depth look into the balancing act student-athletes must perform during the course of their playing careers at the collegiate level. Time management is key for any student-athlete to become successful. On average, student-athletes spend an hour lifting weights and two hours of practice daily, plus hours of study tables (depending on class and grade-point average), ten to fifteen hours of class time per week.

Traveling demands during the course of the season must also be taken into account, while making time for outside interests and activities (i.e., social life). Student-athletes must possess a certain motivation and discipline in order to function and maintain such a hectic schedule. Examples to be used during this presentation will include first-hand interviews with student-athletes from Ball State University, as well as a sample schedule of what an athlete’s day typically consists of.

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The Effectiveness of Marketing Techniques on Intramural Sport Programs

Joseph Ciuffo – Ball State University

Faculty Sponsor: James Johnson

The growth of intramural sports programming, as well as furthered research in student retention practices, has underlined the need for increased participation and revenue within university recreation departments. Intramural directors have implemented methods to increase participation and revenue, most notable through marketing, with moderate success. Marketing provides a unique means of communication, and interaction, with the target audience. However, lack of marketing expertise has suppressed the potential effectiveness of the employed techniques. Marketers have implemented a bevy of strategies, without accessing the target audience's receptiveness, and hoped that quantity would provide positive results. Research regarding marketing technique effectiveness has been done within professional sports to a great extent; however, recreational sports have not received the same courtesy. Intramural directors operating under tight budget constraints, and increased expectations must find ways to efficiently, and effectively, improve their recreational programming. Intramural sports represent an

intangible product that relies upon participant enjoyment, and overall experience. A more complete understanding, and efficient use, of marketing techniques will allow directors to better align such methods with the product purpose. Certain techniques may prove to be less beneficial to the program, where their resources could be better allocated to a more effective marketing strategy. Additionally, research of demographics such as class rank, or gender, may provide insight to how techniques affect specific population members differently. This study will explore the rated effectiveness of marketing techniques on intramural sport programs. Therefore, this presentation will focus on a review of current techniques used to market intramural sport programs, and how such techniques might differ based on demographic or technical differences. Information related to print media, social media, digital media, and other forms of marketing will be discussed in detail with a specific emphasis on campus recreation intramural program.

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SMART: An Advocacy Childhood Intervention Program

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Abstract

The Students Mentoring At-Risk Teens/Tweens Childhood Intervention Program

was supported by the Indiana Association for Health, Physical Education, Recreation, and Dance (IAHPERD) Advocacy Grant. This paper discussed the Students Mentoring At-Risk Teens/Tweens Childhood Intervention Program by addressing key areas of the program including SMART as a community-engaged/evidence-based practice; SMART as a learning model; SMART as a means of change; SMART and community sustainability; and the SMART “take home” message.

SMART as a Community-Engaged Scholarship and Evidence-Based Practice

The Center for Disease Control (CDC) has identified obesity in the county where the SMART program was implemented as a high priority health challenge with 27.3% of adults identified as obese (CDC, 2011). In addition, nearly 30% of youth ages 10-17 in Indiana are obese and overweight (CDC,

2011). The primary contributors to overweight and obesity in children and youth are increased sedentary behavior, decreased physical activity levels, and increased intake of high fat, high calorie and non-nutrient dense foods. Interventions to fight the overweight and obesity epidemic includes decreased “screen time,” improved dietary selections, and increased physical activity.

Although there are many national programs that were aimed at supporting healthy weight among children and adolescents there were also local and regional programs being developed to increase awareness in conquering the epidemic of obesity and to provide workable framework to assist in the implementation of intervention programs. The Students Mentoring At-Risk Teen/Tweens (SMART) Fitness and Nutrition Program was an intervention program specifically designed to focus on schools with students from a low socio-economic background in a city within Indiana. The SMART program was developed in response to the overwhelming amount of children and adults in the

County that have been identified as obese.

SMART students and faculty strived every year to educate children and make the content easily applicable at home to enrich their own health and wellness, as well as that of their families. The students and faculty strived to teach the children about proper nutrition and why it was important. The students and faculty also showed the kids that nutritious foods can taste good. By giving the children healthy, economical food options, students and faculty were working to foster better eating habits that their parents could afford. The SMART student and faculty were dedicated to helping children find their favorite fitness activity. The goals of the program were to teach them the proper way to exercise, healthy eating habits, and to spark an interest in fitness that would last a lifetime.

