

# Journal of Multidisciplinary Research

Special Issue on Sports

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## Mission Statement

The mission of the [Journal of Multidisciplinary Research](#) is to promote excellence by providing a venue for academics, students, and practitioners to publish current and significant empirical and conceptual research in the arts; humanities; applied, natural, and social sciences; and other areas that tests, extends, or builds theory.

# Journal of Multidisciplinary Research

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## **Special Issue on Sports**

### **Contents**

Editorial Details...inside front cover  
Mission Statement...inside front cover  
Editorial Review Board...inside back cover

Editorial – Special Issue on Sports  
By Raúl Fernández-Calienes...3

### **Articles**

What is Sport? The Origins and Development of the Modern Game  
By Mike MacKeddie-Haslam...5

Athletes' Emotion and Self-Confidence under Sport Injury Rehabilitation  
with Sports Counseling  
By Jungun Park, Taihyeup Yi, and Sungick Min...37

What a Difference a Week Makes: Comparing the Economic Impact  
of Successive Collegiate Football Games in a Single City  
By Anthony J. Greco...55

Bankruptcy-Based Divorces in the National Football League and  
the National Basketball Association: Causes, Cases, and Cures  
By James Brandner and Peter Omondi-Ochieng...71

### **Student Corner**

Leveling the Playing Field: Comparing the Statutory Definition  
of Disability to Disability in Special Olympics and the Paralympics  
By Allyson Avant...87

## **Review**

Review of *Your winning formula*, by B. Martinez.  
By Laura Courtley-Todd...113

About the Journal...115

## **Editorial – Special Issue on Sports**

An ancient Proverb tells us, “The discerning person looks to wisdom.”<sup>1</sup> In this Special Issue on Sports, the JMR brings you wisdom in five interesting articles and a book review from authors in the United States, the United Kingdom, Australia, and Korea – all of whom are experts in sports, each bringing exceptional experience and knowledge.

Welcome to Volume 14, Number 1, of the JMR. Our lead article is an overview of the beginnings of modern sports that along the way includes fascinating bits of history, sociology, politics, and international relations. The second article focuses on sport injury rehabilitation, investigating the effect of sports counseling on baseball players. The third article addresses the economic impact of college football on a city in the southern U.S. The fourth article looks at various aspects of bankruptcy and divorce in relation to both professional football and professional basketball. In our Student Corner, we have an article from a student at the University of Mississippi School of Law on differing understandings and impacts of the term ‘disability’ in law and in Special Olympics and Paralympics, and focusing attention on the ultimate goal of inclusion and respect. Finally, a book review looks at the relationship between youth, values, and leadership – all topics very applicable to sports.

The JMR is proud to bring you this issue on sports that includes many multidisciplinary perspectives – bringing to bear wisdom from various fields including Olympic and international history, psychology and counseling, media studies, economics and finance, and law – to name a few. May their unique insights inform and motivate you – and through you, motivate present and future generations – to be discerning and ‘look to wisdom.’

Forward together,

Raúl Fernández-Calienes, Ph.D.  
*Managing Editor*

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<sup>1</sup> Proverbs 17:24a (NRSV).



“Modern Dragon Boats at the 2005 IDBF World Championships in Berlin”  
2005

Photography by Mike Haslam

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# **What is Sport? The Origins and Development of the Modern Game**

**Mike MacKeddie-Haslam**

*International Dragon Boat Federation  
Founder and Honorary President*

## **Abstract**

During the 20th Century, taking part in sport became a major activity for millions and millions of people around the world from all ages and backgrounds, but what exactly is ‘sport,’ and where and how did it all begin, and who was and is now, responsible for its conduct and development? Many, if not most, of today’s modern organized sports have their roots in the leisure activities of the 19th Century aristocracy or came from the so-called ‘upper classes’ of Victorian Britain and Europe. The drive inherent in the human race to explore and push the boundaries of life leads to competition against others to prove that you are the best, and in Victorian Great Britain, these traits in the upper classes were not only pushing the industrial revolution forward but also the development of their leisure time activities, which included sport. This article explores the origins and development of the modern game.

## **Keywords**

sport, game, competition, Olympics, winter sports, modern sports, football, dragon boating, multi-sports games, women in sport, E-sports, sport tourism

## **Introduction**

### **To Be Human**

By nature, the human race is curious, considerate, social, and competitive but also confrontational and possessive. Ancient groups of people ‘tribes’ around the world displayed these human traits in abundance, with the formation of villages, towns, cities, local regions and then countries. However, this social development and the exploration of land outside their own immediate areas led to the spread of humans (rather *Homo Sapiens*) around the globe and to wars against each other with the colonization of defeated ‘tribes,’ or at worse, their enslavement, especially if they were from a different ‘ethnic’ group. This meant the emergence in society of a class of physically strong and mentally gifted men and women, who were the people who led their tribe in peace and war, and in so doing, gained land, wealth, and power.

## **Definitions of Sport**

During the 20th Century, taking part in sport became a major activity for millions and millions of people around the world of all ages and backgrounds, but what exactly is ‘sport,’ and where and how did it all begin, and who was and is now, responsible for its conduct and development?

The Oxford Dictionary (2020) defines ‘Sport’ as “an activity involving physical exertion and skill in which an individual or a team competes against another or others for entertainment” (n.p.). Given this very broad definition of ‘sport’ then the gladiators of Rome, the Ancient Olympic Games of Greece, pistol duels, bear baiting from centuries past, and even many types of circus acts, could fit the Oxford Dictionary definition, but I am sure most people would not see these activities as ‘sport.’

The Cambridge Dictionary (2022), however, says sport is, “a game, competition or activity needing physical effort and skill that is played or done according to rules, for enjoyment and/or as a job” (n.p.; cf., Diagram Group, 1983).

This definition is closer to how the 20th Century mind would think of ‘sport,’ but what about games such as Chess, Draughts, Go, and other mind games and games of cards too, and what of the 21st Century E-Sports? How much ‘physical effort’ is involved in such games, and indeed, what does ‘physical effort’ mean? In neither of these definitions of ‘sport’ is there a mention of ‘mental effort.’ In this article, we look at the origins and development of the modern game.

As a 20th Century mind that has been involved in many different sports, as a competitor, coach, organizer, technical official, and administrator, my take on ‘sport’ is that it is any organized activity, whether physical or mental, conducted according to accepted rules and regulations formulated by organizations formed from those who practice the activity – simply put, ‘organized sports.’

## **Organized Sports**

Following this line of ‘organized sports,’ when and where did they start, and who was responsible for the development of the many organized sports we have today? Many, if not most, of today’s modern organized sports have their roots in the leisure activities of the 19th Century aristocracy or came from the so-called ‘upper classes’ of Victorian Britain and Europe. Basically, once you don’t have to worry about where your next meal is coming from, or having to work hard and toil long hours to earn a living and survive, then what can you do to pass the time, apart from fighting a war?

The answer is of course to develop activities to enjoy with others, which, given the drive inherent in the human race to explore and push the boundaries, leads to competition against others to prove that you are the best, and in Victorian Great Britain, these traits in the upper classes were not only pushing the industrial revolution forward but also the development of their leisure time activities, which included sport.

A look at some of the more popular, the so-called ‘major sports’ of today, illustrates how the Victorians began the ‘sports revolution,’ which was, in the main, restricted to school aged boys and men. Let us take the various kinds of ‘football’ as a prime example of how modern sports start and develop (Encyclopedia Britannica, 2020; Nixon, 2020; Brandle & Koller, 2015; Cullimore, Stan, & Cox, 2001).



## **Major Sports**

### **Football (Soccer)**

In many areas of the world, kicking a ball of some sort has been a human activity for at least 2,000 years. Greece, Rome, and Central America have all recorded ball games, and in ancient China, it was indeed called kick ball. A version called Street Football was common in London around 1100, using an inflated animal bladder as a ball.

The *Melee* (or *Mellay*) was an ancient medieval game and a predecessor of modern football (soccer) in which the object of the game was to kick, punch or carry a round or oval object towards a goal. According to one British account, the first Melee ball was the head of a Danish enemy.

Generally, these ancient versions of football had large numbers of people on either side, with few rules and sometimes violence. By the 11th Century, Shrove Tuesday in Britain had become the day when most Melees took place in towns such as Chester and Derby and some still take place today.

It was not until the mid-19th Century, however, that we see the emergence of the worldwide modern game of Football (Soccer). This started in England in 1863, when the Victorians developed 'kicking a ball' into an organized and regulated sport between Teams of players, with the formation of the Football Association (FA) on October 26th, 1863, at the Freemasons Tavern on Long Acre in London's Covent Garden, but why was this necessary?

Football in England before 1863 came from games played in English Universities and Public Schools, such as Eton, Rugby, and Harrow. Public schools were private, independent schools, not state-run schools. State run schools emerged later. Each school had its own football rules – Rugby School in 1845, followed by Eton College in 1847, and Cambridge University in 1848.

During the 1850s, local clubs were formed throughout England and the English-speaking world, one of the biggest being the Sheffield Football Club in 1857. Each group of Clubs, Schools, and Universities were playing different versions of football and using different rules.

So, to standardize the 'rules of the game,' the FA formulated rules that would allow clubs to play each other without disputes. It was the world's first official football body, and that is why, even to this day, the Football Association does not have the word English in its title.

Ebenezer Cobb Morley was the man who proposed a governing body for football and drafted the first set of the FA's rules – called the 'Laws of the Game,' at his home in Barnes, London, which still are used throughout the world today. Morley was the FA's first Secretary, and its second President, He is not only the Father of the FA but also the Father of Association Football.

By the end of the 20th Century, about 250 million people played football around the world and more than 1.3 billion people had an interest in the game. The 2010 football World Cup attracted a television audience of more than 26 billion during the month-long tournament. What a legacy that is for Ebenezer Cobb Morley and his fellow founders of Association Football to have!

## **Rugby Football**

The first set of FA rules specifically banned handling or picking up the ball, except for the Goalkeeper, and the practice of physically holding back other players during open play or kicking them in the shins. These rulings led to a big disagreement between the FA and the Rugby School in particular, who did not want such rules removed from their version of football, which they had been playing at the school since 1823.

The result was a breakaway from the FA by the Public Schools, who in 1891 formed the Rugby Football Union, from which developed the modern game of Rugby Union. Later, in 1895, Clubs in the industrial North of England who wanted to pay their 'working class' players a wage for playing Rugby, formed the Rugby League

The Rugby Union players from the Public Schools ruled that all players should be amateurs. Gentlemen, it would seem, would not stoop to receiving money for taking part in sport. This amateurs-only rule persisted in Rugby Union until late in the 20th Century, when Union players became paid 'professionals' as their colleagues in Rugby League had been for nearly 100 years.

## **American (Gridiron) Football**

Gridiron Football, which originated in North America (the name derives from the vertical yard lines across the rectangular field of play), evolved from English Rugby and Association Football. It eventually became the leading spectator sport in the USA but has so far made little progress outside of North America. In recent years, it has become more popular in Europe, thanks to strong marketing of the American National League through television.

## **Australian Rules Football**

Aussie Rules football is distinctive to Australia, and in the late 1850s, the first rules for the game, published in Melbourne, were a combination of the various football rules in use at the time in the English Public Schools. Aussie Rules is similar in looks to Rugby but also Association Football with its free running style of play and is today, Australia's most popular sport in terms of spectators and television viewers.

## **Gaelic Football**

Irish Gaelic Football has its origins in the Melees' of the British Isles, in which entire parishes would compete in matches lasting a whole day over miles of countryside. In Ireland on the formation of the Gaelic Athletic Association to govern the game, a code of competition that slightly restricted the intensity of the sport was introduced in 1884.

Today, Gaelic Football has 15 players on each side, who may dribble the ball with hands or feet and punch the ball towards the opponent's goal. It has similar open play features to Aussie Rules Football, but Gaelic Football is not well known outside of Ireland and the United States.

A look at other major sports' sees a similar pattern of origination, organization, and development, especially of team games, originating in the 19th Century.

### **Ice Hockey**

The present-day International Ice Hockey Federation has put the year of the first organized ice hockey game as 1875, in Montreal, Canada. However, researchers have shown that organized ice hockey games (or Bandy on skates) took place in England much earlier and that the earliest rules also came from England (Martel, 2019).

### **Field Hockey**

Field Hockey can trace its roots back to ancient Egypt, then through the Greeks and Romans, to the stick and ball games of medieval Europe and those of the indigenous people in America (Hardy & Holman, 2018). However, Hockey developed from the stick and ball games played in the British Isles documented in the 14th Century such as Bandy in England, Shinty in Scotland, and Hurling in Ireland. The modern form of Hockey that we know today came from the English Public Schools system in the mid-18th Century. It is likely that the first rules for field hockey came from Harrow School in 1852, followed by the formation of the first formal field hockey club in 1861, in London, called the Blackheath Football and Hockey Club, to the Hockey Association in England in 1876.

From these small beginnings, the game spread throughout the then British Empire to India, Pakistan, Australia, and particularly by 1896, to clubs in Vancouver, Canada. Today, both men and women, play Hockey in more than 100 countries worldwide.

### **Racket Sports**

There are many types of sports played by individual players (or in pairs) with a racquet, but of these the most well-known and popular today are Badminton, Tennis, and Squash.

#### *Badminton*

The roots of the sport go back to India, China, and ancient Greece, but Badminton as an organized game comes from the game called Poona, played by British Army Officers stationed in India in the 1860s and brought back to England. Around 1873, Lord Beaufort who owned a country estate called Badminton introduced the game to the Western world, thus the game's name of 'Badminton,' not Poona. The Bath Badminton Club was established in 1887, and the first all-England championships for men were held in 1899 and for women in 1900. In Vancouver, Canada, the first games of Badminton took place in the 1890s (Badminton Association of England, 1994).

#### *Tennis*

Tennis was known in Britain by Victorian Gentlemen and their Ladies as Lawn Tennis because they played the game on grass courts (Berry, 2020). When hard court games became popular, Tennis (without the word Lawn) became the common name for the game.

Tennis has its roots in more ancient game called Real Tennis in Great Britain, which derive from the 12th Century French game called *Jue de Paume* (game of the palm). Real Tennis is known as Royal Tennis in Australia and Court Tennis in the USA. Real Tennis games have taken place continuously since the Middle Ages. The court at Hampton Court Palace in England, where Henry VIII played, is still in use today.

The credit for the introduction and development of the modern game has gone to Major Walter Clopton Wingfield, who in 1873 published the first book of rules for Tennis and took out a patent for his game in 1874. However, historians have stated that similar games took place earlier and that the Leamington Club, in England, formed by Harry Gem and several of his acquaintances, in 1872, was the first tennis club.

At that time, the governing body for Real Tennis was the Marylebone Cricket Club (MCC) in London, and when a Mr. J. M. Heatcote (a champion Real Tennis player of the time) developed a better tennis ball of rubber covered with white flannel, the MMC published a new standardized set of rules for 'Tennis' in 1875. The first Wimbledon Lawn Tennis Championships took place in 1877, on one of the lawns of the All England Croquet Club, Lawn Tennis was born. During the 1870s, the game spread to the U.S.A., with the first U.S. Championship taking place at the Staten Island Cricket and Baseball Club and the first winner being O. E. Woodhouse, an Englishman (Encyclopedia Britannica, 2020). On the 26<sup>th</sup> of January 1888, the Lawn Tennis Association was formed, tasked with maintaining the new rules and standards of the emerging sport of tennis in the United Kingdom. Seven times Wimbledon Champion William Renshaw was elected as its first President (Lawn Tennis Association, 2022).

The modern game of Tennis, with millions of people playing the game on public courts and in Clubs, had its main period of growth in the late 1960s and 1970s when television started to cover the major championships, which, for the first time, were open to both professional and amateur players.

### *Squash*

Squash as an organized sport has its roots in Rackets, an older game that prisoners in London played in the early 19th Century. Then, in about 1830, at the Harrow Public School, boys realized that a punctured rackets ball, which 'squashed' on impact with the walls used in Rackets, offered a more interesting addition to the activity (Bellamy, 1988). Spreading to other public schools in England and to North America, interest in the game led to the St Paul's School in Concord, New Hampshire, building the first Squash Court in the USA in 1884. From this start developed the modern game of Squash, with the first national squash association in the world, the United States Squash Rackets Association, formed in 1904 in Philadelphia, Pennsylvania. Today, Squash games take place in more than 185 countries worldwide, by around 20 million people annually.

## **Water Sports**

### *Rowing*

Rowing a boat as an activity or means of transport for goods and people and to even wage war, goes back many thousands of years to at least ancient Egypt and later the Romans and Vikings. However, rowing as a competition, between one or more crews, may have its roots in 16th Century England when the men who rowed passenger boats up and down the River Thames, in London, started to race each other when their passengers started to bet on who would make the journey the fastest, and by 1715, such ‘watermans races,’ as they became known, became an organized series of annual races (Sherwood, 1900; Cleaver, 1967; Woodgate, 2010).

There are also boats that are ‘paddled,’ as opposed to ‘rowed,’ such as those used by the fishing communities of Africa, the Dragon Boat from China, and other paddled long boats from the Indian Sub-Continent and South-East Asia, for example, the Peiron Boat (Japan) and the Peacock Boat from Thailand.

Rowing, as we know it today, began in the 19th Century as an activity in public schools and in some waterman’s clubs, with organized racing developing from the Oxford and Cambridge Boat Races in the 1820s and then the Henley Royal Regatta in 1839. The first races in the USA were held in the universities of Harvard and Yale, in 1851. This development of competitive rowing spread throughout Europe and North America culminating with the formation of the International Rowing Federation (*Fédération Internationale des Sociétés d’Aviron* – FISA) in 1892, when the rules, regulations, and classes of boats for Rowing were first laid down. Rowing races have been included in the Olympic Games since 1900 for men and from 1976 for women.

### *Canoeing*

Paddling a canoe, an opened deck vessel with a single bladed paddle, has been a human activity for millennia (Encyclopedia Britannica, 2020; Royal Canoe Club, 1880, 2022; Cock & British Canoe Union, 1974).

Examples include the Outrigger Canoe, or *Va’a*, used to cross and colonize the Pacific Islands and Aotearoa New Zealand (Bataille-Benguigui and *Musée de Tahiti et des îles*, 2010) and the birch wood canoe of the indigenous peoples of North America. There is also the kayak, a close-decked vessel, of the Inuit people of the Arctic Region, used for fishing and hunting and paddled with a double-bladed paddle, which today also comes under the broad heading of ‘canoeing.’

Canoeing as a recreational activity and a vessel used for exploration and touring, came to prominence in the mid 1800s, when a Victorian gentleman, John Macgregor, published a series of books about his exploits across Europe, the Middle East, and North America in a ‘canoe,’ actually it was a canvas kayak, with a sail on it. MacGregor founded the Canoe Club, on the River Thames at Teddington, England, in 1866, with the club’s first Paddling Challenge Cup Race, taking place over one mile in 1867. This is the oldest recorded competitive canoeing event in the world and marks the start of canoeing (kayaking) as a competitive sport. Today, the Paddling Challenge race is over 10K, and in 2020, it took place on the 19th of October, at Teddington.

Macgregor's books became very popular and attracted the interest of the Prince of Wales, who became King Edward VIIth. Edward's interest in canoeing led to the Prince becoming the Commodore of the Canoe Club and the pre-fix of 'Royal,' was added to the club's name in 1873, by command of Queen Victoria.

Published in 1866, the same year in which he formed the Canoe Club, Macgregor's most celebrated book and one of cultural importance was *A Thousand Miles in a Rob Roy Canoe on the Rivers and Lakes of Europe*. In 1880, Macgregor also founded the American Canoe Association, thus he is credited with popularizing canoeing in Europe and the USA as both a recreational touring activity and as a sport.

From these Victorian beginnings canoeing and kayaking has developed into a modern sport with different disciplines, the established ones being Sprint Racing (flat-water) Slalom, White Water, and Marathon races on rivers and lakes, and Canoe Polo in swimming pools or enclosed water spaces. Sprint for men has featured in the Olympic Games since 1936 and for women since 1948 with Slalom added in more recent times.

Canoe Polo as a competitive canoeing discipline owes its development to Oliver Cock, another 'English gentleman' who, when canoeing on the River Thames with a few friends, in the 1950s, started to throw a football from canoe to canoe (actually kayaks), which turned into a fun day on the river and gave Oliver the idea for Canoe Polo. He then developed this fun activity into a competitive discipline and formulated the rules and regulations for it. Today, it is a discipline of the International Canoe Federation (ICF) and has its own international championships.

## **Golf**

As with many of the other sports in this article, the origination of Golf as an outdoor activity, and then as a sport, has many possible debatable roots (Johnson, 2021; McStravick, 2017). The Romans played a game called *Paganica*, with a bent stick and a leather ball, which may have spread throughout the Roman Empire (Encyclopedia Britannica, 2020).

In China, a game called *Chuiwan* (*chu* – striking, *wan* – small ball) played during the 8th to 14th Centuries, is another candidate for Golf as a competitive activity. Other games involving a curved stick or bat took place in the Netherlands, France, and Great Britain from the 13th Century.

However, it is thought that the modern game of Golf originated in Scotland, probably in the 15th Century. James the Second of Scotland banned the game in 1457 because it distracted men from practicing their archery. James the Fourth lifted the ban on Golf in 1502 and played it himself. A chronicle published in 1504 records the words, "For golf clubbies and balles to the King that he play it with" (Leibs, 2004, p. 69).

The original course at St. Andrew's in Scotland has been there since the mid-16th Century, and the first reference to St. Andrews was in 1552, but according to *Guinness World Records* (2020), the oldest golf course in the world is the Musselburgh Links course in East Lothian, Scotland, where golf took place as early as March 1672. "In 1744, the game of golf officially became a 'Sport' when the Gentlemen Golfers of Leith set up an annual competition with silverware prizes" (Johnson, 2021, n.p.). The rules for that competition, many of which are still familiar to golfers today, came from a Mr. Duncan Forbes.