The program consisted of two 5-week programs with lesson plans related to aerobic fitness, strength, and flexibility. The nutrition plans included lessons related to the food guide pyramid. Student also had the opportunity to learn how to prepare healthy snacks. The FitnessGram and the Youth Physical Activity and Nutrition Survey (YPANS) provided assessment data for the SMART program.

SMART as a Learning Model

University faculty members are constantly searching for new ideas that may spark student learning at the undergraduate and graduate level. The challenge for the physical education professorate is how to best foster student learning and provide the industry with superior entry-level employees. Methods of learning were numerous and some of the most important lessons are often learned outside the classroom or experiential learning experiences. University academicians and practitioners have identified the importance of combining theory with practice through experiential learning experiences. These experiences are critical precursors for a future career within physical education (Pitts, 2001). Experiential learning allowed a student to learn by doing and was associated with being in touch or actively engaged (Garvin & Ramsier, 2003). The student applied knowledge from the classroom, allowing them to directly experience the reality being studied.

The SMART program provided an experiential learning experience university students benefited from as they matriculated throughout the curriculum. One important aspect of experiential learning experiences are the mentors involved with assisting university students to implement the program. For the SMART program the professors focused on two theoretical mentoring models developed by Tentoni and Kram to describe the behavior or function of the mentor during a metadiscrete field experience. First, Tentoni's Mentoring Model was chosen to represent the metadiscrete field experience from the teaching perspective (Tentoni, 1995). Since one of the roles of the mentor is being a faculty member in an academic setting, Tentoni's Mentoring Model was considered relevant. Tentoni (1995) developed the model from teacher training and suggested the model represents a set of behaviors important for on-site mentoring and the practical implementations of the field experience. The five roles of the model include teaching (informing,

defining), sponsoring (protecting, promoting, supporting), encouraging (affirming and inspiring), counseling (listening, clarifying), and befriending (treating trainees as equals). The background of the model was in "opening ourselves, leading by increment, and expressing care and concern" (Lazovsky & Shimoni, 2008, p. 305). The foundation for the mentoring role includes two variables consisting of "the mentoring relationship, which emphasizes that the mentor should model for students and nurture them, and mentoring activities, which should include demonstrations, observations, and feedback" (Lazosky & Shimoni, 2008, p. 305).

SMART as a Means and Measure of Change

The Communities

The SMART program brought together a community of partnerships that have lasted for eight years. The SMART Program created a quality of life for many families in this community as well as developing a partnership with health and physical education professionals throughout this city. The program has led to significant changes in the lives of these students. The students have been introduced to ways to live affordable healthy lifestyles. The university students implementing the program participated in an experiential learning experience that provided them with real world experiences and influences their decision to continue participating in programs that changed the lives of students in developing a healthy lifestyle. Faculty members within this University's Kinesiology and Sport Faculty Department were committed to the continuation of this program in hopes of changing the lives of youth in developing a healthy lifestyle.

Measurements

Data was collected from the SMART Youth Fitness and Nutrition After-School Program in the following ways: (a) pre/post fitness and nutrition assessments, (b) journals, and (c) feedback from school administrators and student interns. The pre/post fitness assessment included administering the FitnessGram (Meredith, 2009) which consisted of assessing the following components: (a) aerobic capacity, (b) body composition, (c) muscular strength/endurance, and (d) flexibility of fitness. The results of these assessments stimulated learning in the following way: (a) tracked the progress of students throughout the program; (b) assisted students to set individualized goals towards physical activity; (c) assisted students act responsibility by managing and recording their own activities; and (d) assisted students and parents to understand the value of physical activity.

The Youth Physical Activity and Nutrition Survey (YPANS) pre and post-test was administrated to evaluate the nutrition portion of the program. The YPANS was developed to collect data regarding a youths' knowledge about physical activity and nutrition and to explore student physical activity and nutrition practices. The YPANS provided results about the dietary and physical activity behaviors from student participation and the significant concerns that require the assistance and support of the school district administrative staff.