The St. Andrews Society of Golfers used those rules in their own annual competition started in 1754, but it is not until 1764 that the standard 18-hole golf course common today was established at St. Andrews, which is the accepted home of golf. However, the oldest tournament in the golf world, the 'Open Championships' (or British Open) dates from October 1860. Won by Willie Park, the Open was first held at the Prestwick Club in Ayrshire, Scotland. The first club outside of Scotland was the Royal Blackheath Club, London, in 1766, and as the British Empire expanded, golf clubs formed in Bangalore, India (1820); Royal Curragh, Ireland (1856); Adelaide, Australia (1870); Royal Montreal, Canada (1873); Cape Town, South Africa (1885); and the Royal Hong Kong Club in 1889.

It would seem that Golf's history in North America dates back to around 1657, when a pair of apparently drunk men were arrested in Albany, New York, for breaking windows by hitting balls with their clubs, but it was not until 1888, that the 'game of golf' began to develop in the USA when John Reid and Robert Lockhart from Dunfermline, in Scotland, first demonstrated golf, and John Reid formed the first club in America, that same year, called the 'St. Andrew's Golf Club' in Yonkers, New York.

Four years later, in 1892, the first 18-hole golf course in the United States was set on a sheep farm in Downers Grove, Illinois. In 1894, the United States Golf Association (USGA) was formed, and by the turn of the century, over 1,000 golf clubs existed across the USA (Johnson, 2021).

## **Cricket**

Cricket, the quintessential English game and England's 'National Summer Sport,' possibly began as early as the 13th Century, in its basic form of throwing (bowling) a stone ball towards a tree stump or at a sheep pen gate consisting of uprights and a cross bar (wicket gate) (Encyclopedia Britannica, 2020; Torrance, 2017; Bailey, 1979). The terms stumps and wicket still describe aspects of the game today.

The earliest references to the 'game of Cricket,' involving two sides of 11 players on each side, comes from the 17th Century when in 1697 a match was held in my home county of Sussex, in South East England, for a stake of 50 guineas (about 70 USD).

In 1709, the first recorded inter-County match between Kent and Surrey took place at Dartford in Kent, although it is thought that rules for the game existed as early as 1700.

During this period, the game was played only in the English southern counties, but by 1744, the game had spread to London where Kent played an All-England team. Heavy betting and rowdy crowds were quite normal in those days, a far cry from the quite appreciative crowds of today.

Some of the early cricket matches were between the amateurs (the Gentlemen) and the professional county cricketers (the Players). Matches between the best amateur and professional players from the English Counties took place from 1806. In 1836, the first North versus South Counties match was held, leading to an All England Team touring Britain from 1852 and the first overseas English team touring overseas in 1859.

Cricket in the Universities developed into a nursery for the inter-county games, as most of the Gentlemen playing at County level, started to play their cricket at university. The first Oxford versus Cambridge match took place in 1827, and that year, the press acclaimed Sussex as the 'champion county,' although it was not until 1873 that the rules for county cricket were published and the 'county championships,' played today, did not take place until 1890.

The 1806 Gentleman versus Players match, as they became known was an annual contest that continued until 1962, when the cricket authorities abolished the distinction between amateurs and professionals. The fact that this particular match survived until well into the 20th Century clearly illustrates the Victorian class society roots and values, from which the modern game of cricket and most of the other sports covered in this article, emanate from.

It would seem that Gentlemen only played sport for the joy of the sport and not for money, whilst the working classes played sport for money, which was generated from the spectators watching the game or as was the case in Golf, the Club Professionals received cash to represent their Clubs, with large wagers on who (which Club) would win the tournament.

The spread of cricket from England to the rest of the world followed the pattern of other sports coming from Victorian England, that is through the countries of the then British Empire, now called the Commonwealth, headed by the present British Monarch, Queen Elizabeth II.

In Australia, playing cricket dates back to 1803, when the crew of a British ship introduced the game there. By the end of the 19th Century, teams from England regularly toured Australia, with the first official international (test) match between the two taking place in Melbourne in 1877.

This match began the oldest rivalry in international test cricket with the series known as 'the Ashes.' In India, cricket dates back to the 18th Century, and Lord Hawk's team from England, played an All-India team in January 1893 (Majumdar, 2015). Today, the Test Match Cricketing Nations are Australia, Bangladesh, England, India, New Zealand, Pakistan, South Africa, Sri Lanka, the West Indies, and Zimbabwe.

### **Winter Sports**

As with the so-called summer sports, a brief look at the development of modern winter sports sees a pattern of development coming from the transportation of people, goods, and even Armies, over the snow bound areas of Europe, Asia, and North America during winter (Encyclopedia Britannica, 2020; HistoricUK.com, 2020; Flower, 1976).

For example, the rudderless toboggan was originally an American Indian sled, for transporting people and goods. It was a way of life. However, Tobogganing as a sport, probably started in Montreal on the slopes of Mount Royal in the 1880s and from there spread to the United States. Most of the other winter sports we see and take part in today, such as the ice skating disciplines, skiing, both downhill and cross-country, also developed from that time.

### **Development of Modern Sport**

The development of these activities of daily life, to activities for enjoyment and then sport, mainly come from Victorian times, when the upper classes would congregate in the fashionable mountain resorts of the European Alps and find ways of enjoying the snow and ice, as leisure activities. Unfortunately, not all people were born equal, then or now, so as with the structure of society in general, the development of sport followed the tiered social system with the 'leaders' for want of a better word, in the top tier, and those without land or wealth and with little or no power, in the bottom tier.



Any competitive or indeed recreational activity, before the 18th Century, was almost non-existent, unless it was an alternative to or in preparation for war, such as the Olympic Games of Ancient Greece and the chariot races of ancient Egypt and Rome. As we have seen from the historical roots of the sports covered in this article, by the Middle Ages there were forms of competitive activity across society but not organized sport. Life was hard and short for those of the population not in the top tier of society. To be able to feed yourself and family was their main aim in life, as is still the case in many parts of the world today.

Sport, as we would understand it, began to emerge from the industrial revolution in the 19th Century. This industrialization of society from a mainly rural farming base, brought the upper class (the aristocrats) and the middle classes (the shopkeepers and industrialists) – the top tiers of society, enormous wealth and surplus money to spend on anything they desired. It also gave them a lot of spare time for leisure.

Very little of this wealth filtered down to bottom tier of society, the working class, for whom life was still hard and comparatively short. The majority of the population had little money to spend on non-food items or on leisure activities to brighten up the daily grind of their working lives.

If we accept that leisure and sporting activities in the 19th Century evolved from the ‘upper classes’ in Victorian society finding ways of occupying their spare time and money in different ways, how and why did this pursuit of leisure develop into the vast global sporting industry that we enjoy as participants and spectators, in our many millions today.

In my view, the catalysis for the development of our modern-day sport was the change in the social structure resulting from the industrial revolution. People moved on mass from a rural environment to an urban one, in search of work and better pay in the cities that emerged as a result of mass migration from the land.

The introduction of the train and the car in the 19th Century and then the airplane, in the 20th Century, as means of mass transport, also meant that people could travel quickly and cheaply within their own countries and overseas, which in the days of a rural economy had previously been the preserve of the wealthy.

This transport evolution coupled with the changes in the social structures of the world, brought about by improvements in the working conditions and hours of the working classes, led to the consumer society of today, particularly after the end of the second World War, when television sets became readily available around the world and the promotion of every product available moved from the billboard and newspapers to the television screen. These changes in the way we live, work, and socialize has taken yet another step forward with the advancement in information technology and the world of social media, we see developing in the 21st Century.

## **National Development**

Any sporting activity primarily starts from individuals wanting to pit their skills, physical or mental, against other individuals on a one-to-one basis, or groups of people against other groups of people, or just for the pleasure of the contest and sometimes for the money and prestige that winning can bring.

The human traits of confrontation, competitiveness, and tribal allegiances (clearly evident in all team sports, amongst both participants and spectators) are intrinsic in society and organized sport, and I believe that the development of sport mirrors that seen in society over the last 200 years.

When individuals or groups want to compete against other then you start to see the beginnings of ‘sport’ because individual and group (team) games all require sets of rules and regulations, if the competition (confrontation) is to become meaningful, just as in medieval wars where there were rules of engagement and chivalry to follow.

The Victorians clearly saw this and began to develop organized sports along society and business lines, by gathering together like-minded individuals with time on their hands and money to form clubs and formulate rules and regulations for their sports, so that clubs and the privileged few, could compete against each other in a fair and organized way during their leisure time.

Those who had such leisure time were of course in their peer groups coming mainly from the public schools and universities, and the founders of these sports became the leaders (top tier) in them, and of course, their clubs naturally wanted to compete against each other, which led to regional, and then national club competitions, and eventually national leagues.

These organized sports were not yet played by clubs from factories or by the industrial workers in the rapidly expanding cities in Britain and beyond, but this began to change as, towards the end of the 19th Century, factory working conditions improved and wages increased. Then, we start to see the emergence of organized sport in all classes of society for men and then for women, and young people in the state schools, as well as the private (public) schools and universities and sports clubs of all kinds, began to be formed in the working-class areas of the industrial cities.

Primarily amongst these clubs were football, athletics, and boxing clubs. Athletics – both track and field – and Boxing, as a combat sport, are probably the oldest organized sports in the world with pictorial records going back as far as the 3rd Century BC in Asia and then Egypt, and contests, with rules included, in the Olympic Games of Greece in 688 BC, and one could argue, in the gladiatorial combat and games of Rome.

Archery as a hunting or war weapon is probably as old as humanity itself, but what triggered the emergence of the industrially based sports clubs from these types of ‘traditional’ human activities?

In the Victorian era, the captains of industry and commerce were beginning to see that the health and welfare of their workers could be of benefit to their businesses. Healthy and happy workers can result in higher productivity, and employers were quick to realize (probably from their own leisure and sporting activities) that developing sporting activities for their workers and providing facilities, resulted in improvements in all three, a win-win situation.

The common thread in the development of Athletics, Archery, Boxing, and Football is that they do not require any special facilities or expensive equipment to be able to take part in them but only the evolutionary ability of the human body, to run, throw, kick, and hit, which does not depend on social class but on natural strength and aggression. Because of their relative simplicity, these sports were easy to organize in the cities and industrial towns of the 19th Century, with their large populations creating a ready supply of participants and spectators who were prepared to pay an entry fee to watch ‘their’ sports, which was good for the business side of the Clubs’ hosting the games.

## **International Development**

From national competition, it was but a short step to international competition for the travelling gentry of the 19th Century, but how does that evolve when, as with the start of local sport, there are no recognized national organizations or international organizations to talk to each other and arrange competitions or agreed international rules and regulations to abide by. Here too, the same rules of social development apply, with the 'leaders' of the clubs in each sport forming National Organizations (today's governing bodies) and establishing criteria for the selection of 'National Teams' for cross border competitions against players from other countries.

By the end of the 19th Century, there were in Europe and within the then British Empire, emerging national bodies of sport who were sending teams abroad to compete against each other, but these teams were mainly composed of amateur players from the 'privileged' classes who had the time and money to travel abroad and a few professional players competing because of their abilities. These professionals by and large came from the working classes.

With the majority of our modern sports, in the Victoria era, coming from the British Isles, the first such cross border competitions were between teams from England, Scotland, Wales, and Ireland, and the distinct identities of these particular countries persists even today in sports such as Football, Cricket, and Field Hockey.

As sport developed across the Western World these ad hoc international competitions began to encompass more and more countries and, the need for International governing bodies became apparent, for much the same reasons as national governing bodies, that is conduits to talk to each other and arrange international tournaments for their sports, not just the one against one ad hoc completions of the early years.

This led, in the 20th Century, to the development of full-blown continental competitions, such as European, American, and Asian championships, and to today's world class tournaments, for example, the World Cups in Association Football (Soccer) and Rugby Football (Union and League), and regular World Championships in many other sports.

As these different levels of sport organization developed, they followed the social hierarchy pattern of the 19th and early 20th Century because, generally, the time and money to engage and organize sport initially came from the upper tiers in society. Only at the end of the 20th Century did this start to change.

Each tier in this developing structure (society) required its own operating procedures and administrators to deliver the sport (the product) to participants and spectators alike (the customer), but the money to develop, conduct and manage the sport, as well as the decision making, remained in the hands of the upper tiers and over time, the lowest tier (the players) without whom no sport is possible, became more and more distanced from the 'leaders' of their sports.

## **Dragon Boating**

An example of a modern sport developed from a traditional activity in a different way is my own sport of Dragon Boat Racing (MacKedddie-Haslam, 2022). Beginning in Hong Kong, in 1975, when John Paine, the then Executive Director of the Hong Kong Tourist Association (HKTA) and Philip Lai, the Chairman of the Hong Kong Fishermen's Association, sat down to discuss Dragon Boat Racing as a way to promote Hong Kong as a tourist venue. They decided to hold the first International Dragon Boat Race in Hong Kong in 1976, with a crew from the Japanese City of Nagasaki invited to race. Thus it was that Dragon Boating as a competitive, rather than a traditional, activity was re-born, and this event marked the beginning of the modern era of Dragon Boating.

The Dragon Boat is a traditional long boat, originating from China, which belongs to the family of Asian Long Boats, such as the Swan Boat, the Peacock Boat, and many other such boats coming from Asia, Africa, and the Pacific Basin. The Dragon Boat is a water craft that is 'paddled' by as few as 8 people, and up to 50, or more, in a single boat. It is not normally 'rowed,' but in addition to racing dragon boats (*long zhou*), there exist barge-like dragon boats (*long chuan*) that are both paddled and rowed and used for ritualistic purposes.

The use of the Dragon Boat in ancient rituals and religious traditions is well documented. In Hubei Province, a drawing of a dragon boat race dates between 4,000 and 5,000 years old. The boat pictured had the head of a dragon, contained a drum, and was flying banners. Other artifacts, such as dragon boat steering oars, excavated in other parts of China have been dated as being over 7,000 years old (Lee, 2002).

Historically, there is no evidence to suggest that Dragon Boats served any dedicated utilitarian or military purpose, but ritualistic contests known as *Long Zhou Jing Du* ("to contend and cross the waters") from the Zhou Dynasty onwards, which predates the Christian era, appear in the historical record. Accurate renditions of boat races in the Song Dynasty and in the later Yuan Dynasty depict dragon boats in lanes for competition on a marked regatta course (Lee, 2007).

In 1980, three 40-foot (12-meter) long dragon boats, made from teak wood and very heavy, went to London for the Hong Kong Chinese Festival in London. Races in the boats by various ad hoc crews, mainly from Rowing and Canoeing clubs, took place on the River Thames. At that time, I was organizing a World Canoe and Kayak Sprint Championships, in Nottingham, and arranged for the boats go to the Nottingham, where I raced them as a fun activity during the lunch breaks in the sprint canoeing world championships.

Afterwards, seeing how these 'funny boats from China' had attracted so much interest, I suggested to the International Canoe Federation (ICF) that Dragon Boat Racing could become a modern sport. The ICF were not interested in this idea but said if I wanted to do it, then I had their support. Always liking a challenge, I took them at their word, started to race the boats in England, and in 1985, formed the first Dragon Boat Club. With the support of the Hong Kong Tourist Association (HKTA) and sponsorship from Hong Kong, I then arranged for my very good friend Chris Hare, a boat builder in Hartlepool, England, to make a glass-fiber copy of one of the wooden boats. In 1987, from the people who had been racing the boats, I formed the British Dragon Boat Racing Association (BDA) as the national governing body for the sport. I asked Oliver Cock, a long-time friend, if he would be the BDA's first President. Oliver, who had retired from his job as the British Canoe Union's (BCU's) Director of Coaching, was pleased to do so. He retired from his role as BDA President, just before his 90th birthday in 2002.

The first British Championships took place in October of that year on the Serpentine Lake, in Hyde Park, London, and the winners (Elmbridge Canoe Club) received the invitation from the HKTA to race in the 1988 Hong Kong International Races (HKIR).

Cathay Pacific Airways and the HKTA, sponsored the 1988 trip to Hong Kong. Before the formation of the BDA, the invitation to the HKIR had gone to the Amateur Rowing Association (ARA) as it was the Hong Kong Rowing Association (HKRA) that actually organized the races in Hong Kong. The ARA, like the ICF and the HKRA, did not see Dragon Boating as a sport, and so the ARA did not object to the invitation going to the BDA.

I went with the BDA crew (Elmbridge) to Hong Kong in 1988. Inspired by what I saw there, I came home determined to develop Dragon Boating on an international basis. With sponsorship from the HKTA, more Chris Hare dragon boats went to Italy and the Netherlands to promote Hong Kong and develop the sport there. Over the next two years, boats also went to Denmark and Germany, whilst a derivate of the Hong Kong boat, made in Singapore and sponsored by the Singapore Tourist Board, to promote Singapore, went to Malmo, in Sweden.

I invited crews from these countries to come to the 1989 Serpentine Regatta, and here I proposed that we should form a European Dragon Boat Federation (EDBF) and start to hold European events and championships for the sport. In 1990, the EDBF was formed during international dragon boat races I had organized in Mechelen, Belgium, as part of an international sprint-canoeing regatta, the EDBF. I was elected as the EDBF's first Chairman. During this period, I wrote the EDBF Constitution and its Racing Rules and Regulations.

With the same object in mind of seeing a world federation for Dragon Boating, I arranged through the HKTA, to hold a meeting of the crews attending the 1989 HKIR, to discuss the formation of an International Dragon Boat Federation (IDBF). An IDBF Steering Committee was set up, headed by Bob Wilson, the President of the HKRA and Director of the HKIR and myself, to formulate the constitution, and rules and regulations for the Federation. This we did, and during the 1991 HKIR, the IDBF was formed by 12 Countries and Territories. Bob Wilson became the IDBF's Founding President and myself the Founding Secretary-General. The HKTA provided an administrative headquarters for the IDBF, and the first IDBF Treasurer, Douglas King. The meeting elected Philip Lai as an IDBF Vice-President, and Mr. Lu Jin-dong from China as the IDBF Honorary President. Within two years, Bob Wilson resigned as the IDBF President, due to work commitments, and I became the IDBF Executive President, a position I held until 2016.

In my time as the IDBF Executive President (re-titled to President in 2014), I oversaw the development of the IDBF from 12 Founding Members to more than 90 worldwide and introduced World Championships for both Nations and Clubs.

The first official Dragon Boat World Championships took place in Yue Yang, China, in 1995, and Oliver Cock, as the BDA President, made the trip at the age of 83, to donate the Oliver Jesty Nations Cup, as a perpetual World Championship trophy for the best premier team overall.

During my IDBF Presidency, I also was directly responsible for proposing technical specifications for IDBF Racing Dragon Boats and for formulating boat manufacturers licensing schemes as well as a scheme for Dragon Boat Festival organizers to affiliate to the IDBF.

Once the IDBF was firmly established as an International Federation, I made it my task to apply for IDBF recognition from the International Olympic Committee (IOC). Getting IOC recognition is a long and detailed process towards becoming a future Olympic Sport, and to achieve it means first becoming accepted as the world governing body for your sport by the Global Association of International Sports Federations (GAISF). – then the General Assembly of International Sports Federations.

I started both processes in 1999, but unfortunately, due to the ICF starting to organize its own Dragon Boat Championships in 2003, the recognition of the IDBF, as an IOC International Federation, is still ongoing. Despite this, the IDBF became a GAISF Member in 2007, despite four years of opposition from the ICF, who claimed that it already was the GAISF world governing body for Dragon Boating, a claim eventually not accepted by the GAISF member federations, a decision the IOC accepted.

On standing down from my position as IDBF President, the IDBF Members Congress proclaimed me formally as an Honorary President, and at the 2017 Congress, I was formally recognized as the ‘IDBF Founder’ and accorded that status too.

### **Multi-Sports Games – The ‘Olympics’**

The last development in sport, and one that clearly shows that sport follows the pattern of the Victorian tiered society, is the emergence of ‘multi-sport’ games, prime amongst them the Modern Olympic Games, which also come from the Victorian era (Goldblatt, 2016; Guttman, 2002; International Olympic Committee, 2022). However, there are many recorded uses of the term ‘Olympic’ describing athletic competitions, the first of which were the annual Cotswold Olimpick Games, Chipping Campden, England, in 1612, which involved various sporting activities.

In 1796, France held a national Olympic Festival, which included several disciplines from the ancient Olympic Games of Greece and in 1834 and 1843 Gustaf Johan Schartau and his colleagues, held ‘Olympic Games in Sweden at which 25,000 spectators were present.

In 1850, Dr. William Penny Brookes, a local surgeon and educationalist living in Much Wenlock, a Village in Shropshire, England, and a member of the Wenlock Agricultural Reading Society (WARS), having seen the plight of the working classes established a WARS competitive class of sporting activities called the ‘Olympian Class’ for the promotion of the moral, physical, and intellectual improvement of the village inhabitants (Wenlock Olympian Games, 2020, n.p.). Brooks later changed the Olympian Class name to the Wenlock Olympian Games, a sports festival that continues to the present day.

In Greece, in 1856, a wealthy philanthropist, Evangelos Zappas, wrote to King Otto of Greece offering to fund a revival of the Greek Olympic Games, and he sponsored the first such games in Athens, held in November 1859. The Wenlock Olympian Class sent £10 to Athens as a prize for the best runner in the Long Foot Race at the ‘Zappas Olympics’ as it was known in 1859 (Wenlock Olympian Games, 2020, n.p.). It was the largest prize on offer. By 1870, more than 30,000 spectators had attended these games (Olympic Games, 2022).

Between 1862 and 1867, two Victorian Gentlemen, John Hulley and Charles Melly, held an annual Grand Olympic Festival in Liverpool, England. These games were only for amateur gentlemen and were international in outlook, and the programme of the first modern Olympic Games held in Athens in 1896 was almost the same as the Liverpool Olympics.

In 1865, Dr. Brookes, John Hulley, and E. G. Ravenstein, founded the National Olympian Association (NOA) in Liverpool, and its articles of association became the basis for the International Olympic Charter. In 1866, the NOA (later to become the British Olympic Association) organized a British National Olympic Games in Crystal Palace, London. Here, we see the beginning of the development of 'international' multi-sport games.

### **The International Olympic Committee (IOC)**

In 1890, a Frenchman, Baron Pierre de Coubertin, was staying at the home of Dr. Brookes, who staged a Wenlock Olympian Games especially for the good Baron. Inspired by what he had seen and the discussions he had with Brookes, as well as the organizational work of both Brookes and Zappas, Baron de Coubertin resolved to hold an International Olympic Games every four years in different cities.

In 1894, in Paris, the good Baron presented, to the newly formed International Olympic Committee's (IOC's) Olympic Congress, his ideas for the games. The Greek writer Demetrius Vikelas became the first IOC President and the Congress decided that the first IOC games would be held in Athens in 1896. (Zappas had set up a trust to fund future Olympic Games, which was used to help fund the 1896 Games.)

Baron Coubertin later wrote, "If the Olympic Games that Modern Greece has not yet been able to revive still survives there today, it is due, not to a Greek but to Dr. W. P. Brookes" (Wenlock Olympian Society Archives, n.d., cited in William Penny Brookes, 2020).

At the first games in 1896, there were 241-280 athletes from 13 or 14 countries, competing in 43 events. From this beginning, the IOC has expanded its portfolio into a Summer Games, Winter Games (1924), Paralympic Games (1960), the Youth Games (2010), and the Special Olympics. The 2016 Summer Olympics saw more than 11,200 participants from 207 nations, and the 2018 Winter Olympics hosted nearly 3,000 participants from 92 nations.

In 1994, the then IOC President, Juan Antonio Samaranch, from Spain, laid a wreath on the grave of William Perry Brookes (who died in 1895) saying, "I came to pay homage and tribute to Dr. Brookes, who really was the founder of the modern Olympic Games. Today, William Brookes is generally and rightly recognized as the Father of the Modern Olympics" (International Olympic Committee, 2022).

From small Acorns, mighty Oak trees grow. The formation of the IOC brought a new dimension to sport with new and different ideas for the conduct of sport; the organization of IOC events and the criteria for selecting participants for an Olympic Games. At the time competing in the Olympics were outside the development of events by the different national and international sports governing bodies, most of whose sports were not on the IOC's Olympic programme, which is still the case today.

To make the Olympic Games work, as a multi-sports event that truly brought together the best competitors from each sport, it was essential to bring these two areas of sport together. To do this the IOC began to form National Olympic Committees (NOCs) to co-ordinate and select the teams from each nation invited to take part in the games.

The NOCs were quite independent of the National and International bodies governing their sports on a 'day to day' basis but for the sports' in the Olympic Games, they began to work with their 'Olympic Sports' governing bodies, to select the 'National Olympic Teams' attending the Games. They also supported their Olympic Teams, with the fund raising, logistics, and administration needed to attend the Games.

The NOCs, unlike the majority of the sport governing bodies, were not necessarily sovereign countries, and so the IOC also invited colonies and dependencies to take part in an Olympic Games. This is still the situation today, and Hong Kong, Bermuda, Aruba, and Puerto Rico, for example, can compete in an Olympic Games, even though legally they are part of another country, which also may compete in the same games.

The United Kingdom (UK) is the exception, where only a Great Britain Team can take part and not England, Scotland, Wales, and Northern Ireland, the constituent parts of the UK. In the Commonwealth Games, and in many International events, the reverse is the case, the FIFA World Cup, in soccer, for example.

The formation of the NOCs still left a gap of communication and responsibility between the IOC and the Olympic Sports International Federations (IFs) and so the IOC established links to those IFs to formulate the events for each sport, the number of participants for each and the criteria for participant selection. These federations became known as the 'IOC Olympic Federations.'

The IOC also devised a process by which sports not in the Games, could apply to the IOC for inclusion in a future Olympics. Today, there are 28 International Federations with sports in the Summer Olympic Games and 7 with sports in the Winter Olympic Games. In addition, there are another 42 International Federations whose sports are not presently in either the summer or winter games but are, in IOC parlance, 'IOC Recognised International Federations.'

At the beginning of the 20th Century, there were not that many sports or international federations governing them and the Olympics was not a major global event of any particular significance and indeed, in the early part of the 20th Century, the Olympics struggled to survive, mainly due to the cost of providing the sporting facilities needed and attending the Games. As the size of the Olympic Games grew and it began to attract sponsors and media coverage and kudos amongst the sporting public, governments around the world started to see that having a team at the Olympics, especially one that could win medals, brought a 'feel good' factor to their country (tribe).

Playing National Anthems and raising National Flags at the medal winning ceremonies is regarded as a better boost for national pride, than winning a war and less costly.

It was not until the 1980s, however, that the IOC with the Summer Olympic Games, as its flag ship, began to become profitable both financially and in 'watch-ability' terms, and it was the 1984 Los Angeles Games that lit the blue touch paper propelling the IOC into an effective business, rather than an ineffective sports organization.

With color television well established in North America and with the ability to beam TV pictures around the world, to very large audiences, the LA Games generated both sponsorship and network TV income, as well as advertising and spectator revenue. With the employment of professional marketing and media staff, the IOC went from an almost bankrupt organization, in 1976, to a very successful global business of today. The Olympic Games are today regarded as the pinnacle of sporting success into which governments around the world commit huge amounts of public money in preparing and training their 'Olympic Teams.'



## **The Global Association of International Sports Federations (GAISF)**

As the most influential world multi-sports power, the IOC was anxious to maintain its position and as there were many more sports outside of the Olympic Movement than were in it, so in 1967 the IOC set up a representative body for all sports to join, which it called the General Assembly of International Sports Federations - now called the Global Association of International Sports Federations (GAISF).

The then GAISF consists of four constituent groups, namely the Summer Olympic Sports Federations (ASOIF), the Winter Olympic Sports Federations (AIOWF), the IOC Recognized International Federations (ARISF), and the Non-IOC recognized federations.

Presently, there are 95 full members of GAISF, including the 70 IOC Olympic and recognized federations and 20 associate members, with about another 30 or more sports federations applying for membership. Today, GAISF is regarded as the 'parliament' for International Sports Federations and a talking shop in which to exchange ideas and experiences, and to work together to protect the integrity of sport, at all levels and most importantly, GAISF Membership is a pre-requisite for acceptance by the IOC as a recognized federation.

## **The Alliance of Independent Recognised Members of Sport (AIMS)**

When the IDBF joined GAISF, the non-recognized federations were called 'the others,' they were not a structured group, so had no power and very little influence within GAISF. I thought this was not a very good position for 'the others' to be in and so, together with Espen Lund from WAKO, I proposed that we form a non-recognized federations' pressure group to seek more influence and power within the GAISF and thus the Olympic Family of the IOC.

In 2009, the Alliance of Independent Recognised Members of Sport (AIMS) became the fourth 'partner' group of the GAISF, alongside the groups for the Summer Olympic Sports (ASOIF), the Winter Olympic Sports (AIOWF), and the IOC Recognised International Federations (ARISF).

In 2016, the IOC provisionally recognized AIMS as a multi-sports organization, and in 2020, AIMS received full recognition from the IOC, which meant that the AIMS Members, as a group, were now the world authorities for their sports and members became members of the Olympic Movement (family).

The objectives of AIMS are to strengthen each individual sport's international federation, combine expertise, share knowledge, and maintain close cooperation with the International Olympic Committee (IOC), so that each AIMS member international sports federation achieves official recognition from the IOC.

AIMS works very closely with its partner IOC groups within the GAISF and with recognized multi-sports games, such as the World Games, Universiade, and the Commonwealth Games, and on a continental level with the Olympic Committee of Asia.

The exchange of culture, education, and sport for all is an important AIMS platform, as is cooperation with the World Anti-Doping Agency (WADA), with Peace and Sport, Generations for Peace, and UN Women.

At a grass roots level, development is key, so whenever there is an AIMS conference, it includes a one-day workshop to introduce sports that are not as popular in their countries to a wider range of sporting enthusiasts.

## **Women in Sport**

The participation by women in sport was apparent in only a few sports during the 19th Century and early 20th Century, for example in Tennis and Hockey and some winter sports, but often, there was discrimination against women who participated in sport, across the whole spectrum of ‘modern sports,’ during this time. Participation by women in sport has only really developed to the same extent and level of men’s participation, over the last 40 years or so, and, as the examples in Football (soccer) and Rugby show, this was a very slow process.

### **Football**

Women have possibly played football for as long as the game has existed. There is evidence that women played *cuju*, a similar game, during the Han Dynasty (25-220 CE) (Genesis of the Global Game, 2006), and there are reports of an annual women’s match in Mid-Lothian, Scotland, in the 1790s (Cox, 2005).

Women’s Football was widespread in the British Isles from the mid 1800s, and in 1863, the football governing bodies introducing standardized rules to prohibit violence on the pitch, thus making it more socially acceptable for women to play the game (The Football Association, 2020). The first match the Scottish Football Association recorded took place in 1882 in Glasgow, and in England, the first recorded game between women took place in 1895.

Women’s football became popular on a large scale during the First World War, when employment in heavy industry resulted in the growth of the women’s game, similar to that of fifty years earlier, when widespread industrial growth had increased participation in the men’s game.

An international women’s match between England and Ireland in 1917 attracted a crowd of 20,000. However, the British football associations did not officially support the women’s game and in 1921, the Football Association banned women’s football matches from taking place on FA’s member clubs’ pitches, saying that “the game of football is quite unsuitable for females and ought not to be encouraged” (The Football Association, 2020, n.p.). These words show that the Victorian view of sport for ‘gentlemen’ only still prevailed into the 20th Century (Women’s Association Football, 2020).

The ban remained in place until 1969, when the Women’s Football Association became an official governing body, and in 1971, the European Football Union said the women’s game should be under the governance of national football associations. The inaugural FIFA (International Association) Women’s World Cup took place in China in 1991, since when the sport has gained worldwide popularity. The 2015 World Cup Final in Canada was the most watched soccer game in the history of the sport in North America, and the television audience for the 2019 Women’s World Cup, held in France, was more than 1.2 billion people worldwide (*Fédération Internationale de Football Association*, 2019).

## **Gridiron Football**

The first evidence of women playing organized gridiron appeared in 1926, when the men's club Frankford Yellow Jackets employed a women's team for entertainment at half-time. Very few high schools or colleges offer the sport solely for females. However, on occasions, female players have joined male teams, but in positions protected from physical contact, such as placekickers. Today, there are established women's leagues in Australia, Austria, Canada, Finland Germany, Great Britain, Mexico, and the United States (Women's American Football, 2020).

## **Rugby**

The beginnings of women's rugby are ambiguous. In 1881, two women's teams played in Northern England and Scotland but could not continue their games because of public disturbances (Brennan, 2008). Forty years later, in 1921, two women's teams played in Sydney, Australia, and 30,000 people attended. Establishment demands, however, made sure the games did not continue – though a women's league began in 1930, in New South Wales.

At last, in the 1960s, women's rugby started to develop, at first in Western European universities. Students moved on from universities, taking it with them, and developing, an adult women's game. In May 1968, the first fully documented and recorded match took place in Toulouse, France, which led to the formation of the first national association for women's rugby (union) in 1970. That year, the first women's games were played in Canada. Two years later, four universities in the United States also were playing the game. The first women's international rugby game took place in 1982, in Utrecht, the Netherlands.

In 1991, the first women's world rugby cup took place in England, with 11 countries competing. The United States beat England in the final, but England reversed the situation in the second world cup in 1994, when they beat the United States. Both these world cups took place despite the International Rugby Board (now World Rugby) refusing to make them 'official,' which did not happen until 1998.

Currently, World Rugby indicates that women's rugby is growing more quickly than the men's game, and it calculates that by 2026, of the total number of players in the world, 40% will be female. Today, the women's game is in more than 80 countries globally (Women's Rugby Union, 2020).

## **The IOC and Women's Sport**

Like so many of the International Sports Federations, when the IOC came into being in the 19th Century, only men were allowed to participate in the Olympic Games (<https://www.olympics.com>). This changed slowly over time, but it was not until some 30 years ago, when the IOC began to encourage its National Olympic Committees and International Federations to enhance the participation of women, at all levels in sport, that the change to full inclusiveness gathered pace.

One of the biggest drivers of this development was the IOC's expansion of the Olympic programme to include more women's events, and since 1991, any new sport seeking to become an 'Olympic Sport' must include women's events, and the International Federations are encouraged to provide more participation opportunities for women, for example, women's boxing, which is now on the Olympic programme.

An illustration of the success of the IOC Women in Sport policy, is the number of women competing in successive Olympic Games, which in percentage terms, has risen significantly in the past 30 years, from 26.1 percent at the Seoul Olympics (1988) to 45.2 percent at the Rio Olympics in 2016.

In Rio, gender equality was for the first time, part of the Olympic social legacies 'One Win Leads to Another' project, a community based sports programme coming from the IOC's partnership with the UN Women initiative (Promotion of women in sport through time, 2021). There has also been an increase in the number of national Olympic committees (NOC's) developing programmes and scholarships designed to narrow the gender gap in sport, some of which receive the direct support of the IOC through its Olympic Solidarity programme.

The Tokyo Olympic Games (2021) will see female participation rise to a projected 48.8 percent, with double the number of mixed events, compared to the Rio Games in 2016. The 2018 Youth Games in Buenos Aires was the first fully gender balanced Olympic event ever staged. The Beijing Winter Games in 2022 is expected to witness an increase in both women's and mixed events, with a record of 45.44 percent female representation – all a far cry from the 1896, all male sports in the first Olympic Games (cf., Box, n.d.).

## **Women's Representation**

The IOC fully recognizes that gender equality at the Olympic Games is not enough. That is why the IOC is investing in bringing more women into sports leadership and developing programmes and resources that train and educate women for leadership positions. However, the IOC regrets that the number of women elected to decision-making positions has not increased at the same pace as in their participation on the field of play.

In this area of sport governance, the Victorian 'gentlemen's club' remains largely intact, even in the 21<sup>st</sup> Century. An illustration of this is that in 2018, Marisol Casado was the only female president of a Summer International Federation with a sport on the Olympic programme. However, within the IOC itself, female representation on IOC commissions has reached 42.7 percent, a 98 percent increase since 2013, and in 2018, women held 30 more positions across the 26 IOC commissions than they did in 2017. By 2019, the percentage of women on the IOC Executive Board, the top decision-making body of the IOC, was 33 percent (International Olympic Committee, 2022).

Despite these advancements in participation and representation in Women's Sport, a large difference in men's and women's participation rates remains. These differences are evident worldwide to the detriment of equality in sports. Many sports governing bodies and institutions are still conservative, when it comes to gender equality in their sports, and even today, women face many 'obstacles,' such as less pay than men in professional games and less media coverage.

## **Dragon Boating**

When writing the rules for International Dragon Boating, I ensured that a gender balance underpinned all competitions within the sport. The best competitors, whether men or women, race in the Open Class, there are no 'specific' men's racing classes, although most Open Crews tend to be all male. In addition, there are women only races and mixed crew races. Over the years, the mixed crew races have become the most popular.

There are also specific racing classes for paddlers with, or who have recovered from, Breast Cancer, mostly all women's crews, known within the sport as the 'Pink Paddlers.' The 'pinkies' have their own commissions within the IDBF, and the work of this commission has seen the number Pink Paddler Crews increase dramatically over the past ten years or so.

In addition, there is an Adaptive Paddlers competition class for the physical and mentally disadvantaged, known as the Para Dragons, with its own IDBF Commission – the Para Athletes Commission. Within the sports organizational structure, the representation by women on committees, at all levels in the Sport, is also gender balanced. Almost 50% of the IDBF's Commissions' Chair-holders are women.

## **The End Game**

The common thread running through all the sports that developed in the 19th Century is that they started as leisure time activities and competitions for the upper tiers (classes) in Victorian society organized, in the main, by wealthy and powerful men from those tiers, who were the only ones who initially took part in their developing sports.

Following the trend of forming 'gentlemen's clubs,' the Victorian elite naturally formed sports clubs in the same style with restrictive membership rules, in which they took the governance lead. This 'club rule' also applied to the emerging national and then international organizations (associations and federations) including the International Olympic Committee in 1894.

At all levels in these developing sports, representation within the governance level by those that actually participated in their sports became less and less, over time, especially when the bottom tier of society (the working classes) started to take part in sport, in large numbers, in the emerging cities of the industrial revolution but the 'gentlemen' still controlled the clubs and their finances and with a few exceptions, like Association Football and Rugby League, these sports were for 'amateurs' only and participation in overseas competitions was mainly for those who could afford the costs of travel and accommodation.

Indeed, it was not until the second half of the 20th Century that many of the major sports removed the distinction between amateurs (the gentlemen) and professionals (the players). Even the Olympic Games were barred to professionals until late in the 20th Century, when, irrespective of gender or social standing, sport truly was for all to compete with and against each other both at national and then at international level, with the advent of low cost airfares and tourist hotels.

The Victorian system for organizing sport also resulted in a tiered system within the sports world itself, with the IOC and the Olympic Federations forming the top tier, upper class; the non-Olympic International Federations and National Federations, the middle classes, and the local Clubs, being the bottom tier of the working class, which in the main, is where the actual participants in sport are. This geographical tier system, for want of better words, still exists almost intact in sport today.

The wealth and power in sport remains with the top tier too where most of the leaders (Presidents) come from professional or business backgrounds and are Europeans. The IOC and FIFA (Federation of International Football Associations) are probably two of the wealthiest sports organizations, if not businesses, in the world with the National Olympic Committees and the Olympic Sports Federations, not short of money either.

The non-Olympic International Federations and National Federations, the middle tier, range in wealth from comfortable to not very much, and the clubs in the bottom tier rely in the main, on membership subscriptions to keep going. In short, looking at the system from a financial perspective, the rich tiers in sport get richer, and the poor tier stays pretty much where it is, as is the case generally in society. Representation and power for the majority of those that practice sport, that is those in the clubs, also follows the tier system.

It is only in recent years that we have seen the emergence of 'athlete's commissions' in national and international bodies of sport, including the IOC itself. Apart from those on an athlete's commission, very few people who govern and administer modern sports, are active competitors within their sports.

Neither do they have much contact with the so called 'grass roots' (working classes) of their sports, when it comes to sports governance issues, and making decisions about the conduct of their sport. The same as in the world of politics, but that is another area of human relationships developed by the Victorians.

All modern sports organizations, whatever their level, are 'private members clubs' with their own rules and regulations of membership and competition, run mainly by men. In short, the old tiered system of society remains intact in sport and almost unchanged since Victorian times, but is this situation likely to change in the near future.

Given that there has always been 'class systems' in human society, it would appear to be unlikely, even though the rigid class divisions of Victorian times have changed greatly, to the point today where almost everyone I talk to on the subject consider themselves to be 'working class.' I believe that in the 21st Century, people determine their class not by background but through similar standards of education, social responsibility, and common interests, such as sport, which brings together like minded people in a new form of the tribal class system.

Members of the under-25 age group are the movers and shakers in today's information technology age, and they will become the leaders of our 21st Century society. We should look toward them as theirs is a society based on communication with people from every kind of background, from anywhere in the world and not on Class.

## **E-Sports and Beyond**

Through this community communication system, I see a possible sea change in sport and the way it is structured, played, organized, and governed. Already in the vanguard of such change is the development of E-Sports, using video games, often in the form of multiplayer video competitions, between professional players, individuals, or teams (Sport, 2022).

E-Sports do not necessarily require traditional national or international organizations to govern them. It is more likely that entrepreneurs and social media giants, such as Google and the advertisers that support them, will fund E-Sports and drive their development forward.

In this digital world, I believe there are young people, around the world, with ideas for sports in which individuals and teams can compete against each other from a 'home' base, through social media and the world wide web, rather than through static clubs or traveling from place to place to compete.

The Information Technology revolution, together with advances in television technology, also, I believe, will bring a change in the way that the established sports and their governing bodies communicate and operate and, indeed, how we as spectators, watch sport.

The coronavirus epidemic has forced people and organizations to find new ways of communicating with each other, trying different working practices and pursuing their leisure activities. Holding meetings, conferences, and even annual general meetings through Zoom, Skype, WhatsApp, and other social media platforms, has become the new norm in society.

Coaches now use platforms to run 'on line' training sessions, coaching clinics, and benchmark performance tests. With spectators absent from sports stadia during pandemic lockdowns and international travel being banned too in many countries and only restricted flights available to others, television coverage of all levels of sport has come to the fore and sports fans have signed up to watch their team play live on TV, with Clubs live streaming their games too.

These restrictions have brought about a dramatic and fundamental change in the way we take part in and watch sport and communicate within the organizations that govern the world of sport. Most of these have saved time and money. To my mind, the COVID-19 pandemic has concentrated the mind on what can be done through information technology (IT) and given us much food for thought on how to develop the use of IT further within sport and society as a whole.

## **Communication**

Why should people travel across their own countries or abroad to attend a two- or three-hour meeting, when they can meet by video link from the comfort of their own homes? In my own sport, we have seen a substantial increase in the number of people taking part in zoom meetings and conferences, asking questions, and taking part in discussions on the issues of the day. People who would not normally have been invited, or could afford to attend a 'face to face' meeting, have been able to take part and contribute in these Zoom meetings. This has given the leadership of our sport valuable feedback on the views of the 'grassroots' on the conduct of sport (Swayne & Dodds, 2011).

I am sure that other sports governing bodies have had the same experience, which has enabled the 'voice of the people' to be heard and for communication within a sport to be potentially a very effective 'two way' process.

The e-mail system and websites too have become an important part of communication and enable all tiers in sport to contact each other in real time and not through the snail mail of the past centuries. IT now enables us to instantly translate our e-mails and text messages from one language to another.

In communication terms, the genie is out of the bottle, and it would be folly in my opinion, if the governing bodies of sport tried to put the genie back by resorting to meetings behind closed doors only for the leaders and administrators of their sport.

Open 'on line' type meetings, live streamed to all those who are interested and in which those from the grass roots can express their views easily and effectively, is surely the way forward in most instances, accepting that certain kinds of 'face to face' meetings will still be necessary, if for no other reason than to protect the social cohesion that such meetings bring.