SMART and Community Sustainability

Many after-school coordinators have been hired to develop and implement programming for

students. The program has resources such as a SMART Handbook that has been updated yearly and a DVD that was developed in 2008. The DVD has not been updated but provides a sample of exercises that students may do at schools that may not have an equipment budget. The handbook and DVD is very user friendly and could be a resource for after-school coordinators to sustain the program. In addition, the Kinesiology and Sport Department are dedicated to continue offering the SMART program as an experiential learning experience and the program is scheduled to continue.

SMART and the "Take Home" Message

This project provided a quality after-school program including a safe and engaging environment that motivated and inspired learning outside the typical school day for both university and the local middle school students by combining Fitness & Nutrition activities to engage and guide learning. The program has made significant contributions to the social achievement of all of the participants. Relationships were established between the university, School Corporation and the community. As a result of the program and interaction with mentors the students were now considering college as an option.



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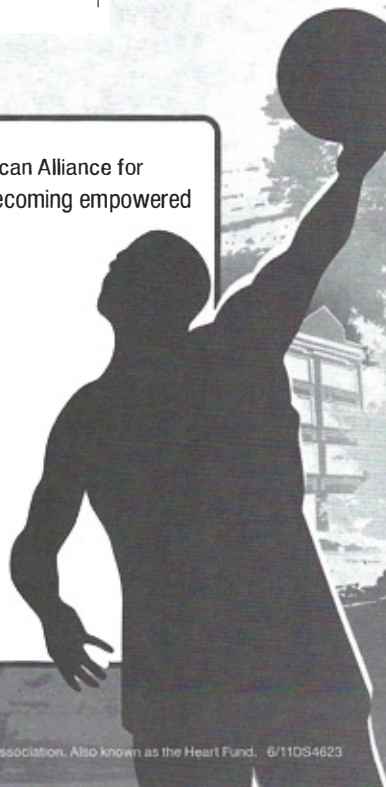
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The Value of Interscholastic Athletics during Challenging Economic Times

Thomas H. Sawyer, Ed.D., Kathy S. Ginter, Ph.D., Tonya L. Gimbert, M.S.,
and Jolynn Kuhlman, Ph.D.
Indiana State University

Introduction

During the 2010-11 school year interscholastic sports participation increased for the 22nd consecutive time and produced a record-breaking total of 7,667,955 participants (Gardner and Wulkow, 2011). The survey revealed that more than 55 percent of students enrolled in high school participated in athletics. The National Federation of State High School Associations (NFHS) indicates in its mission statement that it serves "... students by providing leadership for the administration of education-based interscholastic activities, which support academic achievement, good citizenship, and equitable opportunities" (NFHS, 2012, p 1). In fact, in "The Case for High School Activities," the NFHS (2008) emphasized that students who participate in high school athletics make higher grades. Further, the National Association of State Boards of Education (2004) claimed the purpose of interscholastic athletics "... is to enhance the whole school experiences for all students. Academic achievement must always be considered the priority" (p 5).

The value of participating in interscholastic sports has been one of the most discussed, debated, and researched topics in all of sport scholarship. The majority of the research and debate has been in social scientific research. It has focused on sport and society interactions and their consequences. However, Hartmann (2008) and others have suggested research on this topic has also come from other academic disciplines ranging from psychology and economics to sport management, kinesiology, and education. These research efforts have yielded some of the clearest findings of any topic in the field of sport studies.

From this large body of work Hartmann (2008) and others have suggested at least two major findings have emerged. First, this body of research has continually demonstrated a positive relationship between interscholastic athletic participation and academic achievement. The findings are based on a wide variety of measures as well as a whole range of data sets, methodological approaches, and social conditions. In contrast, to prevailing 'dumb-jock' stereotypes, students who participate in sports tend to perform better in school than students who do not. However, scholars have discovered that the factors producing and explaining the basic correlation between athletics and academics are far

more complicated and multifaceted than have been believed or assumed. From this body of knowledge, the relationship between athletic involvement and academic success has not been found to have one direct causal link. Hartmann (2008) and others have found it can vary dramatically depending upon (1) type of sport, (2) level of participation, (3) the background of the student-athletes involved, (4) school characteristics, and (5) the relationship between the athletic program and the academic curriculum. Indeed sports participation, in certain situations, could be detrimental, functioning as a risk factor for academic performance and/or substance abuse.