## **Competition**

As with communication within sport, competition between individuals and to a lesser extent teams, can be enhanced through the use of modern communication systems. For example, ergometers, developed as training aids in Rowing, Canoeing, Dragon Boating, and other sports, have become competitions between individual participants and teams. These competitions could just as easily take place via video links and live-streamed to spectators. Virtual reality competitions too are now possible, with 'Competition Apps,' enhancing and expanding the general E-Sports market.

The sporting paradox is that these changes in the number of different types of sports available for the 21st Century generation and the use of IT to take part in them, has resulted in a slow decline of grass roots participants in many of the Victorian conceived team sports in particular, except maybe with the exception of sports in schools, around the world, such as the various kinds of 'football.'

Could it be that we are at the beginning of another revolution, a sporting rather than an industrial one? Maybe general participation in sport, of all kinds, will only take place locally in its physical form or at home through the present, as well as yet unknown IT, electronic, and social media systems.

In the cold war era, countries like the old East Germany would take DNA and muscle tissue samples from school children to determine what type of aerobic or anaerobically based sport they might be good at.

The higher scoring children then went to 'specific sport schools' where both their academic and sporting 'education' continued, with the end aim of producing well educated and top performing sportsmen and women. The success of this programme, which included performance enhancing drugs, became evident in the number of Olympic Medals East Germany accumulated during the cold war years.

Today, in Association Football, for example, we see the development of 'Academies' where young talented players of school age, spotted during local or school matches or nominated by their parents, join a football club's academy. Here, they spend almost equal time on general education and in developing their footballing skills. By the end of their time at the academy, they are offered a contract as a 'professional' player or leave the academy to pursue other means of employment. The North American college system is similar in many ways.

The parallels between these and the old East German system are obvious, but could these academies lead to a sporting world where most if not all the professional players, come through such systems to compete at National and International level. In the major sports, professional players earn big money being generated for them through sponsors and TV coverage at both the national and global levels. Could the academy system result in many sports only taking place mainly at local level with a diminishing number of players in a smaller number of Clubs?



## **Sport Tourism**

Where international competitions are concerned, most commercial sponsorship and television coverage goes to the Major and Olympic Sports, not the minor and non-Olympic sports. This imbalance in revenue sources is not likely to improve any time soon as all sponsorship money, post COVID-19, is likely to go to the big sports with the most television coverage (the rich get richer).

How then are the minor and non-Olympic sports, with mainly amateur participants, going to attract sponsorship to stage events and more importantly, both competitors and spectators to their events, in a post-COVID-19 world? A way to do this is, I believe, through tourism. Like the sports world, the tourism industry, badly affected by COVID-19, will continue to struggle for a few years to come.

Sport Tourism would help both to survive and keep top level international events, such as World and Continental Championships attractive to take part in and watch. Cities are looking for ways of encouraging people to their region and sports federation need to find ways of encouraging their competitors who pay their own way, to attend events, post COVID-19. Putting the two together as a package, benefits both. The city gets tourists, and the participants have more reasons to travel than just attending a competition, with places to visit and things to do before and after their competition.

This makes a big numbers sport, like Dragon Boating, where over 5,000 participants attend World Championships and put money into the local hotels, restaurants, and shops are an attractive event to have and both Regional and City Tourist agencies are willing to help fund such events, especially if they know that the competitors are likely to bring families with them to enjoy the 'tourist' side of the trip as well as the actual competition.

## **Spectators**

The advancement in TV technology, live streaming, and IT systems over the last 20 years or so has meant that there are now alternative ways of watching sport live, other than as a spectator at the games venue, where, even at the best of times, you only see that part of the game that is within your range of vision, and if you miss a bit of the action, there are no immediate replays to watch.

The COVID-19 pandemic has seen sporting venue closed to spectators and games conducted behind closed doors. TV and live streaming of events has enabled sports fans to still see their teams in action, from the comfort of their homes, or in small gatherings, but of course the 'atmosphere' of being at a live game with fellow supporters has been lost. In contrast, the time and money saved in traveling to and from the game has saved the time and effort of dressing up in layers of clothes, on a cold winters day. I wonder, therefore, if this enforced change in the way we watch sport will continue to some degree post the COVID-19 pandemic, especially when it comes to large scale international tournaments like World Cups and Multi-Sports Games. Having been to four Olympic Games, one as a paying spectator and three as an official in the Great Britain Team, I can honestly say that the best way to see and enjoy an Olympic Games is by watching it on TV, at home, with a group of like-minded fans, creating the atmosphere you miss from not being in a stadium, and you get to enjoy food and drink too, without the discomfort of sitting on a hard stadium seat.

When watching the Olympics live, especially in Field and Track, what you see is just tiny dots of athletes in a snapshot of their competition, most of whom you don't know and, unless you buy an expensive programme, cannot identify. Sometimes, spectators pushing pass you to take their seats or cheering for the wrong athlete, or even the physical structure of the stadium obstructing your view, can seriously affect your enjoyment of the game.

On TV, you get a close up of every athlete and a detailed explanation of who they are, where they come from, and their achievements, and the TV commentators create the atmosphere of excitement for you.

My question regarding the future of spectators watching sport is why, unless you are a dedicated fan and the event was taking place on your doorstep, would you want to travel half way across the globe, with all the costs of travel, accommodation, and tickets, and all the time involved, just to watch a very small part of the whole event?

It will be interesting to see how many paying spectators went to Japan to watch the Olympic Games in 2021. Did we see a return to the spectator norm of pre-COVID-19, with large crowds of overseas fans watching, or were there part filled stadia of local people with a correspondingly larger domestic and international audience watching the Games live, through social media, live streaming, and television. I did not go to Japan, and you normally see on TV the athletes in action, not the spectators, but from the TV coverage that I saw, in 2021, the spectators seemed to be fewer than those in the four Olympic Games that I went to.

What is Sport? The 21st Century may define it in many different and new ways. Time, as always, will tell.

#### Acknowledgement

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#### Discussion Questions

1. Women in Sport – The inclusion of women's competitions has become almost obligatory in most sports today, but has the inclusion of women's boxing, for example, in this quest for gender equality in sport and in the Olympic Games in particular, gone too far? Discuss.
2. E-Sports – Are E-Sports really 'sports' in the accepted sense of the word, that sport is competition between opponents physically competing against each other in the real world and not a virtual world; or, are E-sports just recreational activities, which do nothing for the physical wellbeing of those who practice them? Discuss the Pros and Cons of E-Sport v. E-Recreation.
3. Entertainment or War? – For spectators at a sporting event, watching the game is meant to be entertainment, but in some team sports, football (soccer) being the prime example, opposing supporters often resort to fighting each other, not because their team is winning or losing but because they feel that they have to protect the identity of their own team against all others. Is this an 'us and them' and just a lot of mainly young men, getting excited and letting off steam, or is it humanity's tribal war mentality manifesting itself through sport? Discuss.

4. Have the Olympic Games (OG) passed their sell by date? – The OG were originally for a few sports practiced by a few hundred non-professional athletes who could afford to pay the costs of participation. Today, the OG is a multi-million-dollar commercial business involving a selected number of sports practiced by professional athletes. The cost of staging the Games is so expensive that few cities now apply to host them because they cannot afford them. However, the International Olympic Committee itself makes millions of dollars from sponsorship, TV rights, and gate money. With most sports now holding their own World Championships, World Cups, and other large-scale international tournaments, are the Olympic Games irrelevant in modern sport and too expensive to host, at the taxpayer's expense? Discuss.

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# **Athletes' Emotion and Self-Confidence under Sport Injury Rehabilitation with Sports Counseling**

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## **Abstract**

The purpose of this study is to examine the effect of sports counseling on athletes' emotion and self-confidence under sport injury rehabilitation. We selected twenty-four South Korean baseball players diagnosed with at least four-week sport injuries and randomly assigned them into a treatment-as-usual (TAU) control, sport psychology skills training (PST) experimental group, or PST plus sports counseling (SC) experimental group. We found that cognitive and somatic anxiety scores were significantly lower for the SC group than for the other two groups at post-test, whereas self-confidence was greater for the SC group compared to the other groups, as the Profile of Mood States, Competitive State Anxiety Inventory-2, and modified Sources of Sport-Confidence Questionnaire measure. Results suggest that when we provide athletes under sport injury rehabilitation with sports counseling as well as sport psychology skills training, they feel more emotionally supported and have enhanced self-confidence. In addition, we found the scores of the Profile of Mood States and modified Sources of Sport-Confidence Questionnaire to be significantly higher at post- and follow-up tests than the pre-test for all three groups, without statistically significant differences among the groups.

## Keywords

sports counseling, sport injury, rehabilitation, self-confidence

## Introduction

Sport injuries are a common and known risk of competitive athletics. As competition becomes fiercer and fiercer, young athletes often suffer physical pains due to inadequate warm-ups, excessive training, and encountering unfair plays; they also suffer emotional pains as the competitive nature of sports creates stressful situations in high-stakes games. Although athletes expect the pains of physical sport injury and rehabilitation, most underestimated, if even anticipated, the negative emotional and self-confidence effects of injury. They may experience unstable mental states: especially young athletes who are determined to excel in their sport, possibly with hopes and dreams of making it to professional teams. Injured athletes may become frustrated with their setbacks and experience of mental distress, which may become a mental obstacle even after rehabilitation that causes underperformance. Rotella and Heyman (1986) assert that injury may cause re-injury, a temporary or permanent decrease in sports performance, and a negative emotional impact, including anxiety, depression, and decreased self-esteem.

Investigations into collegiate athletes' psychological response to sports injury and rehabilitation find that injury often leads to negative psychological reactions. Many athletes struggle with underperformance after injury and have difficulties in improving performance to their pre-injury levels (Petitpas & Danish, 1995). Injured athletes show lower self-esteem and experience emotional distress at both the onset of injury and during the rehabilitation period (Clement & Shannon, 2011; Leddy, Lambert, & Ogles, 1994; Tracey, 2003). Due to the nature of athleticism, such as self-discipline, hard training, and goal-driven behavior, an injured athlete tends to view the injury as a mental challenge, requiring the handling of numerous conflicting cognitions, affect, and emotional reactions related to the losses the injury caused.

Injured athletes who can successfully manage the emotional and cognitive states associated with sports injury tend to recover quicker than other athletes. In a retrospective investigation, Bianco, Malo, and Orlick (1999) interviewed Canadian elite skiers, examining the cognitive, emotional, and behavioral processes during injury, recovery, and returning periods. Interview results indicated that skiers with positive attitudes and well-managed physical demands of rehabilitation tended to recover quickly and were highly likely to return to full activity. Clement, Granquist, and Arvinen-Barrow (2013) also found that athletes successfully coped with their injuries when they adhered to treatment and maintained a positive attitude.

Individual differences in self-efficacy may be an important predictor of rehabilitation success and post-rehabilitation outcomes. Weinberg, Gould, and Jackson (1979) applied Bandura's Self-Efficacy Theory to examine the role of experimentally induced differences in self-efficacy during a competitive motor performance task involving leg endurance. Participants with higher self-efficacy extend their legs significantly longer than participants with lower self-efficacy. The authors rigged the experiment such that participants failed to outperform a confederate competitor during two rounds. After losing the first round, individuals with higher self-efficacy increased their persistence for the next round, whereas individuals with lower self-efficacy exhibited decreased persistence from round one. Further, individuals with higher self-efficacy reported higher levels of self-confidence and displayed more positive self-talk. This research highlights the importance of self-efficacy theory's predictions about the role of



expectations in predicting performance, especially when individuals experience obstacles such as loss or injury. Tracey (2003) supports the importance of cognitive states, providing evidence that athletes' mental states under rehabilitation significantly influence their cognition, behavior, and rehabilitation outcomes.

Although research has shown that pre-existing differences in self-efficacy are associated with variability in recovery, it is less clear whether proactively managing emotional states and increasing self-efficacy of injured athletes could serve a protective mechanism or facilitate successful rehabilitation. Researchers have found that severely injured college athletes viewed strong social support received from athletic trainers as a major determinant of their beliefs about rehabilitation success (Bone & Fry, 2006). Therefore, in the present study, we sought to determine whether supportive rehabilitation practices, such as sport psychology skills training and sports counseling, could increase positive affective and cognitive states during sport injury rehabilitation. Furthermore, we aimed to assess lasting improvement after a post-recovery period.

## **Review of Literature**

### **Sport Psychology Skills Training**

Psychological skills training (PST) refers to the “techniques and strategies designed to teach or enhance mental skills that facilitate performance and a positive approach to sport competition” (Vealey, 1988). Vealey (1988) identifies four components of PST: imagery, physical relaxation, thought control, and goal setting. Imagery is a process in which athletes mentally simulate a successful sporting event activity or task, such as throwing a curve ball, but is focused on making the perceptual experience life-like, using all senses. When used during a game, imagery can keep an athlete's focus on the elements of successfully completing the task during a game; thus, enhancing sport performance (Gould & Weinberg, 1995; Hall, Munroe-Chandler, Cumming, Law, Ramsey, & Murphy, 2009; Hardy, Jones, & Goud, 1996). Porter and Foster (1986) documented that PST is positively associated with performance of athletes who have a potential for success, elite athletes who are injured, and athletes who want to elicit their maximum potential.

Surveys of elite Icelandic athletes discovered that 90% of athletes were interested in PST and more than 42% had already used PST, including all four of its components (Einarsson, Kristjansdottir, & Saavedra, 2019). In addition, Ungerleider, Golding, Porter, and Foster (1989) reported that 70% of the athletes who qualified for the National Masters Outdoor Championships in 1987 used imagery mental practice strategies. Enhancing mental skills and mental toughness in professional athletes facilitates effective injury rehabilitation (Botterill, 1990), aiding the coping process that accompanies emotional changes during injury, performance loss, and rehabilitation (i.e., denial, anger, depression, hopelessness, injury recognition, and healing). Levleva and Orlick (1991) presented evidence that athletes who rapidly recovered from either knee or ankle injuries earned higher scores on the use of healing imagery, goal setting, and positive self-talk than did slower healing athletes.

Greenspan and Feltz (1989) reviewed 19 studies reporting PST interventions for collegiate and adult athletes. They reported that relaxation training and cognitive restructuring were generally effective at improving athletes' performance in competitive sports. Moreover, physical relaxation training has been shown to reduce blood pressure and heart rate and enhance individual health and well-being (Salt & Kerr, 1997; Nathoo, 2016). Thought control plays an

important role in helping athletes to change from negative thoughts to positive through the process of cognitive restructuring, thought stopping, and self-talk. Harris (1990) examined whether self-talk performs a cognitive self-guidance function in one's behavior control. Self-talk overall positively associated with the development of self-regulation skills, serving as a sort of self-psychological intervention. In this way, PST overlaps with established evidence-based therapeutic techniques, especially cognitive behavioral therapy (CBT). A review 106 meta-analytic studies of CBT found that CBT was most successful in the treatments of anxiety disorders, somatoform disorders, bulimia, and anger control problems (Hofmann, Asnaani, Vonk, Sawyer, & Fang, 2012).

Finally, PST emphasizes the importance of goal setting on performance. Locke and Latham (2006) reviewed the goal setting literature and synthesized the current understanding of the goal-setting process. In addition to providing an objective standard for measuring one's performance over time, goal setting is the foundation for affective responses in sports performance, leading to positive impact on self-satisfaction when one achieves goals, and to disappointment and negative affect at goal failure. Further, four factors, including ability, motivation, knowledge, and skills, mediate the motivational and affective effects of goals on performance. Research on goal setting in the sports domain demonstrated that athletes who adjusted goals based on unstable factors, such as current performance, effort, or obstacles, engaged in greater goal changing during the season than athletes who had realistic goals based upon stable factors, such as one's overall ability (Donovan & Williams, 2003). Locke and Latham (2006) also identified four moderators of the goal-setting process, including feedback, commitment, task complexity, and situational constraints. In athletic training, setting short-term realistic goals is one of the top three psychological strategies athletic trainers used with their athletes (Clement et al., 2013).

## **Sports Counseling**

Nejedlo, Arredondo, and Benjamin (1985) define sports counseling as "a process which attempts to assist individuals in maximizing their personal, academic, and athletic potential. This is accomplished through a proactive, growth-oriented approach incorporating the principles of counseling, career development, movement science, psychology, and human development." Compared to athletic performance optimization and mental skills training that are focused in sport psychology (Butt, 1987; Burke, 1989), the athlete's psycho-emotional difficulties and development as an individual are emphasized in sports counseling (Hinkle, 1989). A sizable number of athletes experience mental health concerns of one form or another, including alcohol abuse, lower levels of wellness, risky behaviors, depression, social anxiety, and aggression (Hebard & Lamberson, 2017). Roh and Perna (2000) found psychological distress associated with athletic injury and distress may last even after injury recovery is completed, but athletic trainers may not have enough competency in counseling and psychological aspects of injury. Using semi-structured interviews with 10 injured and previously injured athletes, Bejar, Raabe, Zakrajsek, Fisher, and Clement (2019) further provided evidence that the degree to which athletes perceived that athletic trainers provided them with basic psychological needs of competence, autonomy, and relatedness significantly influenced the athletes' motivations and positive experiences during sport injury rehabilitation.

Sports counselors employ a wellness-oriented philosophy, in which mental health needs are a prerequisite for performance enhancement, whereas sport psychologists may fail to address athletes' mental health concerns. Thus, Hinkle (1994), and Hebard and Lamberson (2017) assert the importance of an integration between sport psychologists and sports counselors for athletes to achieve their performance needs and maintain positive mental health. Student athletes underutilize counseling services because they are concerned about coaches, teammates, and friends viewing the use of the services as stigma. However, help-seeking attitudes are crucial for athletes to reduce psycho-social problems and emotional difficulties (McCarthy & Holliday, 2004), despite the athletes' perceived risk that participating in counseling could damage their reputation and the trust they had developed with teammates and coaches, and even chances of success in their performance goals by weakening their self-efficacy (Etzel, Pinkney, & Hinkle, 1994). Kushner and Sher (1991) and Watson (2005) found that an individual's counseling expectations had a significantly positive effect on help-seeking attitudes, and that student athletes' attitudes towards the expectations were lower than non-athletes.' In addition, Yang, Peek-Asa, Lowe, Heiden, and Foster (2010) identified social support as a major determinant of facilitating effective injury rehabilitation, suggesting that athletic trainers can play a significant role in fulfilling the athletes' psychosocial needs. Furthermore, Clement, Arvinen-Barrow, Massey, and Fetty (2015) provided evidence that injured athletes sought out social support as their cognitive, emotional, and behavioral responses varied throughout the different phases of rehabilitation.

### **Purpose of the Study**

The purpose of the present study is to examine the effects of PST and sports counseling on athletes' affective states, cognitions, and self-confidence under sport injury rehabilitation. We further aim to determine whether sports counseling serves a beneficial outcome above and beyond the functions of PST, including more favorable outcomes on affective, cognitive, and self-confidence measures, as well as more positive demonstration of ability, perceptions of social support, coach leadership experience, and physical and mental preparation. Therefore, our research questions asks whether (1) athletes receiving sports counseling and PST have better affective adjustment to performance losses, faster recovery, and better performance after rehabilitation than athletes under treatment as usual; (2) whether these effects are greater for athletes receiving both PST and sports counseling as opposed to just PST; and (3) whether such effects persist after a follow-up period after recovery from injury.

### **Methodology**

#### **Design**

The present study employed a between-subjects, single factor pre-test and post-test and follow-up experimental design to examine the research question. The independent variable, treatment type, consisted of the following levels: treatment-as-usual (TAU) control, sport psychology skills training (PST) experimental group, and PST plus sports counseling (SC) experimental group. We conducted this study over the five-month period, consisting of a 5-week rehabilitation period between the pre-test and post-test, then a follow-up test conducted three months after the post-test.

## Participants and Procedures

Specialists in rehabilitation medicine diagnosed athletes with sport injuries of at least four-weeks in duration. We recruited the athletes and explained the study purpose and objectives to them in rehabilitation treatment. Our sample consisted of baseball players ( $N = 24$ ) ranging in age from 15 to 22 years, who were able to participate in a five-week rehabilitation treatment program at H-Sports Rehabilitation Center in Seoul, South Korea. All athletes voluntarily participated in the study. We chose to base inclusion on baseball players because baseball is one of popular sports in the country. In addition, injured baseball players are most likely to have rehabilitation treatments at the center, so we were able to recruit participants in the age of high school and college for this study.

We randomly assigned participants into one of the three levels of the independent variable. Table 1 reports the participants' characteristics, history of injury, and rehabilitation treatment. The average age of the participants was 18.13 ( $SD = 1.87$ ) years, and their athletic career length was 7.96 ( $SD = 2.72$ ) years on average (n.b., TAU group career length was 1.5-2 years greater than that of the SC and PST groups, respectively; see Table 1).

**Table 1**  
**A. Descriptive Statistics on Participants**

Variable	Classification	Frequency (N)	Percentage (%)
Educational institution	High school	15	62.5
	College	9	37.5
Position	Pitcher	17	70.8
	Catcher	1	4.2
	Infielder	5	20.8
	Outfielder	1	4.2
Performance before injury	Excellent	3	12.5
	Good	8	33.3
	Fair	13	54.2
Injured area	Shoulder	11	45.8
	Elbow	9	37.5
	Waist	1	4.2
	Knee	2	8.3
	Hip joint	1	4.2
Prior undergone surgery	Yes	9	37.5
	No	15	62.5
Rehabilitation status	Less than 4 weeks	13	54.2
	4 – 8 weeks	5	20.8
	8 – 16 weeks	4	16.7
	More than 16 weeks	2	8.3

*B. Group Assignment-Bias Tests*

Variable	SC (N = 8)	PST (N = 8)	TAU (N = 8)		
Age <sup>a</sup>	18.00 (1.60)	18.00 (1.30)	18.38 (2.66)		
Career length <sup>a</sup>	7.63 (2.56)**	7.13 (2.94)**	9.13 (2.58)		
				$\chi^2$	<i>P</i>
Organization <sup>b</sup>	11.00	12.50	14.00	1.02	.60
Position <sup>b</sup>	12.00	13.50	12.00	.37	.82
Performance before injury <sup>b</sup>	10.06	16.00	11.44	3.84	.14
Injured area <sup>b</sup>	14.06	11.00	12.44	.88	.64
Surgery underwent before <sup>b</sup>	11.00	12.50	14.00	1.02	.60
Rehabilitation status <sup>b</sup>	15.63	12.06	9.91	3.31	.19

*Note.* <sup>a</sup> Values represent group means (SD), one-way ANOVA. <sup>b</sup> Values represent mean rank, Kruskal-Wallis Test.