The second major finding dealt with variability and has led to scholarly efforts to isolate and evaluate the causal factors that might account for the correlation between interscholastic sport participation and academic achievement and its limitations. Hartmann (2008) and others agree that an examination and assessment of the limitations and variability of the "sport-education" relationship is crucial if sport professionals are to comprehend how to best implement sports programming and participation for educational benefit.

What Does the Research Say About the Link Between Interscholastic Athletics and Academic Success?

Early studies by Lueptow and Kayser (1973) and Hauser and Kayser (1978) suggested interscholastic sports participation was not associated with higher grades. These studies concluded there was no casual link between athletic involvement and academic achievement. Later studies (Marsh, 1992, 1993; Jefferson, 1999; Crosnoe, 2002; and Stencel, 2005) supported the earlier studies and did not find differences between athletes and non-athletes' academic performances. Instead, those students involved in athletics maintained a successful academic trajectory.

Other studies have supported the connection between participation in interscholastic athletics and higher grades, higher graduation rates, decreased drop-out rates, higher achievement on standardized tests, and other indicators of academic achievement (Camp, 1990; Jensen, 1992; Fejgin, 1994; McNeal, 1995; Whitley, 1995; Davalos, Chavez, & Guarddioloa, 1999; McCarthy, 2000; Stegman & Stephens, 2000; Overton, 2001; Broh, 2002; Kaufmann, 2002; JacAngelo, 2003; Zaff,

Moore, Papillo, & Williams, 2003; Feldman & Matjasko, 2005; Stencel, 2005; Hartmann, 2008; Lumpkin & Favor, 2012; Fiege, 2012; and Gimbert, Sawyer, Ginter, & Kuhlman, 2012).

The results from these studies support the following conclusions regarding academic benchmarks for student-athletes as compared to non-student athletes:

- Significantly higher mean GPAs,
- Graduate at significantly higher rates,
- Significantly lower dropout rates, which increases the school daily attendance rate thus increasing total school funding,
- Significantly fewer discipline issues,
- Attend college at a significantly higher rate,
- Score significantly higher on standardized examinations,
- Are absent significantly fewer days from school than non-athletes, which again has a positive effect on school funding,
- Female athletes are significantly better in all categories, and
- Multiple sport athletes are significantly better in all categories than single sport athletes.

Economic Realities Impact Athletics

The recent economy has not been very kind to education in general and specifically to interscholastic athletics across the nation. School districts, in almost every state, have eliminated sport programs and coaches. Athletic administrators are faced with reduced budgets and revenues to operate interscholastic athletic programs. They are forced to reduce their budget deficits. However, as they reduce programming it will reduce costs naturally; but, it may also reduce revenue caused by increased absenteeism and dropout rates.

Many school districts are considering implementing pay-to-play fees as a new revenue source to reduce deficits and balance declining budgets. This is an interesting alternative way to generate needed revenue; but, it can discriminate against students who do not have the financial means to pay for membership on an interscholastic team.

It has been suggested that instead of cutting interscholastic sports during challenging economic times, school administrators and boards should financially support these activities since they assist students in staying engaged in school, succeeding academically, and reducing absenteeism, as well as dropout rates.

Conclusion

It has been shown, through many studies, that interscholastic student-athletes are not distracted from successful academic performance; on the contrary, student-athletes earn higher GPAs, graduate at higher rates, score better on standardized tests, engage in far fewer disciplinary activities, and do not dropout of school. The empirical evidence provided in this article can be used to assist in substantiating and quantifying the arguments for interscholastic athletics during challenging economic times. Further, it demonstrates an over-all cost-benefit of

funding high school sports since these students stay in school and graduate.

Recommendations for Future Research

Supporting the connection between athletics and academics is crucial in today's society. There have been six states that have completed research regarding the impact of participation in interscholastic athletics on academic achievement. It is important that all states and the District of Columbia complete similar research over the next few years. The more data collected that supports the positive findings of improvement on academic achievement through participation in interscholastic sports, the better able athletic administrators will be to establish the value of interscholastic athletics.