\*p < .10, \*\*p < .05, \*\*\*p < .01

Fifteen of the 24 participants were high school athletes and 9 were college athletes; 17 of the 24 were pitchers. Eleven of the participants had performed better than average before injury. Most of the participants had injured their shoulders and elbows; 15 athletes had not undergone any prior surgeries. About 50% of the athletes had been under rehabilitation for less than four weeks prior to the start of the experiment. Sixteen athletes received their injuries during practices, 14 of 24 athletes had experienced at least one injury in the past before the current injury, and about 80% of the athletes had previously participated in rehabilitation treatment. In addition, all the athletes had not previously experienced sport psychology skills training and counseling treatment except one for the former and two for the latter.

## Treatment Programs

After participants completed the pre-test questionnaires of the POMS, CSAI-2, and SSCQ, we began the treatment programs. We ran a total of ten program sessions within each treatment group, occurring twice weekly over the five-week period between pre-test and post-test. We completed all measures during the follow-up testing session three months after the post-test period. The PST and SC groups ran 30 and 40 minutes for each session, respectively.

As a certified sport psychology counselor, one of the authors led the sessions, followed a manual, and received supervision. We conducted the PST and SC groups independently of one another on different days of the week. We did not merge the participants across the PST and SC groups for the PST component. The shared components across groups were equivalent. The control group only received rehabilitation treatments at the center. In addition, the participants did not have any treatment elements in other places (such as a personal therapist), and attended all the sessions of the treatment programs.

## **Measures**

McNair, Lorr, and Droppleman (1971) developed the Profile of Mood States (POMS) that is a 65-item questionnaire to assess fluctuations in affective states, specifically six mood dimensions: tension-anxiety, depression-rejection, anger-hostility, vigor-activity, fatigue-inertia, and confusion-bewilderment. Our participants completed 58 items pertaining to the six subscales (i.e., the five negative subscales of tension (9 items), depression (15 items), anger (12 items), fatigue (7 items), and confusion (7 items); and the one positive subscale of vigor (8 items)) each week over the five-week study period. Seven of the 65 items are not classified in the six subscales, so we did not include them in the questionnaire of this study. Scores for each item range from 0 ('Strongly disagree') to 4 ('Strongly agree') based on a five-point Likert-type scale. We calculated the total for each of the six subscales. In addition, we used another subscale, Total Mood Disturbance (TMD), which is the sum of 100 plus the five negative affect subscale scores minus the positive subscale score. Cronbach's alpha, a measure of internal consistency for the subscales, was  $\alpha = 0.93$ .

The Competitive State Anxiety Inventory-2 (CSAI-2), which Martens, Vealey, and Burton (1990) developed, consists of 27-items, which create three subscales: cognitive anxiety, somatic anxiety, and self-confidence. Scores for each item range from 1 ('Strongly disagree') to 4 ('Strongly agree') based on a four-point Likert-type scale. Each subscale contains 9 items, thus scores for the subscales vary from 9 to 36. In the present study, Cronbach's alpha for the three subscales was 0.62.

Vealey, Hayashi, Garner-Holman, and Giacobbi (1998) developed the Sources of Sport-Confidence Questionnaire (SSCQ). We used a Korean version of the SSCQ that Kim (1999) modified, which included four subscales: demonstration of ability, social support, coach leadership, and physical and mental preparation. The modified Korean version of the SSCQ is a 15-item questionnaire in which each subscale consists of 3-4 items measured on a five-point Likert-type scale. Cronbach's alpha for the four subscales was 0.90.

## **Analyses**

We examined descriptive statistics and performed tests of our a priori hypotheses using SPSS ver. 19.0. Due to the small sample size, we employed non-parametric tests both to compare treatment groups within each testing period and to compare changes in groups across the pre-, post-, and follow-up tests. We used the Kruskal-Wallis and Mann-Whitney tests to compare SC, PST, and TAU scores of emotion and self-confidence within each testing period and the Friedman and Wilcoxon sign rank tests to assess change across the pre-, post-, and follow-up testing periods for each treatment group.

## **Results**

### **Group Assignment-Bias Test**

Using the Kruskal-Wallis test, we examined group differences for the three treatment groups (i.e., SC, PST, and TAU) on affiliation, fielding positions, performances before injury, injured areas, operative experiences, and rehabilitation treatment stages as a test of random assignment bias. We found no statistically significant differences among the groups at the 5%

alpha level. See Table 2 for the means and standard deviations for each group.

### Changes in Affective States

The Kruskal-Wallis test showed that the SC, PST, and TAU were not significantly different at the 5% level of significance in the feelings for the six subscales and the total score at the pre-, post-, and follow-up testing periods. See Table 2. Using the Friedman test, we next examined whether scores for the six subscales of the POMS and the TMD score overall changed over the pre-, post-, and follow-up test periods. Table 3 reported that SC showed overall significant differences in the pre-, post-, and follow-up test scores for the subscales and TMD ( $\chi^2 = 95.86$ ,  $p = .001$ ). We found similar findings for PST ( $\chi^2 = 82.14$ ,  $p = .001$ ) and TAU ( $\chi^2 = 104.66$ ,  $p = .001$ ). See Table 3.<sup>2</sup>

**Table 2**

*Changes in Affective States between the Groups within the Pre-, Post-, and Follow-up Periods*

Variable	Group	Pre-Test	$\chi^2_{pre}$	Post-Test	$\chi^2_{post}$	Follow-Up	$\chi^2_{follow-up}$
Tension	EG1	10.94	1.01	12.06	.13	12.13	2.36
	EG2	14.44		13.25		15.38	
	CG	11.13		12.19		10.00	
Depression	EG1	9.75	1.83	9.06	3.07	10.63	.94
	EG2	13.69		12.75		14.00	
	CG	14.06		14.13		12.88	
Anger	EG1	10.75	1.02	10.63	1.00	11.94	1.24
	EG2	14.31		12.75		14.69	
	CG	12.44		14.13		10.88	
Vigor	EG1	16.94	5.18*	16.38	4.91*	15.25	1.99
	EG2	9.19		12.56		11.81	
	CG	11.38		8.56		10.44	
Fatigue	EG1	10.75	4.43*	8.75	4.95*	10.38	1.34
	EG2	10.00		12.19		14.44	
	CG	16.75		16.56		12.69	
Confusion	EG1	9.88	1.79	9.94	1.76	9.94	2.39
	EG2	13.19		13.06		15.31	
	CG	14.44		14.50		12.25	
TMD	EG1	9.50	2.16	9.06	3.10	10.63	1.50
	EG2	14.00		13.31		14.88	
	CG	14.00		15.13		12.00	

*Note.* Pre-Test, Post-Test, and Follow-Up values represent mean rank, Kruskal-Wallis Test.

\* $p < .10$ , \*\* $p < .05$ , \*\*\* $p < .01$

<sup>2</sup> We also investigated whether the post- and follow-up test scores for each of the seven variables were significantly improved for the groups based on the Wilcoxon sign rank test. We found that for PST the vigor and fatigue scores were significantly improved at the post-test testing ( $z = -1.897$ ,  $p = .05$ ;  $z = -1.997$ ,  $p = .04$ ), and the fatigue and total scores were also significantly improved at the follow-up testing ( $z = -1.913$ ,  $p = .05$ ;  $z = -2.033$ ,  $p = .04$ ). We will provide details upon request.

**Table 3**  
**Changes in Affective States within the Group over the Pre-, Post-, and Follow-up Periods**

Variable	Period	SC		$\chi^2$	PST		$\chi^2$	TAU		$\chi^2$
		Mean	Mean Rank		Mean	Mean Rank		Mean	Mean Rank	
Tension	Pre	10.50			14.13			12.00		
	Post	12.25	3.69		13.13	3.81		12.00	2.48	
	Follow-up	11.25			14.63			9.88		
Depression	Pre	13.63			20.00			18.38		
	Post	11.13	3.85		15.88	4.63		18.38	5.50	
	Follow-up	13.38			18.25			16.13		
Anger	Pre	12.50			18.00			15.63		
	Post	12.38	4.06		15.00	4.06		17.00	4.08	
	Follow-up	12.75			16.00			12.00		
Vigor	Pre	18.88			13.25			15.25		
	Post	21.13	5.23	95.86***	17.88	4.04	82.17***	15.25	4.48	104.66***
	Follow-up	20.00			17.13			16.00		
Fatigue	Pre	8.50			8.13			11.38		
	Post	7.75	2.35		9.38	2.15		11.88	2.29	
	Follow-up	8.13			10.75			9.50		
Confusion	Pre	7.38			9.25			10.63		
	Post	7.00	1.81		9.25	2.31		10.63	2.17	
	Follow-up	7.13			10.00			9.50		
TMD	Pre	133.63			156.25			152.75		
	Post	129.38	7.00		144.75	7.00		154.63	7.00	
	Follow-up	132.63			152.50			141.00		

Friedman Test, \*p < .10, \*\*p < .05, \*\*\*p < .01

### Changes in Competitive State Anxiety

We investigated whether the pre-, post-, and follow-up test scores for cognitive anxiety, somatic anxiety, and self-confidence (CSAI-2 subscales) were significantly different between SC, PST, and TAU. The post-test results based on the Kruskal-Wallis test provided evidence that somatic anxiety ( $\chi^2 = 6.49$ ,  $p = .03$ ) was significantly lower for SC than for PST and TAU, while the opposite held for self-confidence ( $\chi^2 = 5.98$ ,  $p = .05$ ). See Table 4. Results of the pre- and follow-up tests indicated that there were no significant differences in the three subscale scores ( $p > .05$ ). See Table 4.<sup>3</sup>

<sup>3</sup> In addition, using the Mann-Whitney tests, we analyzed a pairwise difference in each of the three subscale scores between SC and PST, and between SC and TAU at pre-, post-, and follow-up tests. The post-test scores for cognitive anxiety ( $U = 13.50$ ,  $p = .04$ ), and the post- and follow-up test scores for somatic anxiety ( $U = 9.50$ ,  $p = .01$ ;  $U = 14.00$ ,  $p = .05$ ) were significantly lower for SC than for PST. The pre- and post-test scores for self-confidence were significantly higher for SC than for TAU ( $U = 14.00$ ,  $p = .05$ ;  $U = 7.50$ ,  $p = .01$ ). We will provide details upon request.



**Table 4**

***Changes in Competitive State Anxiety between the Groups within the Pre-, Post-, and Follow-up Periods***

Variable	Group	Pre		Post		Follow-up	
		Mean Rank	$\chi^2$	Mean Rank	$\chi^2$	Mean Rank	$\chi^2$
cognitive anxiety	SC	10.06		8.13		9.63	
	PST	14.44	1.61	15.38	4.79*	15.38	2.66
	TAU	13.00		14.00		12.50	
somatic anxiety	SC	11.44		8.88		10.31	
	PST	15.56	2.34	17.50	6.49**	16.69	4.26
	TAU	10.50		11.13		10.50	
self-confidence	SC	15.06		16.81		15.94	
	PST	13.75	3.65	12.50	5.98**	12.31	3.65
	TAU	8.69		8.19		9.25	

Kruskal-Wallis Test, \*p < .10, \*\*p < .05, \*\*\*p < .01

Furthermore, we employed the Friedman test to investigate overall changes in the pre-, post-, and follow-up anxiety scores for each of the three groups. Table 5 presented that all the scores of the subscales, i.e., cognitive anxiety, somatic anxiety, and self-confidence, were significantly improved in the post-testing period for SC, whereas they were significantly different but were not improved over the periods for both PST ( $\chi^2 = 29.87$ , p = .001) and TAU ( $\chi^2 = 18.25$ , p = .001).<sup>4</sup>

### Changes in Sport-Confidence

Employing the Kruskal-Wallis test, we first examined improvements in sport-confidence between-groups. Results of the pre-test showed that scores for each of the four subscales, i.e., demonstration of ability, social support, coach leadership, and physical and mental preparation were not statistically significantly different between SC, PST, and TAU. We found similar results for the post- and follow-up tests. See Table 6.

<sup>4</sup> Using the Wilcoxon sign rank test, we also analyzed whether the anxiety subscale scores were improved within each of the three groups over the pre/post test period, pre/follow-up test period, and the post/follow-up test period. We reported evidence that the cognitive anxiety scores were significantly lower for SC at the post-test (z = -2.214, p = .02) than at the follow-up test, and for TAU at the pre-test (z = -2.449, p = .01) than at the post-test. However, the somatic anxiety and self-confidence scores were not significantly different between the pairwise tests within SC, PST, and TAU, respectively. We will provide details upon request.

**Table 5**

***Changes in Competitive State Anxiety within the Group over the Pre-, Post-, and Follow-up Periods***

Variable	Period	SC		$\chi^2$	PST		$\chi^2$	TAU		$\chi^2$
		Mean	Mean Rank		Mean	Mean Rank		Mean	Mean Rank	
cognitive anxiety	Pre	14.50			19.13			17.25		
	Post	13.13	1.52		18.88	1.96		18.00	2.15	
	Follow-up	15.38			19.75			17.88		
somatic anxiety	Pre	16.00			19.13			14.88		
	Post	13.75	1.58	29.87***	19.25	1.83	1.78	14.88	1.33	18.25***
	Follow-up	15.00			18.88			15.13		
self-confidence	Pre	25.63			26.13			21.00		
	Post	27.00	2.90		24.75	2.21		21.00	2.52	
	Follow-up	26.00			24.13			21.63		

Friedman Test, \*p < .10, \*\*p < .05, \*\*\*p < .01

**Table 6**

***Changes in Sport-Confidence between the Groups within the Pre-, Post-, and Follow-up Periods***

Variable	Group	Pre		$\chi^2$	Post		Follow-up	
		Mean Rank			Mean Rank		Mean Rank	$\chi^2$
demonstration of ability	SC	13.81			15.75		13.38	
	PST	14.81	3.35		12.25	3.20	12.69	.31
	TAU	8.88			9.50		11.44	
social support	SC	15.00			14.69		14.38	
	PST	13.94	3.93		13.56	2.72	13.19	1.75
	TAU	8.56			9.25		9.94	
coach leadership	SC	15.06			16.50		13.94	
	PST	9.81	2.26		10.56	3.92	11.13	.65
	TAU	12.63			10.44		12.44	
physical and mental preparation	SC	14.81			16.75		13.88	
	PST	12.69	1.93		11.75	5.06*	12.00	.47
	TAU	10.00			9.00		11.63	

Kruskal-Wallis Test, \*p < .10, \*\*p < .05, \*\*\*p < .01

In addition, we investigated within-group differences in the pre-, post-, and follow-up test scores for each of the four subscale scores. The Friedman test in Table 7 reported that the scores were overall significantly improved at the post- and follow-up tests for SC ( $\chi^2 = 40.03$ ,  $p = .001$ ), PST ( $\chi^2 = 40.33$ ,  $p = .001$ ), and TAU ( $\chi^2 = 50.42$ ,  $p = .001$ ).<sup>5</sup>

<sup>5</sup> Using the Wilcoxon sign rank test, we also examined whether the within-group scores for the four subscales were improved over the pre/post test period, pre/follow-up test period, and the post/follow-up test period. We found that for PST the follow-up test scores for coach leadership were significantly higher than the pre-test scores ( $z = 1.983$ ,  $p = .04$ ). However, there were no significant

**Table 7**  
**Changes in Sport-Confidence within the Group over the Pre-, Post-, and Follow-up Periods**

Variable	Period	SC		$\chi^2$	PST		$\chi^2$	TAU		$\chi^2$
		Mean	Mean Rank		Mean	Mean Rank		Mean	Mean Rank	
demonstration of ability	Pre	17.13			15.25			15.25		
	Post	17.63	3.04		16.38	3.29		15.25	3.00	
	Follow-up	16.88			16.63			16.13		
social support	Pre	12.75			10.75			10.75		
	Post	18.13	1.33	40.03***	12.25	1.29	40.33***	10.75	1.00	50.42***
	Follow-up	18.50			12.63			11.63		
Coach leadership	Pre	15.63			15.00			15.00		
	Post	17.00	2.29		15.00	2.25		15.25	2.69	
	Follow-up	16.13			15.25			15.63		
physical and mental preparation	Pre	17.25			15.75			15.75		
	Post	18.38	3.33		16.38	3.17		16.63	3.31	
	Follow-up	16.88			16.63			16.63		

Friedman Test, \*p < .10, \*\*p < .05, \*\*\*p < .01

## Discussion

### Changes in Emotion

We first compared the pre-, post-, and follow-up test scores between-groups for the subscales of feelings classified in the POMS and found that there was no significant difference between the SC, PST, and TAU in the feelings for the six subscales and the total score during the pre-, post-, and follow-up tests. However, we presented evidence that the six subscale scores of the POMS except tension and the TMD score were overall significantly improved for SC at the post-test, as opposed to the pre- and follow-up tests. Similar results were found for PST except fatigue. These findings indicate importance of psychology skills training and counseling treatment during injury rehabilitation, which is inconsistent with no significant difference in the subscale and total scores between the testing periods as in Kim (2011).

Research on competitive state anxiety is one of the leading areas in sport psychology (Woodman & Hardy, 2001). The CSAI-2 subscale post-test between the three groups showed that somatic anxiety and self-confidence scores were significantly improved for SC compared to PST and TAU. Furthermore, the pairwise subscale test reported that both cognitive and somatic anxiety scores at the post-testing and the somatic anxiety score at the follow-up testing were significantly lower for SC than PST. Thus, SC showed a significant improvement in cognitive anxiety and somatic anxiety with the use of counseling treatment in addition to sports

improvements in the within-group scores for the other three sport-confidence scales over the pairwise test periods. We will provide details upon request.

psychology skills training. As a result, we overall supported Sul (2000) and Kim (1998) who found a significant difference in cognitive anxiety and somatic anxiety, respectively. The pairwise comparison between SC and TAU showed a significant improvement in the self-confidence scores for the experimental group, as opposed to the control group at the pre- and post- tests.

### **Changes in Sport-Confidence**

The between-group tests reported that there were insignificant differences between SC, PST, and TAU in scores for all the subscales, i.e., demonstration of ability, social support, coach leadership, and physical and mental preparation at the pre-, post-, and follow-up testing periods. In contrast, the within-group tests presented that the post- and follow-up test scores for all of the subscales were overall significantly higher than the pre-test scores for SC, PST, and TAU. Moreover, we investigated changes in the within-group scores for the subscales over the pre-post, pre-follow-up, and the post-follow-up test periods, and documented that the coach leadership score for PST was significantly higher at the follow-up test than at the pre-test. We view this result as providing some support for the role of psychological skills training in enhancing sport-confidence (Orlick, 1995; Smith, 1987).

### **Conclusion**

We examined the effect of sports counseling on athletes' emotion and self-confidence under sport injury rehabilitation. To do so, we recruited twenty-four baseball players who were diagnosed with at least four-week sport injury, and randomly divided them into experimental group 1 (SC) to which we gave both sport psychology skills training (PST) and counseling treatment, experimental group 2 (PST) to which we gave only PST, and control group (TAU) to which we gave neither of them. Employing the measures of the Profile of Mood States (POMS), Competitive State Anxiety Inventory-2 (CSAI-2), and modified Sources of Sport-Confidence Questionnaire (SSCQ), we found the following. First, the within-group tests for the POMS indicate that each of the subgroups showed overall significant differences in the pre-, post-, and follow-up test scores, although there were no significant differences between the three groups. Second, the between-group tests for CSAI-2 provide evidence that the cognitive anxiety and somatic anxiety (self-confidence) scores were significantly lower (higher) for SC than for PST and TAU at the post-test. Third, the modified SSCQ scores at the post- and follow-up tests were overall significantly higher than those at the pre-test for all the three groups. These findings show importance of sports counseling in a sense that when we provide athletes under sport injury rehabilitation with sports counseling as well as sport psychology, they would feel more emotionally supported and enhance self-confidence.

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### Discussion Questions

1. What further studies would be valuable to enhance this study?
2. Were the findings from this study a surprise? Why or why not?
3. Based on the results of this study, what recommendations would you have for athletes under rehabilitation after injury?

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# **What a Difference a Week Makes: Comparing the Economic Impact of Successive Collegiate Football Games in a Single City**

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## **Abstract**

This article compares the differential economic impacts on the City of Lafayette, Louisiana, of two collegiate football games involving the University of Louisiana-Lafayette (ULL) and two other universities on consecutive Saturdays in September 2009. The first opponent of ULL was an in-state university, and the second was an out-of-state university larger in size than the first opponent and more renowned in collegiate football circles. The article provides pre-game estimates of the economic impact of each contest on the Lafayette economy, as well as the likely post-game effects of the respective games on the economy. The author calculated the economic impacts using RIMS II Multipliers computed by the Bureau of Economic Analysis of the U. S. Department of Commerce. Perhaps, unexpectedly, the game against the smaller, lesser-known opponent yielded a much larger economic impact on the Lafayette economy.

## **Keywords**

economic impact, football, collegiate football, sports commerce

## **Introduction**

This article compares the differential economic impacts on a city (Lafayette, Louisiana) of two collegiate football games involving the University of Louisiana-Lafayette (based in Lafayette) and two other universities on consecutive Saturdays in September 2009.

On Saturday, September 5, 2009, the Southern University football team visited Lafayette to compete against the University of Louisiana-Lafayette squad in an historic first meeting of these respective teams. The game was to be a sellout because of its unique nature as well as because of the lure of Cajun culture and that of the famous Southern University marching band, and the loyal following of the Southern University team. The author expected the city of Lafayette to experience a significant economic impact as a result of the game. This article

estimates that economic impact, then observes the actual outcome. To accomplish this, the author used RIMSII Multipliers (Type II) of the Bureau of Economic Analysis of the U.S. Department of Commerce. These multipliers are appropriate for the analysis because they account for the direct and indirect economic impacts that occur in the region due to increased spending therein, as well as for the induced impacts based on changes in the spending of earnings by wage earners within the region.

Then, on the next Saturday, September 12, 2009, the Kansas State University football team journeyed from Manhattan, Kansas, to compete against UL Lafayette. The author discusses the expected and actual economic impacts of this game on the Lafayette economy within this article. The author found that, although Kansas State University is a larger university than Southern University and generally has established more of a national reputation in football than has Southern University, the greater expected and actual revenue impact on the City of Lafayette came from the ULL-Southern game.

Regarding both football games, this article discusses the pure economic impact as well as the fiscal impact and total economic impact on the Lafayette area. The article is based primarily on information the University of Louisiana-Lafayette provided to the author and on the calculations the author made based on the provided information. The author also had to make reasonable assumptions relative to certain aspects of the data he employed.

### **Literature Review**

An expansive and ever-growing body of research exists relative to the economic impact of sporting and tourism events. Saayman and Saayman (2014) conducted an overview of this research over the period from 1990 to 2013. They found these studies started relatively slowly in the 1990s and mostly took place between 2004 and 2008. While researchers initially focused on small and medium-size events, they generally pursued major events in the first decade of the 2000s. Saayman and Saayman, however, noted that researchers appeared to be refocusing on smaller events at the time of their publication (2014). Overall, they concluded there was a lack of unanimity concerning what to include in spending, relative to such events, and how to measure it. Further, they observed a lack of consensus in the research literature regarding the appropriate methodology to utilize in quantifying the overall economic impact of sporting events. The authors noted that the initial methodology emphasized the estimation of direct spending through the application of spending multipliers. However, the authors asserted that I-O (Input-Output) models eventually aided the development of modeling methodology, and further, that CGE (Computable General Equilibrium) models came into development in response to some shortcomings of I-O models. Their article provides a lengthy list of additional references (Saayman & Saayman, 2014).

Dwyer, Forsyth, and Spurr (2006) discussed the various techniques in use to assess the economic impact of sporting events. They then specifically estimated the economic impact of the Qantas Australian (Motor Racing) Grand Prix by applying a CGE model of the state economies of Australia and New South Wales. They compared their results with those suggested by an I-O approach and found their estimated gross product impact to be half of that of the I-O analysis (Dwyer, Forsyth, & Spurr, 2006).

In a 2008 article, Lee discusses a variety of modeling techniques employing multipliers. He provides a table illustrating National Association of Sport Commission (NASC) economic impact formulas. Further, the author examines problems inherent in economic impact studies,

such as different and conflicting concepts relative to “the multiplier.” He makes some recommendations ending with an admonition to avoid exaggerating the results of any economic impact study (Lee, 2008).

Lee, Harris, and Lyberger (2010) chose the Input-Output model to calculate the economic impact of college football games on the relevant community’s sales, value added, and employment. The authors also focused on miscalculations often found in economic impact analyses as well as the costs of sporting events (Lee, Harris, & Lyberger, 2010).

An earlier study (Baade, Baumann, & Matheson, 2007) focused on the economic impact of men’s football and basketball games on the home cities of the University of Florida (Gainesville) and Florida State University (Tallahassee) between 1980 and early-2007. These two sports are the largest generators of revenue in college athletics. In their study, the authors used taxable sales data in Florida (since the state provided these data monthly) to ultimately refute the claims of booster-funded studies that such athletic programs incentivized host cities to construct publicly funded stadiums. In fact, the authors found no statistically significant impact of men’s basketball games on taxable sales. Further, the authors noted that football provided only a \$2 to \$3 million gain for each home game (Baade, Baumann, & Matheson, 2007).

In a subsequent study, this same team of authors (Baade, Baumann, & Matheson, 2007) analyzed the economic impact from 1970 to 2004 on 63 metropolitan areas that were hosts to large college football programs. The authors found no appreciable impact on either employment or personal income resulting from the number of home games played, or from the home team’s winning percentage, or from the home team attaining a national championship. In addition, they found that winning seasons lowered per capita personal income for a subset of 42 smaller college towns (Baade, Baumann, & Matheson, 2008).

Turning to professional sports, Lertwachara and Cochran (2007) attempted to evaluate the wisdom of a local government using costly incentives, such as elaborate sports facilities, to lure or maintain a professional sport franchise in their jurisdiction. Contrary to the expectations of many a local government, the analysis of the authors suggested that professional teams from all four major U.S. sports adversely affected both short-run and long-run local per capita income in local U.S. markets (Lertwachara & Cochran, 2007).

Matheson and Baade (2004) examined the economic impact of the NFL’s Super Bowl. They used a detailed regression analysis to estimate the impact of Super Bowls from 1970 through 2001. They found that the average income gain for the host cities of the 1970-2001 games was \$92 million. This, however, was approximately only one-quarter of recent claims made by the NFL (Matheson & Baade, 2004).

- These same authors had previously analyzed the economic impact of Major League Baseball’s All-Star Game from 1973 through 1997. In their first of two models, they focused on changes in employment in the host cities. In their second model, they examined the game’s effect on taxable sales for each year’s event. They noted MLB’s estimated economic impacts of \$62 million and \$70 million, respectively, for the 1999 game in Boston and the 2002 game in Milwaukee. However, from their analyses, they concluded that the economic impact on the host city is, on average, much less, or is even negative (Baade & Matheson, 2001).

- In their 2017 study, Popp, Jensen, and Jackson focused on isolating factors tending to predict event attendees. They sought to aid tourism professionals in maximizing out-of-town visitors to events in their areas to ultimately maximize the economic impact of such events (Popp, Jensen, & Jackson, 2017).
- Suffice it to say that the above are but a representative sample of the voluminous economic studies that have been undertaken relative to sports and other potential tourism events. Each of these studies provides a list of additional citations for interested readers.

### **Total Estimated Economic Impact of the ULL-Southern Game**

The total estimated economic impact of the games can be broken down into the following:

- (1) The impact on the host University of Louisiana-Lafayette and its effect on the Lafayette economy.
- (2) The impact on local accommodations in Lafayette and its effect on the Lafayette economy.
- (3) The impact of spending other than for accommodations in the Lafayette economy.
- (4) The impact of concession sales at the game on the Lafayette economy.
- (5) The impact of wages generated by the game on the Lafayette economy.
- (6) The effect of the fiscal impact the game generated.

#### **(1) The Estimated Impact on the Lafayette Economy from Increased Revenues to the University of Louisiana-Lafayette**

The author estimated that the University of Louisiana-Lafayette, the host University for the game, would realize \$563,970 of increased revenue from the game. This was to come from game ticket sales, RV rental spaces, and a portion of the concession sales. Total seating capacity at Cajun Field, site of the game is 36,795. Of these, 15,550 are reserved seats, priced at \$24 each, and 21,245 are general admission seats priced at \$16 each. Of the reserved seats, 5,000 were allocated to Southern University, which was to retain the revenue derived from the sale of these seats. This left 10,550 reserved seats, which were to generate \$252,000 of revenue for UL Lafayette. Further, the author estimated that the university would distribute and allocate 6,200 general admission seats free of charge to ULL students and others. Therefore, UL Lafayette was to earn \$240,720 from the sale of the remaining 15,045 general admission seats. As a result, ULL, as visible below, expected to earn \$492,720 from ticket sales:

Reserved seat revenue	\$252,000.00
General Admission Seat Revenue	<u>\$240,720.00</u>
	<b>\$492,720.00</b>

In addition, the University expected to derive RV rental revenue from the Southern University of \$10,000. This figure would result from the rental of 100 spots available at \$100 each. Further, the University receives 35 percent of the concession sales at their games. Sodexho, who handles this, estimated concession sales for the game at between \$150,000 and \$200,000. Taking 35 percent, the midpoint this range (\$175,000) would yield the University concession

revenue \$61,250. Hence, the author estimated total revenue accruing to the University from the game as follows:

Ticket Sales Revenue	\$492,720.00
RV Rental Space	\$10,000.00
Concession Sales Revenue	<u>\$61,250.00</u>
<b>Total Revenue Accruing to the University</b>	<b>\$563,970.00</b>

Applying the RIMS II earnings multiplier for the category of “Colleges, Universities, and Junior Colleges” of 1.6213 yields a total expected impact on the Lafayette economy of approximately \$914,365.00.

## **(2) The Estimated Impact on the Lafayette Economy from Increases Revenue to Local Accommodations**

The author expected as many as 6,000 Southern University to attend the game. Since it was an evening game and because of the lure of the Cajun culture, the author assumed that these fans would be planning a two-night weekend visit to Lafayette. The author further assumed that, for the most part, the fans will come as couples, thus requiring 2,000 accommodations for two nights. As above, 100 RV spots were available for renting. These, therefore, would accommodate 200 fans for each of the two nights. This would mean that 5,800 fans or 2,900 couples would require hotel-motel accommodations for two nights.

Based on the accommodation policies of participating Lafayette hotels and motels, the average nightly room rate for the event would have been \$129. Therefore, the author calculated that the use of 2,900 rooms at \$129 a night for a two-night stay would produce revenue of \$748,200.

Applying the RIMS II earnings multiplier for the category of “Hotels and Motels” of 1.6658 yields a total impact on Lafayette’s economy of approximately \$1,246,352.

## **(3) The Estimated Impact on the Lafayette Economy from Increased Revenues Generated by Non-Accommodation Spending by Visitors**

The 6,000 visitors probably would spend an average \$62.50 per person per day for items other than lodging. That would include food and other retail purchases as well as admission prices paid at movies, museums, and other local attractions. The author assumed that each person would purchase \$70 each for the first day of their visit and \$55 each for the second day. The \$62.50 figure above is the average of the two figures. The amount each person spent is lower for the second day because the assumption was that part of each person’s food purchase occurred on the second day at the game. The author already has accounted for this amount for stadium food above in the concession sales. The author calculated the total estimated amount of non-lodging spending for the two days as follows:

\$62.50 per day x 6,000 fans x 2 days = \$750,000. The relevant RIMS II earnings multiplier to apply here is an average of the earnings multipliers for “Retail Trade” of 1.8029 and for “Food Services and Drinking Places” of 1.7265, as well as for “Museums, Historical Sites, Zoos, and Parks” of 1.8600. The average of these multipliers is thus

1.7965. Applying this average multiplier to the total of \$750,000 non-lodging spending yielded a total estimated economic impact of \$1,347,375.00.

#### **(4) The Impact of Non-University Concession Revenue on the Lafayette Economy**

As above, the author assumed that concession revenue emanating from the game would be \$175,000. Sixty-five percent of this (\$113,750.00) would accrue to the Sodexo Company. Applying the RIMS II earnings multiplier for “Food Services and Drinking Places” of 1.7265 results in a total estimated impact on the Lafayette economy of \$196,389.00.

#### **(5) The Estimated Impact on the Lafayette Economy from the Wages Generated by the Game**

The University Athletic Department had estimated that the game would result in the employment of 300 workers for 7 hours at average wage of \$15 per hour. That is, the game would generate \$31,500 of earnings for the respective workers. Applying the RIMS II earnings multiplier for “Spectator Sports” of 1.6821 results in a total estimated impact on the Lafayette economy of \$52,986.00.

#### **(6) The Estimated Effect of the Fiscal Impact on the Lafayette Economy**

In addition to the Economic Impact of the game, there would be a significant Fiscal Impact, that is, an impact on governmental revenue to the City of Lafayette.

First, the author noted above that accommodations revenue would equal \$748,200. Applying the 4 percent lodging tax would yield \$29,920 of revenue to the City of Lafayette. The author had estimated above that \$750,000 of non-lodging spending would be made by visitors for the game. Applying the city retail sales tax of 4 percent, the author calculated \$30,000 in expected revenue to the City of Lafayette. Further, if one assumes that 25 percent of the \$31,500 wages the game generated is spent on retail purchases, this would yield an additional \$315.00 of sales tax revenue to the City of Lafayette. Therefore, the minimum estimated fiscal impact on the City of Lafayette tax revenue was \$60,235.00. Finally, by applying the RIMS II earnings multiplier for “Government Enterprises” of 2.2620, the author found a total estimated economic impact on the Lafayette area of \$136,252.00.

#### **Total Estimated Economic Impact of the Game on the Lafayette Economy**

The author then estimated the economic impact of this historic event on the Lafayette economy by adding the impacts. That is, the total estimated economic impact was the following:

The Impact from Increased Revenue to UL Lafayette	\$914,365.00
The Impact of Increased Accommodation Revenue	\$1,246,352.00
The Impact of Increased Non-Accommodation Revenue	\$1,347,375.00
The Impact of Non-University Concession Revenue	\$196,389.00
The Impact of Wages Generated by the Game	\$52,986.00
The Impact of Increased Government Tax Revenue	<u>\$136,252.00</u>
<b>Total Estimated Economic Impact</b>	<b>\$3,893,719.00</b>

Therefore, the author calculated the estimated total economic impact of the inaugural ULL-Southern game to be in excess of \$3.89 million. In addition, other weekend events associated with the game were planned. These events would lead to further spending in the community, which would lead to an even greater economic impact on the Lafayette economy than the author indicated above. However, the lack of specific information relative to these events rendered it impossible to make a reliable estimate of their expected impact on Lafayette economy. Therefore, the author expected the true estimated impact of the game and the associated weekend events to exceed the \$43.89+ million figure.

### **Total Actual Economic Impact of the ULL-Southern Game**

The total economic impact that occurred was somewhat less than the author had anticipated, though still more than \$3 million, and represented the largest total economic impact the City of Lafayette ever experienced from a single collegiate football game. The actual game attendance of more than 41,000 exceeded the full capacity expectation of 36,795 fans.

(1) Regarding the impact of the game from increased revenues to UL Lafayette, the university received larger ticket revenue than anticipated. As noted above, the author expected that the university would receive \$492,720 from ticket sales. However, the university earned approximately \$70,400 more than he had anticipated from ticket sales, bringing their actual ticket revenue to approximately \$563,120. In contrast, the total concession sales at game were \$106,000, far short of the author's estimate \$175,000. This shortfall occurred because approval was in place to sell beer at the game, as they had anticipated. Therefore, the university received \$37,100 in concession revenue from the game (35 percent of \$106,000). Hence, the actual revenue accruing to the university from the game was the following:

Ticket Sales Revenue	\$563,120.00
RV Rental Space	\$10,000.00
Concession Sales Revenue	<u>\$37,100.00</u>
<b>Total Revenue Accruing to the University</b>	<b>\$610,220.00</b>

By applying the RIMS II multiplier, the author found a total impact on Lafayette earnings of \$989,350.00.

(2) Recall that the author had assumed that the 6,000 visiting fans would accommodate themselves two-to-a room in 2,900 hotel rooms (5800 fans) and in the 100 available RV spots (200 fans). As it turned out, however, the actual average fans sharing each accommodation unit was four. Therefore, 1,400 hotel rooms (5600 fans) and the 100 RV spots (400 fans) were closer to the actual number of accommodation units rented. Therefore, the total receipts generated to local hotels and motels was \$361,200 (1400 rooms x 2 nights @ \$129 per night). Applying the RIMS II earnings multiplier for "Hotels and Motels," the author calculated a total economic impact of \$601,687 on the Lafayette economy.

(3) The actual impact on the Lafayette economy from increased revenue non-accommodation visitor spending generated remained unchanged from the estimate of \$1,347,375.00.

(4) Non-university revenue from the game amounted to 65 percent of the concession sales of \$106,000. This came to \$68,900 that accrued to the vendor, the Sodexho Company. The application of the RIMS III multiplier resulted in a total impact on the Lafayette economy of

\$118,956.00.

(5) Because the number of employees working the game and their time of service are the same as in the formulation of the estimated economic impact, the amount of \$52,986.00 in the estimation still applies.

(6) The actual impact of the fiscal impact of the game, of course, differed from the estimated impact of such. The actual accommodations revenue resulting from the game was, as the author noted above, \$361,200. Applying the 4 percent lodging tax, the author found a yield of \$14,448.00 of revenue to the City of Lafayette. The author also noted above that the actual non-lodging spending of visiting fans met the estimated value of \$750,000.00. Applying the city retail sales tax of 4 percent yielded \$30,000.00 in actual revenue to the City of Lafayette. Further, if one assumes that local workers spent 25% of the \$31,500 wages they earned at the game on retail purchases, this would yield an additional \$315.00 of sales tax revenue to the City of Lafayette. Consequently, the total fiscal impact on the City of Lafayette was \$44,763. After applying the appropriate RIMS II multiplier, the author calculated a total economic impact on the Lafayette area of \$101,254.00.

### **Total Actual Economic Impact of the ULL-Southern Game on the Lafayette Economy**

The author derived the total economic impact of this historic game on the Lafayette economy by adding the impacts as follows:

The Impact from Increased Revenue to ULL	\$989,350.00
The Impact of Increased Accommodation Revenue	\$601,687.00
The Impact of Increased Non-Accommodation Revenue	\$1,347,375.00
The Impact of Non-University Concession Revenue	\$118,956.00
The Impact of Wages Generated by the Game	\$52,986.00
The Impact of Increased Government Tax Revenue	<u>\$101,254.00</u>
<b>Total Actual Economic Impact</b>	<b>\$3,211,608.00</b>

Therefore, the actual economic impact of the inaugural ULL-Southern football game was in excess of \$3.2 million. As the author stated previously, the additional spending associated with the other weekend events associated with the game would have led to an even greater impact on the Lafayette economy. To summarize, then, the author found that the minimum estimated total economic impact on the Lafayette economy resulting from the ULL-Southern football game was \$3,893,719 and the actual minimum economic impact on the same was \$3,211,608.00. Despite the shortfall of the actual figure, recall that this still represents the largest football payday experienced by the city.

### **Total Estimated Economic Impact of ULL-Kansas State Game**

The ULL-Kansas State game on Saturday, September 12, 2009, was one week after the ULL-Southern contest. Based on the success of the latter, both in terms of attendance and in terms of the victorious outcome for the ULL team, the ULL Athletic Department expected a robust crowd of 32,000-35,000 for the ULL-KSU game. The author estimated the economic impact of this game relative to the same factors noted above for the estimated impact of the ULL-Southern game.



(1) First, total estimated revenue was again to accrue to ULL from game ticket sales, RV rental spaces and a portion of the concession sales. The author estimated that 1,500-2,000 fans would travel from KSU for the game. ULL sent KSU 300 complimentary reserved-seat tickets, and the author expected the university to give about 1500 complimentary general admission tickets to local fans. Further, the university athletic department expected that 6,200 students would use free general admission tickets. Hence, after taking the midpoint of the 32,000-35,000 expected attendance, the author expected that 33,350 fans would attend the game, 25,500 of whom would be paying customers. Based upon the total seating capacity of Cajun Field and the number of available reserved seats and general admission seats, the author expected that slightly over 42 percent of the paying fans (10,776) would purchase reserved seats and nearly 58 percent (14,724) would buy general admission seats. This would, therefore, result in total estimated ticket sales revenue to ULL of \$494,208. This number is slightly above the author's expected ticket sales revenue to ULL from the Southern game because none of the ticket sales revenue would accrue to KSU. Recall that Southern University was able to retain the revenue derived from the 5,000 reserved seats allocated to it by ULL.

In addition, the university expected to drive rental revenue of \$10,000 from KSU fans. Again, this was to be from the expected rental of 100 spots available at \$100. Further, the university was to receive 35 percent of the concession sales at the game. Total concessions for the estimated crowd of 33,350 were expected by the author to total approximately \$269,000. He derived this figure by assuming that roughly two-thirds of the attendance (22,500) would average concession purchases of \$4.75 a person, thus yielding nearly \$107,000 of concession sales. The author assumed the remaining third of the expected crowd (11,000) to average spending \$14.75 a person (due to the sale of beer at this game). This would result in over \$162,000 of concession sales. Since the university receives 35 percent of concession sales revenue, it expected to receive approximately \$94,000 in such revenue from the game. Hence, the author estimated that the total revenue expected to accrue to the university from the game was the following:

Ticket Sales Revenue	\$494,208
RV Rental Space	\$10,000
Concession Sales Revenue	<u>\$94,000</u>
<b>Total Revenue Accruing to the University</b>	<b>\$598,208</b>

Applying the appropriate RIMS II earnings multiplier, the author calculated a total expected impact on the Lafayette economy of approximately \$969,875.00.

(2) Taking the middle of the university's expected range of 1500-2000 KSU fans meant that 1,750 fans would need lodging in Lafayette. Based on the author's contact with a member of the KSU traveling staff, accommodations would be needed for one night only. Also, the author learned that 85 rooms alone would be needed for the KSU team. Assuming, again, that fans would come mainly as couples, there would be a need for 875 accommodations for fans for the night of the game. If the 100 RV slots were rented, these were, then accommodate 200 fans, and would leave the remaining 1,550 fans to share 775 hotel/motel rooms. As noted above, the average nightly room rate in Lafayette was \$129. Therefore, the use of 775 rooms at \$129 a night would produce revenue of \$99,975. Assuming that the 85 team-related room would rent for \$99 a night would result in another \$8,415 of revenue. Hence, the author expected the total accommodation revenue from the game to be \$108,390. Applying the appropriate RIMS II earnings multiplier, he estimated a total impact on Lafayette's economy of \$180,556.

(3) The 1,750 expected visitors would probably spend an average of \$60 per person per their stay for items other than lodging. This would include food and other retail purchases while excluding food and beverage purchases made at the game, for which the author has previously accounted. Therefore, the author's total estimated amount of non-lodging spending by visiting fans would be \$105,000. The author's application of the relevant RIMS II earnings multiplier then yielded an expected impact of \$188,632.00.