How much is attributable to other factors other than interscholastic sports is unknown? Does a causal link exist between participation in interscholastic sports and academics? It is clear that additional research is required to answer these important questions. Future researchers are encouraged to control for factors such as (1) academic ability, (2) family background, and (3) socio-economic status. Controlling these types of variables would assist in supporting or refuting a causal relationship between participation in interscholastic athletics and higher academic achievement.

Finally, do states with higher academic eligibility standards motivate student-athletes to achieve higher grades so that they can participate in athletics? Examining the positive and negative outcomes associated with meeting state interscholastic academic eligibility requirements to participate in interscholastic athletics would be helpful in fine tuning established eligibility policies.

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Jump Rope For Heart is a national event created by the American Heart Association and the American Alliance for Health, Physical Education, Recreation and Dance. Students have fun jumping rope while becoming empowered to improve their health and help other kids with heart-health issues.

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Inappropriate Buffer Zones in Sports and Recreation May Lead to Litigation

TASA Group (Technical Advisory Service for Attorneys)
<http://www.tasanet.com>.

A young girl in a daycare gymnasium ran to access a low trampoline which was in close proximity to an unpadded wall. She tripped on the egress of the mat ramp, sustaining a head injury. Three of the gymnasium walls were padded, while the fourth was not padded. This created a double *standard of care*. There have been many sport/recreation litigation cases in which the proximate cause for the injury is related directly to inappropriate safety zones on the court or field, or in the gym. These zones are sometimes referred to as buffer zones, safety space cushions, use zones or obstacle free zones. Basically, for the purposes of this article, we can define a buffer zone as a safe distance utilized on the perimeter of courts, playgrounds, gyms, and fields where it would be anticipated a participant would not come into contact with obstructions.

Certainly, standards within athletics, recreation and physical education will assist the coach, supervisor, or caregiver in providing an obstruction-free environment. However, sport facility managers and program specialists need to recognize that the "standard of care" and the "standard of practice" can differ within some situations. Comodeca and Schaefer (1997) made the distinction regarding "standard of care" versus "standard of practice," stating, "'Standard of care' is the minimum acceptable conduct or performance related to a given activity or relationship. . . .The 'standard of practice' may or may not rise to the minimum level of care required by a given activity" [Comodeca & Schaefer, 1997, 4].

For example, it is established within the baseball/softball industry that warning tracks for the outfield would be the *standard of care* for participant safety. The skinned clay/dirt portion from the outfield grass to the fence permits outfielders to know the fence is not that far away when backpedaling for a fly ball. However, groundskeepers in certain situations may grow the turf right to the bottom of the fencing. From their standpoint, less maintenance and less staff hours will be spent in grooming and tilling the warning track. The *standard of care* would dictate we have spacing for the participant at heart. In the latter situation, financial considerations would affect the operant decision. We always must remember that the *standard of care* is not something unattainable

within sports. It is the *minimum requirement* for the activity.

It is interesting to note that outdoor fields do vary in their space requirements for an activity. Football fields require 15 feet of space around the outer perimeter, while soccer fields require only ten feet of space around the outer perimeter. Softball fields require 25 feet behind home plate and on the first and third base lines. Baseball fields require 60 feet from home plate to the backstop [See, Gillis, J., 2010]. The groundskeeper who does not adhere to these distances can be found liable if the injury was due to an insufficient buffer zone. For example, in one case involving a city municipality and a co-educational adult recreational softball league, the expert witness at the deposition cited lack of the appropriate 25-foot set-back. The young woman playing the catcher's position injured her ankle by coming into contact with the backstop, which was less than 25 feet from the third base line. She sustained a broken ankle that required nine screws.

Indoor courts also have buffer zone issues that have led to litigation. It is recognized that the minimum of three feet buffer zone on the sides and end of basketball courts is woefully inadequate. It should be remembered that this has been the standard for at least 45 years. [See, The Athletic Institute, et al. 1966]. However, more recent rule books suggest a preference that the buffer zone be ten feet. With today's stronger, faster, and more agile players, should this antiquated standard of three feet be adjusted to meet current demands? Of course, some basketball courts within recreational or school centers date back to the start of the 1900's; therefore, from a practical standpoint, the building cannot be redesigned. Retrofitting a court by making it smaller and repositioning the basketball goals might be one solution; however, it may take away from the regulation length/width.

Other indoor facilities have their safety zone problems. The concept of a volleyball court is interesting since out of bounds is actually in play. Therefore, plenty of space is necessary for the participants around the outside of the court. With indoor batting cages, safety would dictate placing them away from adjacent walls. The netting draped along the wall does little or nothing to slow down

the track of the ball. The ball can ricochet off the wall and hit a pitcher, even if the pitcher is behind an “L” screen. Therefore, safety would indicate placing the netting away from solid partitions and walls.

Indoor track practice in the winter in northern climates can be extremely hazardous if the participants are working out within the hallways of a school. Classroom doors opening out into the hallway present a clear danger. Students unaware of track practice may be walking in the hallway. Utilizing the intercom and making an appropriate announcement that track practice will commence and end at particular times will alert the student body and faculty. Track practice is especially dangerous on tile floors. Permitting competitive racing in the hallways to a finish line within close proximity to the end of the hallway may result in a collision with the wall. A traumatic head injury did occur within this scenario without the benefit of matting.

In another track-related litigation matter, protective mats were utilized at the end of the finish line. Mats, however, will not prevent all long bone injuries. In this interactive sports center, a young man doing a short sprint race ran into “crash matting” [thick gymnastic matting]. He sustained a fracture to his left arm along with some muscular, tendon and ligament damage. The crux of this matter revolved around the close proximity of the finish line to the mats. Also, the sports center’s design came into play since there was space behind the crash mats to lengthen the finish line.

Glass within exercise domains is particularly hazardous if within a buffer zone area. Gymnasiums should not be designed with doors inset with glass. Sometimes, people are under the misinformed impression that glass with wire in it will be stronger and safer. This is simply not true. The wire embedded within the glass is there only to prevent the glass from shattering in the event of a fire [See: <http://www.athleticbusiness.com/media/glass.htm>].

Storm drains near athletic fields can be hazardous to the participants. A college intern performing a physical education assignment played speedball with her class on an east/west axis on a soccer field. After the class concluded, the supervisor from the university was critiquing the intern’s lesson and queried her about the storm drain’s close proximity to her game. The intern admitted that during varsity soccer matches, the drain would be covered by a tumbling mat. However, her focus was on the initiation for her lesson, the flow of her lesson, and closure. She didn’t see the potential problem.

Health and fitness centers need specific spaces for safety zones. For example, mirrors affixed to walls should be at least 20 inches off the floor for safety. The rationale is that the largest diameter plate for lifting weights would be in the vicinity of 18 inches. Therefore, if the largest diameter weight plate did roll on its edge, it wouldn’t be capable of breaking/cracking the mirror.

The *Xu v. Gay* treadmill case is a classic buffer zone case for health/fitness facilities. On February 18, 1999, Ning Yan signed in at Vital Power Fitness Center in

Michigan. He fell off the treadmill, but it is disputed exactly how he fell. The plaintiff party indicated he tripped on the treadmill’s belt while jogging and that the belt’s force threw him back into the wall or window ledge behind the treadmill. The defendant party countered this claim by saying Ning was ill, which led to his fall and caused him to hit the floor. However he fell, Ning severely injured his head. The buffer zone from the rear of the treadmill to the wall and window ledge was only two and one-half feet! Yan died about one month later. The plaintiff’s expert cited a need for five feet; however, he did not specify where he derived this figure [See, Eickhoff-Shemek et al., 2009]. The American Society for Testing and Materials International advocates 19.7 inches on the sides of treadmills and 39 inches to the rear [See, ASTM, F 2115].

Lastly, playgrounds require specific use zones. Generally speaking, six feet is required for all stationary equipment. Swings require more space since children sometimes jump off them. The formula for a swing use zone takes the vertical distance from the protective surfacing to the top fulcrum point of the swing and multiplies this figure by two. For example, if the swing is eight feet from the protective surfacing to the fulcrum point, sixteen feet would be required for safety to the rear and to the front of the swing [i.e. 32 feet in total].