(4) As indicated above, the author estimated that concession revenue resulting from the game was to be about \$269,000. Sixty-five percent of this would accrue to the private vendor. This would total about \$174,850. After applying the appropriate RIMS II earnings multiplier, the author estimated that the total economic impact on the Lafayette economy would be \$301,879.

(5) The author assumed that number of employees and their total hours of work were mn to be the same as for the Southern game. Hence, the game would generate \$31,500 of earnings for said workers and would, via the RIMS II multiplier, lead to an expected impact of \$52,986.00.

(6) Again, this game as the Southern game, would lead to a significant fiscal impact on governmental revenue to the City of Lafayette.

First, as noted above, the author expected the KSU game to provide accommodations revenue of \$108,390. After applying the 4 percent lodging tax, the author found a yield \$4,336.00 of revenue to the City of Lafayette. Recall that the author had estimated above that \$105,000 of non-lodging spending would be made by KSU visitors to the game. Applying the city retail sales tax of 4 percent, he found a yield \$4,200 in expected revenue to the City of Lafayette. Further, if employees spend 25 percent of the \$31,500 in wages, this would yield an additional \$315.00 of sales tax revenue to the City of Lafayette.

The total actual economic impact of the ULL-KU game was much less than that which the author estimated. Ticket sales to KSU fans were only about half of what the author expected. This was, in part, due to the long-distance travel required of the fans in coming to Lafayette, Louisiana. Further, the lack of familiarity with ULL's football program and the Cajun culture of the region certainly contributed to the mediocre ticket sales to KSU fans. Unlike the ULL-Southern contest, the ULL-KSU had no natural-rivalry aspect to it. Further, the weather on game day was ominous, and eventually, did produce rainfall. Therefore, the estimated fiscal impact on the City of Lafayette tax revenue would be \$8,851.00. Applying the appropriate RIMS II multiplier then would result in a total economic impact on the Lafayette area of \$20,021.00.

### **Total Estimated Economic Impact of the KSU Game on the Lafayette Economy**

The author then derived the total estimated economic impact of the ULL-KSU game on the Lafayette economy by adding the impacts. That is, the author's total estimated impact was the following:

The Impact from Increased Revenue to ULL	\$969,875.00
The Impact of Increased Accommodation Revenue	\$180,556.00
The Impact of Increased Non-Accommodation Revenue	\$188,632.00
The Impact of Non-University Concession Revenue	\$301,879.00
The Impact of Wages Generated by the Game	\$52,986.00
The Impact of Increased Government Tax Revenue	<u>\$20,021.00</u>
<b>Total Estimated Economic Impact</b>	<b>\$1,713,949.00</b>

### **Total Actual Economic Impact of the ULL-KSU Game**

However, the total actual economic impact of the ULL-KSU game was much less than that which the author had estimated. Ticket sales to KSU fans were only about half of what he had expected. This, in part, was due to the long-distance travel required of fans in coming to Lafayette, Louisiana. Further, the lack of familiarity with ULL's football program and the Cajun culture of the region likely contributed to the mediocre ticket sales to KSU fans. Unlike the ULL-Southern contest, the ULL-KSU game had no natural-rivalry aspect to it. Further, the weather on game day was ominous and eventually did produce rainfall.

Therefore, the local crowd was smaller than the university had expected, despite the encouraging winning performance of the ULL team in the Southern game the previous week.

(1) The University of Louisiana-Lafayette realized \$273,878, less than half of the nearly \$600,000 expected revenue. This final figure was, again, derived from game ticket sales, RV rental spaces and a portion of the concession sales. A total of 6,327 reserved seats at \$24 each, yielded \$151,848 to ULL allowing for complimentary tickets given to KSU and the local Lafayette fans, as well as for the free admissions to ULL students (only 3,500 of whom attended), 6,373 general admission tickets were sold at \$16 each yielding \$101,968 to ULL. Hence, as shown below, ULL earned \$253,816 from ticket sales:

Reserved Seat Revenue	\$151,848
General Admission Seat Revenue	<u>\$101,968</u>
	<b>\$253,816</b>

Somewhat disappointingly, the University derived only \$200.00 of RV rental revenue. Only 2 of the available 100 spots were rented at \$100.00 each. Further, the university, again, received 35 percent of the concession sales at the game. Concession sales for the game were \$56,750.00. After taking 35 percent of this amount, the author found \$19,862.00 of concession revenue for ULL. Hence, the author discovered that the total revenue that accrued to the University from the game was the following:

Ticket Sales Revenue	\$253,816.00
RV Rental Space Revenue	\$200.00
Concession Sales Revenue	\$19,862.00
<b>Total Revenue Accruing to the University</b>	<b>\$273,878.00</b>

Applying the appropriate RIMS II earnings multiplier yielded a total impact on the Lafayette economy of approximately \$444,038.00.

(2) As many as 900 KSU fans attended the game. These fans stayed one night in Lafayette. Based on information the local Visitors Bureau provided, the author estimated that these fans rented approximately 300 hotel rooms for the one night. In addition, the KSU football team rented 85 rooms for one night.

Most, if not all, of the rented rooms were at the Lafayette Hilton, where the nightly rate was \$119 per room. The author's application of this rate to the 300 rooms for the fans yielded \$35,700 of lodging revenue. Further, his application of the \$99 room rate assumed above to the 85 team rooms resulted in \$8,415 of additional lodging revenue. Collectively, then, KSU generated \$44,115 of lodging revenue. Applying, then, the appropriate RIMS II earnings multiplier resulted in a total impact on Lafayette's economy of \$73,487.00.

(3) The 900 actual visitors probably did spend the assumed average of \$60.00 per person for items other than lodging. Therefore, this resulted in actual non-lodging spending of \$54,000.00 by the visiting KSU fans. Applications of the relevant RIMS II earnings multiplier then produced a total impact of \$97,011.00.

(4) Regarding the impact of non-university concession revenue on the Lafayette economy, the author assumed that concession revenue emanating from the game will be \$56,750. Sixty-five percent of this \$36,888 accrued to the Sodexo Company. Applying the RIMS II earnings multiplier for "Food Services and Drinking Places," the author calculated the total impact on the Lafayette economy of \$63,686.

(5) The University Athletic Department had estimated that the game would result in the employment of 300 workers for 7 hours average wage of \$15 per hour. That is, the game would generate \$31,500 of earnings for the respective workers. Applying the RIMS II earning multiplier for "Spectator Sports" resulted in a total impact on the Lafayette economy of \$52,986.00.

(6) In addition to the Economic Impact of the game, there was a Fiscal Impact, that is, an impact on governmental revenue to the City of Lafayette.

First, the author noted above that accommodations revenue was \$44,115. Upon applying the 4 percent lodging tax, the author calculated a revenue of \$1,765.00 to the City of Lafayette. It was also estimated above that visitors for the game would make \$54,000 of non-lodging spending. Applying the city retail sales tax of 4 percent will yield \$2,160.00 in expected revenue to the City of Lafayette. Further, if one assumes that 25 percent of the \$31,500 wages generated by the game is spent on retail purchases, this will yield an additional \$315.00 of sales tax revenue to the City of Lafayette. Therefore, the minimum estimated fiscal impact on the City of Lafayette tax revenue was \$4,240.00. Finally, by applying the RIMS II earnings multiplier for "Government Enterprises," the author computed a total economic impact on the Lafayette area of \$9,591.00.

### **Total Economic Impact of the Game on the Lafayette Economy**

The author derived an estimated total economic impact of this historic event on the Lafayette economy by adding the impacts as follows:

The Impact from Increased Revenue to ULL	\$444,038.00
The Impact of Increased Accommodation Revenue	\$73,487.00
The Impact of Increased Non-Accommodation Revenue	\$97,011.00
The Impact of Non-University Concession Revenue	\$63,686.00
The Impact of Wages Generated by the Game	\$52,986.00
The Impact of Increased Government Tax Revenue	<u>\$136,252.00</u>
<b>Total Economic Impact</b>	<b>\$740,799.00</b>

Therefore, the author found the estimated total economic impact of the inaugural ULL-KSU game to be nearly \$741,000, much lower than the estimated impact of over \$1.7 million.

### **Summary and Conclusions**

This article has calculated, using RIMS II Multipliers, both the estimated and actual economic impacts of two ULL Lafayette football games played on consecutive Saturdays in Lafayette, Louisiana. The ULL-Southern University game netted the area its biggest football payday ever, despite the fact that the total economic impact of the game of over \$3.2 million fall short of the author's estimated impact of nearly \$3.9 million. The ULL-Kansas State University game, on the other hand, resulted in an actual economic impact of nearly \$741,000, far short of his estimated impact of over \$1.7 million. The large drop off from the impact of the ULL-Southern game, as well as that of the shortfall over the actual KSU game impact from its estimated impact, is partially attributable to the inclement weather that characterized the KSU game. Even given more accommodating weather, the ULL-KSU game probably would not have yielded as big an economic impact on the Lafayette economy as did the ULL-Southern game. As mentioned beforehand, the ULL-Southern game was an inaugural game between two intrastate schools featuring the attraction of the Southern University band. The game also naturally drew more visiting fans due to the proximity to the game site. This consideration along with the relative familiarity of the visiting fans to the Lafayette area, as well as the other weekend events associated with the game, prompted the visiting fans to stay longer (that is, two nights instead of a single night).

Further, the average attendance at ULL football games for the past five years is slightly above 18,000. So, the ULL-KSU attendance of 18,000 is right in line with this average, although given the ULL victory in the preceding week's Southern game, the attendance at the ULL-KSU game would have surely been greater had better weather prevailed. Due to the ULL football program's lack of great success and given its existence in the shadow of LSU football, it is fair to say that Lafayette has not been able to consistently draw large crowds on a week-by-week basis as can large and successful programs such as LSU, where large crowds gather despite the prevailing weather conditions. Perhaps the establishment of a ULL-Southern rivalry, as well as the re-establishment of some former ULL rivalries, eventually will lead to such consistently larger crowds at ULL football games.

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### Discussion Questions

1. What was the purpose of this article?
2. What methodology did the author use to achieve the purpose of the article?
3. Compare the results the author found relative to the two football games.

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“Football at St. Thomas University”  
2021

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# **Bankruptcy-Based Divorces in the National Football League and the National Basketball Association: Causes, Cases, and Cures**

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and

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## **Abstract**

With a focus on bankruptcy-based divorces in the National Football League (NFL) and the National Basketball Association (NBA), this article examines the causes, cases, and possible cures of divorces amongst the players of these two professional U.S. sports leagues. In doing so, the article differentiates the types and number of bankruptcy filings across the nation as well as the four main causes of bankruptcy-based divorces and their possible cures.

## **Keywords**

bankruptcy, divorce, National Football League, National Basketball Association, professional sports

## **Introduction**

Bankruptcy is a legal federal court procedure that involves people, businesses, and entities that are unable to pay, or are struggling with outstanding debts, or both, while providing creditors an opportunity for repayment. It enables debtors to receive a new financial start by providing for the following (Omondi-Ochieng, 2017a; Schulz, 2011; Platt, 2000):

- a reduction or elimination of certain debts,
- a timeline for the repayment of non-dischargeable debts over time,
- repayment of secured debts on more favorable terms to the borrower.

In the United States, bankruptcy law is a federal jurisdiction under the United States Constitution (Article 1, Section 8, Clause 4). According to the United States Bankruptcy Code, the following typically cannot be discharged: tax debts (Platt, 2000), child support (Erickson, 2006; McMullen, 2001), criminal restitution (Flynn, 2014), and student loans (Omondi-Ochieng, 2017a). Hence, federal law and the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 govern the rules and procedures for bankruptcy filing (Flynn, 2014).

From 2012 to 2016, there were more than 4.9 million bankruptcies filed under six different categories, namely Chapters 7, 9, 11, 12, 13, and 15, respectively (Table 1). The number of bankruptcies reached a peak in 2012, with more than 1 million filers, with the majority filing under Chapter 7. However, the total number of bankruptcies decreased from 2012 to 2016.

**Table 1**  
*United States Bankruptcy Filings, 2012-2016*

Types	Provisions	Year	Total
Chapter 7	Also known as straight bankruptcy. Provides that non-exempt assets to be liquidated, and proceeds distributed to creditors. Basic liquidation for individuals and businesses.	2012	874,337
		2013	753,995
		2014	642,366
		2015	550,036
		2016	498,367
Chapter 11	Also known as corporate bankruptcy. Allows businesses to reorganize and continue operating. Mainly for individuals with substantial debts exceeding statutory limits for filing under Chapter 13.	2012	10,597
		2013	9,564
		2014	7,658
		2015	7,040
		2016	7,450
Chapter 12	Covers bankruptcies of family farmers and fishermen.	2012	541
		2013	405
		2014	3772
		2015	383
		2016	458
Chapter 13	Also known as wage earner bankruptcy. Provides for debtors with regular incomes to retain assets and obtain court-confirmed plans to pay off their creditors.	2012	375,521
		2013	343,651
		2014	313,262
		2015	302,642
		2016	299,150

Source: <https://www.uscourts.gov/statistics-reports/us-bankruptcy-courts-judicial-business-2016>

Chapter 9 and 16 bankruptcies are not in Table 1 due to the lack of data. Chapter 9 covers local governments and municipalities, while Chapter 16 mainly deals with foreign corporations and individuals.

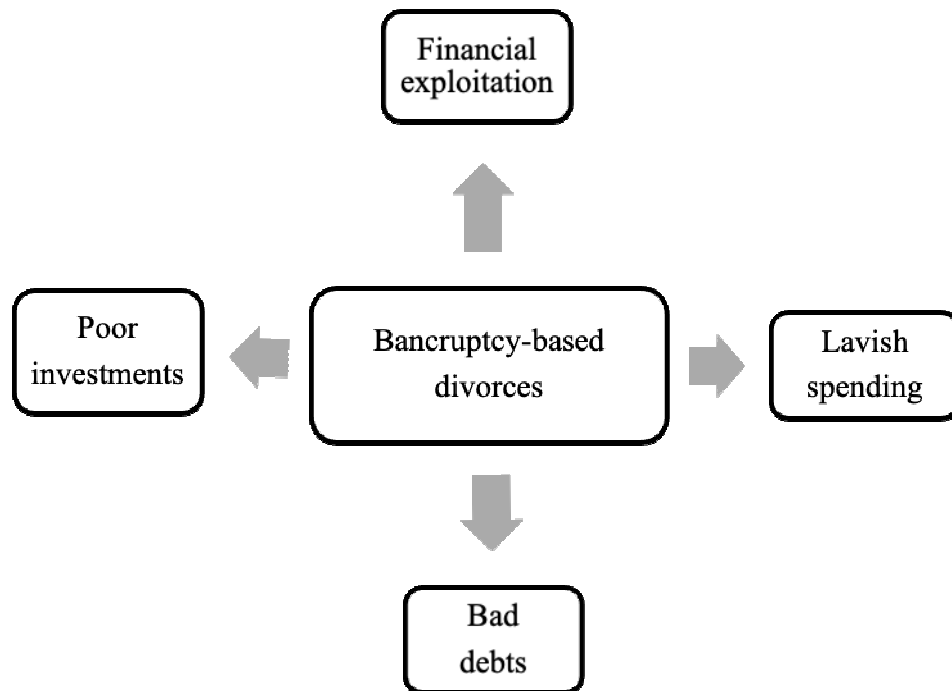
Although the provisions in Table 1 indicate various bankruptcy types and numbers of filers, Chapter 7 is the most relevant to this chapter. In this chapter, we define ‘divorce’ as the legal dissolution of a marriage contract by a court or other competent body that bankruptcy can cause or trigger. We also define ‘bankruptcy-based divorce’ (BBD) as the type of divorce that mostly occurs when a professional athlete is broke, financially ruined, or in insurmountable debt. In general, bankruptcy takes precedent over divorce. In other words, you must finish your bankruptcy before divorce (Michon, 2020).

With a focus on individual National Football League (NFL) and National Basketball Association (NBA) players, the purpose of this chapter is three-fold: (a) to explore the possible causes of bankruptcy-based divorces; (b) to investigate the probable cures of bankruptcy-based divorces; and (c) to use cases that illustrate how bankruptcy-based divorces occur. This brief chapter will be delimited to bankruptcies of individual professional players and neither professional teams nor their owners. But first, here is a brief overview of United States bankruptcy law.

## 1. Causes and Catalysts of Bankruptcy-Based Divorces

The conceptual framework illustrates how BBD amongst NFL and NBA players is often a potent mix of multiple causes (Figure 1).

**Figure 1**  
*Causes of BBD*



### Financial Exploitation

Financial exploitation is a cause of BBD among NBA and NFL professional athletes. ‘Financial exploitation’ (FE) occurs when a person exploits a professional NFL or NBA player for his or her own advantage, profit, or personal benefit. FE can occur with or without the

explicit knowledge or consent of the professional player, often to the disadvantage of the player and the advantage of the exploiter. Exploiters can be immediate or extended family members, sports agents, financial advisors, and even parents (Delevingne, 2009; ESPN, 2014; Torre, 2009). Exploiters also can target the athlete's rights to publicity (name, image, and likeness), physical property, intellectual property, or goodwill (Bass, 2017; Bartow, 2001; Caulkins, 2000; Flynn, 2014; Germano, 1989; Kelly, 1998; Sailofsky & Shor, 2020; Vaczi, 2016). If FE is unchecked, it can escalate into deeper financial problems that trigger bankruptcies, or divorce, or both.

Here are two interesting cases – one in which an athlete's parents exploited him and the other in which an athlete's financial advisor and uncle exploited him. In 2014, ex-NHL player Jack Johnson filed for bankruptcy after securing a seven-year, \$30.5 million contract – his parents, to whom he gave his power of attorney, squandered his money by purchasing lavish cars, beach houses, and travel tickets – all leading to millions in bad debt in an alleged Ponzi scheme (Tucker, 2016). A Ponzi scheme, also called a pyramid scheme, is a fraudulent investing scam promising high rates of return with little risk to investors by generating returns for early investors by acquiring new investors (Chen, 2020). The debts were scheduled to be deducted from his upcoming contracts. Another exploitation case, also in 2014, was when ex-NFL player Vince Young filed for bankruptcy protection just seven years after signing a \$25 million contract with the Tennessee Titans – mainly blaming misappropriation of funds by a financial advisor and uncle (Chavez, 2017).

### **Lavish Spending**

The phrase 'lavish spending' means to spend or use generously and extravagantly without limit. In the world of professional NFL and NBA players, lavish spending often associates with an unsustainable and flamboyant lifestyle, with extravagant consumption and luxurious purchases and expenses (Carlson et al., 2015; Delevingne, 2009; ESPN, 2014; Flynn, 2014; Torre, 2009).

Here are two noteworthy cases – one about the overspending and the other about sheer extravagance. In 2005, ex-NBA player Kenny Anderson, who previously earned \$63 million over his career, filed for bankruptcy, stemming from the combination of overspending, alimony, and many unsustainable children support payments resulting from being a father of eight children by five women (Kozlowski, 2020). His lavish lifestyle included numerous mansions and eleven high-priced luxury cars, amongst other items (Wise, 1998; Steele & Robins, 2018). The second case, in 2012, was when ex-NBA Allen Iverson filed for bankruptcy, despite earning more than \$200 million in salary and endorsements during his basketball career. The bankruptcy proceedings revealed that he owed \$900,000 in jewelry and was an excessive spender, who often financed and moved around with an entourage of 50 people. Soon after the bankruptcy filing, his wife Tawanna filed for divorce in 2013 (Caricato, 2019). Ex-NBA Jason Kapono summed it up well:

A lot of players get in trouble because they want everyone around them to lead the same lifestyle. So, you fall into a hole. You buy this big house now for those people, and they no longer want to drive the low-end car to go with the big house. So, the big house leads to the big car, to the better clothes, to the better restaurants and stuff. It's a snowball effect. That's why the stat isn't as shocking because I've witnessed it. (Feschuk, 2008)

## **Bad Debts**

In this article, ‘debts’ refers to money, goods, and services that an NFL or NBA player owes, and when debts accumulate beyond repair, then players may be forced to file for bankruptcy protection (Binns, 2012; Christensen, 2013; Henry, 2013). Apart from overspending, bad debts can emanate from divorce and failed business ventures (Delevingne, 2009; Dudley, 2018; ESPN, 2014; Flynn, 2014; Torre, 2009).

Here are two cases – one from the combined weight of divorce and bad debts, and the other from divorce and child payment debts. In 2007, ex-NFL player Bernie Kosar divorced in a multimillion-dollar settlement, after which, in 2009, he filed for bankruptcy resulting from multiple bad debts from banks, a failed steakhouse business, and overdue taxes (Betard, 2009). In the second case, which happened in 2014, ex-NBA player Dennis Rodman, who earned more than \$20 million dollars throughout his basketball career, filed for bankruptcy. Rodman was brought down by the compounding forces of three divorces with child support and alimony payments (Marikar, 2012).

## **Poor Investments**

‘Investment decision’ is the determination of where, when, what, and how much capital to spend and debt to acquire in the pursuit of making a profit (Flynn, 2014; Henry, 2013). Amongst NFL and NBA players, these decisions often are made with assistance or collaboration of sports agents, financial advisors, friends, or immediate family (Brennan & Momjian, 2003; Delevingne, 2009; Dudley, 2018; Christensen, 2013; Torre, 2009). When the investment decision is poor, short-sighted, or uninformed, the athlete may risk falling into bankruptcy.

Sometimes, circumstances and situations that people do not anticipate or predict can result in forcing athletes to file for bankruptcy. Such unexpected situations may be from natural events (earthquakes, volcanic eruptions, floods, etc.) and human-made circumstances, such as the 2008 global financial crisis, lockouts, and jail terms.