Attorneys need to know the most *prominent agencies* within the sports/recreation industry to be confident that their resources are legitimate. The following prominent organizations have excellent resources for the attorney doing research for athletic/recreation cases: the American Alliance for Health, Physical Education, Recreation & Dance; the National Strength and Conditioning Association; the American College of Sports Medicine; the National Program for Playground Safety; the National Recreation and Park Association; the U. S. Consumer Product Safety Commission; and the American Society for Testing and Materials International, to mention just a few. Rule books are also key for athletic diagrams and safe spacing for fields and courts.

Consider the expertise of each agency. For example, one notable and rather recent [2007] health/fitness treatise includes a reference page on playground standards. However, the organization’s expertise lies within the health/fitness industry [i.e., guidelines and standards]. Unfortunately, their source citation for playground standards is from 1988. Since then, the playground industry has exploded with knowledge, and the standard of care has evolved. Therefore, this citation is meaningless. Additionally, they overstepped their area of expertise since their primary body of knowledge lies within health and fitness, *not* playground standards.

In summary, if you are an attorney involved in a sports and recreation safety zone case, know the standards involved. Make the private investigator aware of the standards as well. The buffer zone case presents the challenge of researching the appropriate standard for the activity. You should also retain the appropriate expert. It would be wise to take several photographs and

measurements of the area, as well. More is better! Overall, the critical questions you must ask yourself are, "Did the groundskeeper have the foreseeability to prevent this buffer zone injury, and if so, what could have been done?"

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Obituaries

Dr. Pat Zezula Educator, Friend, and Leader

Dr. Pat Zezula, 72, passed away on Feb. 18, 2013. Dr. Zezula was born April 29, 1940 in Monroe, Michigan to Sherman and Lula Sweat Cox. Pat married Harry Zezula on August 19, 1972 in Monroe, Michigan. Dr. Zezula graduated in 1969 from Huntington University. She was immediately hired as an instructor, assistant athletic director and coach. During the first 15 years of being on staff Dr. Zezula had head coaching responsibilities for every women's sport Huntington University offered. In 1982 Pat was promoted to the athletic director, giving her the distinction of becoming the first female intercollegiate athletic director in Indiana. Dr. Zezula received her Doctorate from Ball State University. After 37 years of working in the field of Physical Education and athletics at Huntington University Pat retired in 2006.

According to a spokesperson from Huntington University, "Dr. Zezula was a significant part of Huntington for more than one-third of our history and has greatly impacted our academic community. She was a caring professor who effectively taught and mentored thousands of students. She was loved by many students, faculty and friends. She will be missed by many."

Dr. Zezula was very active in IAHPERD serving as

President, Vice-President, Conference Planner, as well as serving on the Higher Education Council, Regions Council and Awards Committee. Through the years Pat was recognized for her professional accomplishments by being awarded the IAHPERD 2002 Honor Award, 2007 Pathfinder Award, and in 2008 the Legacy Award.

In her spare time Pat started her own craft business out of her home as "Pat Zezula and Friends", later known as "Sweet Annie's Acre. Pat enjoyed crafts, gardening and collecting antiques.

Pat is survived by her husband, Harry, as well as, her mother, Lula Cox, Ida, MI; her son, Josh (Bethany) Zezula, Markle, IN; two sisters: Paula (Bruce) Banning, Jackson, MI; and, Billie (Kelvin) Reaume, Ida, MI; and three grandchildren, Landon, Carter and Selah Zezula, Markle, IN. Her father, Sherman Cox and sister Shirley Fredrick preceded her in death.

Funeral Services were held at Morocco United Brethren Church, Temperance, MI. with internment at Roselawn Cemetery, La Salle, MI.

In lieu of flowers, memorials may be made to Union Church, 3688 E. 400 N., Huntington, IN 46750. Or, to the Huntington County Cancer Society, in care of McElhaney-Hart Funeral Home, 715 N. Jefferson St., Huntington, IN. 46750.

Dr. Joseph Romine, Ph.D

Dr. Joseph Romine, Ph.D., 64, passed away suddenly on the afternoon of Oct. 20, 2012. Dr. Romine had been recognized for meritorious service and inducted into the Taylor University Athletic Hall of Fame earlier that morning. During his 34 years of service at Taylor University Dr. Romine served as the Director of Student Activities, Area Director of Youth for Christ, Athletic Director, and professor in the Department of Physical Education and Human Performance. Dr. Romine also coached basketball, football, golf and track. He retired from Taylor University in 2010.

Dr. Romine was a 1966 graduate of Bluffton High School. He furthered his education by earning a Bachelor of Science degree from Taylor University, a Master of Arts in Physical Education and Health, and Doctor of Education degrees from Ball State University. Professionally, he was an active member in the Indiana Association and National Alliance of Health, Physical Education, Recreation and Dance. He was appointed to the NAIA Committee on Women, and the National Associations of Intercollegiate Coaches, Intercollegiate Directors of Athletics, and Athletics Administrators.

Dr. Romine also served the Upland community as a member of the Town Council since, 1980 and in 2006 as Council President.

Dr. Romine is survived by his wife, Carol, of 34 years, two grown children, Kelli(Eric) Childs of Battle Creek, MI, and Kyle(Cassie) Romine of Fort Wayne, and three grandchildren, Daphne, Henry and Sarah. Also surviving are a sister, Judy Thornburgh, Bluffton, IN and mother-in-law, Ruth Luginbill, Bluffton, IN.

Funeral services were held on Wed., Oct. 24, 2012 at Upland Community Church, Upland, IN with internment at Jefferson Cemetery, Upland, IN.

Memorials may be made to the Taylor University Athletic Department, 236 W. Reade Ave., Upland, IN 46989

Information gathered from:

www.taylor.edu/news
www.jones-smithfuneralhome.com

Submitted by:

Bobbi Lautzenheiser
IAHPERD Historian/Necrologist

Guidelines for Authors

This journal is published in May, September, and February by the Indiana Association for Health, Physical Education, Recreation, and Dance. Articles that share opinions and ideas, as well as those based on serious scholarly inquiry are welcomed and encouraged. Each article scholarly article is reviewed by the editor and at least two reviewers who are selected on the basis of areas of interest and qualifications in relation to the content of the article.

Preparing Manuscript

Manuscripts are to conform to the Publication Manual of the American Psychological Association (APA; 6th ed.) style. To facilitate the review process, the author(s) should use double-spaced type and include line numbers as well as page numbers. Papers must not exceed a total of 28 pages including references, charts, tables, figures, and photographs. There should be an abstract not to exceed 500 words. Further, all charts, tables, figures, and photographs will be after the references. Papers deviating from the recommended format will not be considered until they are revised.

Electronic Submission

Electronic submission of manuscripts is required at thomas.sawyer@indstate.edu . The manuscript order is: (1) blind title page, (2) abstract, (3) key words, (4) text, (5) references, (6) author notes, (7) footnotes, (8) charts, (9) tables, (10) figure captions, and (11) figures. The cover letter will be a separate file. Including author(s) name and affiliation and contact information of corresponding author.

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- Spring Issue – March 1
- Fall Issue – July 1
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Newsletter

- Spring Issue – Feb. 15
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Send it in ...to the Editor

A new idea that you have penned,
Share it with a Indiana AHPERD friend.
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We sure do want it... send it in!
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In sheer frustraton one weary night.
But, someone else it may excite.
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Is it a cartoon that you have drawn?
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Could our whole profession sing along?
...Well, send it in.
Some folks are inspired by poetry
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The inner thoughts of you and me.
Please, send it in.
Then, there are works that scholars do,
Great research... we need that, too.
But, you know we must depend on YOU
To send it in.
Won't you share with us your thought
That we all just may be taught?
My, what changes could be wrought
If you'd just send it in.

Tom Sawyer
Indiana AHPERD Journal Editor

Leadership Opportunities on Councils

FUNCTION. The duties and responsibilities of the Program and Regional Councils are to:

1. Work closely with the Program Director or Regional Coordinator to promote the special program area.
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3. Solicit programming for the State Conference or Regional Workshops.
4. Serve as host to greet and direct presenters during the

- conference.
5. Serve as presider for the various programs in your special area. Support includes introducing presenter, assisting during the presentation (distribute handouts), and providing presenter with the special gift from the Association.
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