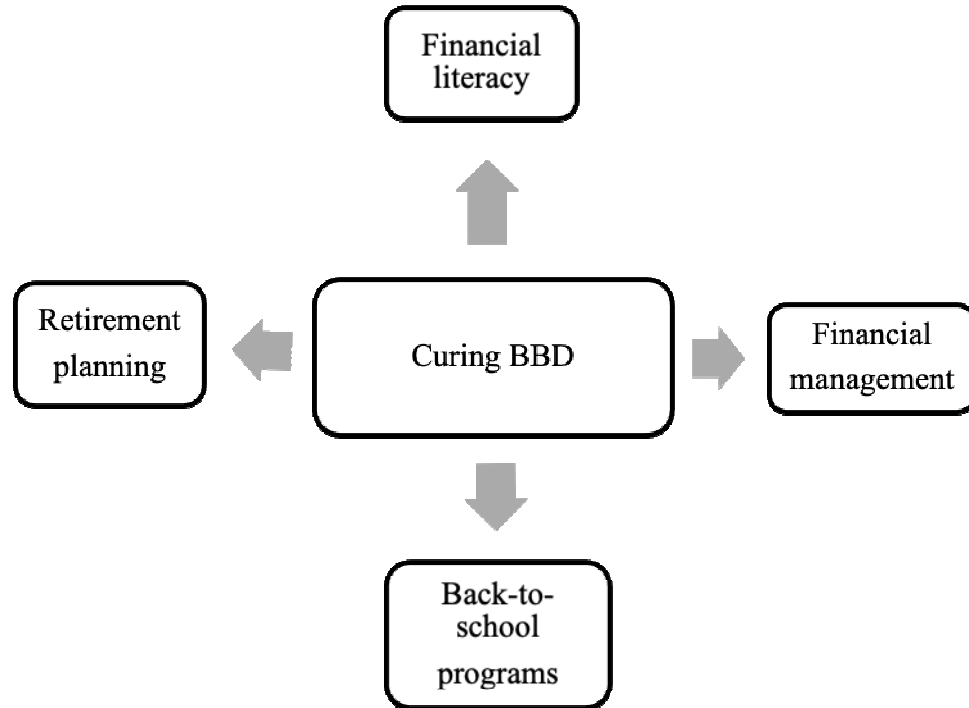
Here are two illustrative examples – both from the negative effects of the 2008 financial crisis. In 2012, despite amassing more than \$80 million over a 15-year playing career, ex-NFL player Terrell Owens faced bankruptcy due to a combination of multiple risky and highly leveraged investments, such as in houses and condos, during the 2008 financial crisis and an Alabama casino, which the state later deemed illegal. A divorce and large monthly child support payments heightened his financial troubles (Kozlowski, 2020). In 2010, the negative effects of the 2008 global financial crisis pushed ex-NFL player Mark Brunell, who earned more than \$50 million with the New York Jets, to file for bankruptcy after a failed real estate venture and other business loans that left more than \$25 million in liabilities (Steven, 2010).

## **2. Curing Bankruptcy-Based Divorces**

Professional athletes earn high incomes but often have relatively short careers lasting just a few years in many cases – with plenty of variations in each position (Riddix, 2019; Wilson, 2020). Moreover, professional athletes harbour a very short “shelf life,” with an even shorter peak earning period than many other professions like doctors, high court judges, and professors. Depending on their sport and position of play, most professional athletes in the United States often retire in their late 20s or early to mid-30s. For the NFL, the average career is 3.3 years,

with the following variations: kickers (4.87 years), quarterbacks (4.44), cornerbacks (2.94), wide receivers (2.81), and running backs (2.57), according to Gough (2019). The average career of an NBA player is 4.9 years (Wilcznski, 2020). Since the career of NFL and NBA players is less than a decade, this chapter advocates for economic spending that will leave assets or investments behind after divorce or retirement. The key is a long view, not a short one, with characteristics of prudent spending with a post-divorce or retirement strategy that financial literacy, financial management, back-to-school programs, and retirement planning may cure (Figure 2).

**Figure 2**  
*Curing BBD*



### **Financial Literacy**

‘Financial literacy’ refers to the ability to understand and effectively apply various financial skills, including personal financial management, budgeting, and investing (Kenton, 2020). Financial literacy programs in the form of seminars, conferences, webinars, etc. can go a long way in boosting the financial competency and literacy of current and retired NBA and NFL players. One example is the NFL Players Association Financial Education Program run in partnership with the company Financial Finesse (Horvath, 2013), which offers multiple online training in cash management, insurance, tax planning, and retirement planning (Coakley, 2006; Omondi-Ochieng, 2017b). Another example is the annual NFL Personal Finance Camp developed in conjunction with the University of Miami School of Business Administration and TD Ameritrade.

A third example is NFL Player Engagement, which offers a variety of programs and services focused on career development and financial and continuing education as well as personal, psychological, and physical wellness (see [www.nflplayerengagement.com](http://www.nflplayerengagement.com)). A fourth is the NFL Business Management and Entrepreneurial Program affiliated with the University of

Michigan Ross School of Business. Last is the BreakAway program at Ryerson University's Ted Rogers School of Management, which the NHL alumni association funds in part; it offers current and former players internet and app-based courses in personal finance, personal branding, leadership skills, and help with transitioning into new careers (Webb, 2011). Mr. Flatley, a liaison between the program, the league, and players, commented that:

Through this whole process, it's almost too late to transition once you're retired so the decision was made to begin helping players understand that their careers are finite. There's one thing for sure, along with death and taxes, everyone's going to be an alumnus one day and if we can prepare them for the 30 to 40 to 50 years hopefully afterwards, which is really the meaningful part of their lives, that's really what the goal is.

### **Financial Management**

For those professional athletes who may not be interested in financial education programs, an alternative solution could be hiring an unbiased financial advisor or specialist to assist in making investment and wealth management decisions (Danowski, 2012). Proper financial management, especially at the beginning of their playing careers, may go a long way in avoiding BBD that poor financial management triggers. Prudent athletes often start early and small but consistently in building a wealth portfolio that will be useful during divorce or after retirement (Fox, West, & Drew 2012; Hammer, 2002; Surujlal, 2016). Wealth planning is, therefore, important to professional athletes, as their careers are often very short (Dowell & Singer 2011; Dudley, 2018).

### **Back-to-School Programs**

Although every circumstance differs, some professional players attend a university, others start but drop out, and others earn a degree. The choice for continuing education may vary by individual circumstances (Donnelly, 2014; Lattner, 2016; Webb, 2011). There are those proactive ones who take financial education classes while in college. The college degree combined with the financial education courses, therefore, can equip young players for alternative transitions out of professional sports. Even to professional athletes, a degree does matter (Isdale, 2014), as notable players that successfully went back to college include Michael Jordan, Venessa Williams, Troy Polamalu, Shaquille O'Neil, Bo Jackson, Ray Lewis, and Michelle Kwan.

### **Retirement Planning**

Players often describe retirement as scary, empty, and financially threatening, especially if tainted with premature and forced divorces due to injuries or delisting (Huygens-Tholen, 2009; Gordon, 2018; Knights et al., 2019). Patrick Flatley, former New York Islander's captain, who retired in 1997, captures the fear of retirement, lamenting:

I feel like I just fell on a cliff. I played for 14 years and I'm sitting by myself at the kitchen table and nobody's phoning and there's nowhere to go. (Webb, 2011)

However, some athletes strategically planned for their retirements and even survive divorce not to fall bankrupt. For example, ex-NBA star Michael Jordan also survived a divorce and proceeded to thrive on Nike endorsements and owning an NBA team – the Charlotte Hornets. Other successful retirement cases (in Table 2) show athletes earning more in retirement. Some of the evidence indicates that divorces do not always ruin athletes' careers (Sackman, n.d.).

**Table 2**  
*Examples of Successful Retirement*

Name	What they did upon retirement
1 Karl Malone (ex-NBA)	Malone Properties dealing in commercial developments, restaurants, timber operations
2 Magic Johnson (ex-NBA)	Magic Johnson Enterprises & formerly part owner of Los Angeles Lakers and Dodgers
3 Mario Lemieux (ex-NHL)	Part owner of Pittsburgh Penguins
4 Hakeem Olajuwon (ex-NBA)	Real estate
5 Roger Staubach (ex-NFL)	Real estate venture called The Staubach Company 2007 sold the business for \$613 million
Source:	<a href="https://www.goliath.com/sports/10-athletes-who-were-more-successful-after-they-retired/">https://www.goliath.com/sports/10-athletes-who-were-more-successful-after-they-retired/</a>

Retirement planning is a key aspect of strategy beyond the negative side effects of BBD. Retirement planning can take many forms, including investment in retirement plans, choosing tax friendly retirement states, paying off mortgages, estate planning, or developing a trust fund for siblings, amongst other remedies (Karaffa, 2013; Locher, 2016; Johnston, 2014; Rodenberg, 2000).

### **Summary and Conclusion**

Regarding BBD in the NFL and NBA, our brief review points to a potent mix of many causes that include financial exploitation, lavish spending, poor investments, and unforeseen circumstances.

With such short career spans, we advocate for players to adopt the suggested strategies, fully acknowledging that their successful implementation and adoption will require plenty of hard work, discipline, and dedication. Worst still, most athletes do not understand general finances, financial responsibility, and budgeting strategies, which makes them far more likely to make poor investments when bad financial investors guide them. Unfortunately, this sorry state of brokenness and bankruptcy will continue, as athletes are easy, highly visible targets that have a lot of money, but limited experience. While times have changed regarding salary increases and endorsements, they most likely will remain the same regarding financial issues linked to the fatal mix of divorce and bankruptcy. There are also larger groups of individuals seeking to prey on their success and wealth – making them permanent targets. Chris Dudley, a wealth advisor, and former NBA player, summed it up well:



During my 16-year NBA career, I saw newly retired teammates lose everything to financial schemes and scams, dishonest or unqualified advisors, and reckless spending only a few years after leaving the league. Since starting a second career as a financial advisor more than a decade ago, I've seen this storyline repeat itself again and again — with high-net worth individual investors, as well.

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#### Discussion Questions

1. With six examples from retired NBA players, discuss the four causes of their bankruptcy-based divorces.
2. With six examples from retired NFL players, discuss the four causes of their bankruptcy-based divorces.
3. What retirement planning programs do the NBA and the NFL implement. What are their advantages? How can they be improved?

4. If you were a newly signed rookie in either the NBA or the NFL, what could you, personally, do to avoid divorce and bankruptcy as well as to avoid their negative spill-over effects. Discuss.

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## **Student Corner**

# **Leveling the Playing Field: Comparing the Statutory Definition of Disability to Disability in Special Olympics and the Paralympics<sup>6</sup>**

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### **Abstract**

The statutory definition of disability as laid out in the ADA (and portions of the Rehabilitation Act) serves to illustrate the types of individuals eligible for reasonable accommodations under the law. However, because there are many different types of disabilities, a one-size-fits-all definition fails to serve disabled Americans adequately. More individualized approaches, like the definitions offered by Special Olympics and the Paralympics, can assist those with disabilities more efficiently and effectively. The drafting issues with the ADA's definition of disability are widely noted, especially in Robert Burgdorf's "Substantially Limited" Protection from Disability Discrimination: The Special Treatment Model and Misconstructions of the Definition of Disability. This article outlines the difference in approaches taken by the ADA, Special Olympics, and the Paralympics in an effort to identify issues with the current statutory definition and propose general solutions.

### **Keywords**

Americans with Disabilities Act, disability, Paralympics, Special Olympics, Rehabilitation Act

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<sup>6</sup> Editorial Note: This article retains its original Bluebook format as a courtesy to readers in the legal field.

## I. Introduction

Though Congress created the Rehabilitation Act and the Americans with Disabilities Act (ADA) for the purpose of protecting and aiding disabled Americans, authors note that there are several issues with the statutory definition of disability.<sup>7</sup> Several portions of the definition are up for interpretation, so courts around the country see case after case in which they must determine whether an individual is disabled and, if they are, whether they deserve a reasonable accommodation for the disability. Disabled individuals must meet certain requirements to qualify for accommodations,<sup>8</sup> but generally, the ADA covers those deemed legitimately disabled.<sup>9</sup> These statutory definitions of disability encompass both intellectual and physical disabilities.<sup>10</sup>

In contrast, Special Olympics and the Paralympics structure their organizations a bit differently. For one thing, each of these organizations serves only one broad “type” of disability. Special Olympics is open to individuals with intellectual disabilities,<sup>11</sup> and the Paralympics is open to individuals with physical disabilities.<sup>12</sup> Beyond that, these organizations seem to be more willing to consider an individual disabled than the law; however, Special Olympics and Paralympics are more careful to group similarly impaired individuals together in order to serve each group best.<sup>13</sup> Special Olympics achieves this goal by a process called divisioning,<sup>14</sup> while Paralympic sports use classifiers and classification.<sup>15</sup> This article seeks to compare the processes

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<sup>7</sup> Robert L. Burgdorf Jr., “*Substantially Limited*” Protection from Disability Discrimination: The Special Treatment Model and Misconstructions of the Definition of Disability, 42 VILL. L. REV. 409, 421 (1997) (“It is hard to overplay section 504’s import as the first broad civil rights law outlawing discrimination based on disability. Yet, however groundbreaking and beneficial section 504 was and whatever credit the Senate staffers deserve for their creativity, innovation and initiative, the largely unmentioned fact is that section 504 is a disaster from a drafting standpoint. **The drafting problems in the one sentence provision are so numerous and severe that this author uses section 504 in his classes on legislation as a case study on how *not* to draft legislation.** [emphasis added]”); See *id.* at 426 (quoting the National Council on the Handicapped, Toward Independence 3 (1986) (discussing need for legislation): “To be a ‘handicapped individual’ eligible for Section 504 protection, a person has to show that he or she has a substantial impairment of ability that limits major life activities, but to be qualified, a person has to show that he or she is not substantially impaired in ability.”

<sup>8</sup> Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12101-12213 (2018).

<sup>9</sup> *Are all people who have disabilities covered by the ADA?*, ADA NATIONAL NETWORK, <https://adata.org/faq/are-all-people-who-have-disabilities-covered-ada> (“All people who meet the ADA definition of disability are covered by the ADA in general, but they still may not have rights under particular sections of the ADA. For example, there is a section of the ADA that deals only with employment discrimination. If a person with a disability is not employed and is not seeking employment, then that person would not necessarily be covered by that part of the ADA, although the person would be covered by other parts of the ADA.”).

<sup>10</sup> *Questions and Answers on the Final Rule Implementing the ADA Amendments Act of 2008*, U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (Mar. 25, 2011), <https://www.eeoc.gov/laws/guidance/questions-and-answers-final-rule-implementing-ada-amendments-act-2008> (quoting Section 1630.2(h)).

<sup>11</sup> *Frequently Asked Questions*, SPECIAL OLYMPICS, <https://www.specialolympics.org/about/faq> (“To be eligible to participate in Special Olympics, you must be at least 8 years old and identified by an agency or professional as having one of the following conditions: intellectual disabilities, cognitive delays as measured by formal assessment, or significant learning or vocational problems due to cognitive delay that require or have required specially designed construction.”).

<sup>12</sup> *What is a classifier and classification?*, TEAM USA ATHLETE SERVICES, <https://www.teamusa.org/Team-USA-Athlete-Services/Paralympic-Sport-Development/Eligibility-Information/Become-a-classifier> (“Paralympic athletes have an impairment in body structures and functions that leads to a competitive disadvantage in sport.”).

<sup>13</sup> This article discusses each system in more detail later. See *infra* Sections III.B.iii, III.C.iii.

<sup>14</sup> *Sports Essentials: Divisioning*, SPECIAL OLYMPICS RESOURCES, <https://resources.specialolympics.org/sports-essentials/divisioning>.

<sup>15</sup> *What is a classifier and classification?*, *supra* note 7.

the government, Special Olympics, and the Paralympics use to define disability, as well as the ways that each of them work to benefit individuals with disabilities.

Though this article explores the different ways to approach disability in athletics, it is important to remember that these statutes, policies, and procedures have real, lasting impacts for disabled athletes. Each Section of this article seeks to explore the ways that individual systems affect athletes by telling their stories. Three athletes – David Dennin, Madison Dennis, and Anastasia Pagonis – illustrate what disability in sport can look like and the systems that affected each of them (the ADA, Special Olympics, and the Paralympics, respectively). No matter how disability law evolves and grows in the future, it is important to keep stories like these three in mind when drafting legislation or creating programs for disabled athletes.

## **II. The Legal Background**

Disability law, specifically the ADA and portions of the Rehabilitation Act, are invoked most frequently when disabled individuals seek accommodations in employment, housing, and higher education.<sup>16</sup> Generally, in order for individuals to win a claim for reasonable accommodation, “the individual must be able to carry out the essential requirements of the program in spite of the disability.”<sup>17</sup> Based on the varying definitions of “disability,” the government considers somewhere between 37 and 57 million Americans disabled.<sup>18</sup> Because disability affects Americans of all ages and backgrounds, Congress crafted the ADA and Rehabilitation Act to serve different types of disabilities and circumstances.<sup>19</sup>

This Section explores the state of disability law in the United States as it currently stands, as well as how the law has – in some ways – evolved over time.

### **A. General Legal Definition of “Disabled”**

The Rehabilitation and Act (this article focuses specifically on section 504) and the ADA govern the majority of disability law in the United States today. The Rehabilitation Act and the ADA ensure that Americans with disabilities are able to acquire reasonable accommodations for their impairments in various aspects of their daily lives.<sup>20</sup> In evaluating whether someone is

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<sup>16</sup> Legal obligations, 1 DISABILITY LAW COMPLIANCE MANUAL § 2:2.

<sup>17</sup> Laura Rothstein and Julia Irzyk, *Disabilities and the Law 4<sup>th</sup> ed.* § 1:11. Basic principles of laws relating to disabilities (Oct. 2021).

<sup>18</sup> *Understanding Disability Statistics*, ADA NATIONAL NETWORK, <https://adata.org/factsheet/understanding-disability-statistics>, (According to the American Community Survey (ACS 2011): 37.3 million/12.1% of non-institutionalized persons of ages and 18.9 million/10.5% of non-institutionalized working age (21-64) persons have a disability. According to the Survey of Income and Program Participation (SIPP 2010): 56.7 million/18.7% of the civilian non-institutionalized persons of all ages and 29.5 million/16.6% of non-institutionalized working age (21-64) persons have a disability. These numbers are different, because “the SIPP uses much more detailed disability criteria than the ACS.” The ACS has six basic disability types: “visual (blind or has serious difficulty seeing even when wearing glasses), hearing (deaf or has serious difficulty hearing), cognitive (serious difficulty concentrating, remembering, or making decisions because of a physical, mental, or emotional condition), ambulatory (serious difficulty walking or climbing stairs), self-care (difficulty dressing or bathing), and independent living (difficulty doing errands alone such as visiting a doctor’s office or shopping because of a physical, mental, or emotional condition).”).

<sup>19</sup> The ADA is divided into five titles – employment, state and local government programs, places of public accommodation, telecommunications, and miscellaneous provisions (like retaliation and attorney fees). *Are all people who have disabilities covered by the ADA?*, ADA NATIONAL NETWORK, <https://adata.org/faq/are-all-people-who-have-disabilities-covered-ada>.

<sup>20</sup> Laura Rothstein and Julia Irzyk, *Disabilities and the Law 4<sup>th</sup> ed.* § 1:11. Basic principles of laws relating to disabilities (Oct. 2021).

disabled, “it is important to determine whether it is the impairment alone or other factors that have disabled or handicapped the individual.”<sup>21</sup> Though intellectual disabilities and physical disabilities impact individuals differently and affect various areas of life, the same statutes cover both.

The language as it exists now seems unintentionally to create a “protected class” status for disabled people, which – of course – encourages a heightened level of scrutiny when evaluating the challenged policies.<sup>22</sup> Some scholars note that making disabled persons a protected class runs counter to the primary purposes of disability law in the first place.<sup>23</sup> Additionally, it is important to remember that the ADA’s definition of disability is a legal definition, not a medical one.<sup>24</sup> Accordingly, “the ADA’s definition of disability is different from how disability is defined under some other laws, such as for Social Security Disability related benefits.”<sup>25</sup>

## **B. The Rehabilitation Act**

The Rehabilitation Act serves to protect individuals with disabilities from government discrimination and other public entities; basically, the Rehabilitation Act only bars federally funded entities from discriminating on the basis of disability.<sup>26</sup> Jason Kroll noted, “The Rehabilitation Act only applies to programs that receive federal financial assistance; therefore, it does not apply to employment in the private sector and private universities and colleges.”<sup>27</sup> Section 504 of the Rehabilitation Act reads,

No otherwise qualified individual with a disability in the United States, as defined in section 705 (20) of this title, shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service.<sup>28</sup>

In 1973, Congress amended the Rehabilitation Act to include a three-prong approach: “The term ‘disability’ means, with respect to an individual – (A) a physical or mental impairment that substantially limits one or more major life activities of such individual; (B) a record of such an impairment; or (C) being regarded as having such an impairment.”<sup>29</sup>

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<sup>21</sup> Laura Rothstein and Julia Irzyk, *Disabilities and the Law 4<sup>th</sup> ed.* § 1:10. Definition issues—What is a disability? (Oct. 2021).

<sup>22</sup> Robert L. Burgdorf Jr., “Substantially Limited” Protection from Disability Discrimination: The Special Treatment Model and Misconstructions of the Definition of Disability, 42 VILL. L. REV. 409, 425 (1997).

<sup>23</sup> *Id.* at 426 (“Most importantly, the differentiation of a class of people who, unlike all other Americans, are accorded statutory protection directly contravenes the central premises of the disability rights movement and the essential purposes of nondiscrimination laws such as section 504 of the Rehabilitation Act and the ADA.”).

<sup>24</sup> *What is the definition of disability under the ADA?*, ADA NATIONAL NETWORK, <https://adata.org/faq/what-definition-disability-under-ada>.

<sup>25</sup> *Id.* (Note: These separate legal definitions of disability will not be explored in this Comment, but it is important to note that they exist).

<sup>26</sup> PL 93–112 (HR 8070), PL 93–112, SEPTEMBER 26, 1973, 87 Stat 355

<sup>27</sup> Jason Kroll, *Second Class Athletes: The USOC’s Treatment of Its Paralympians*, 23 CARDOZO ARTS & ENT. L.J. 307 (2005).

<sup>28</sup> The Rehabilitation Act, 29 U.S.C. § 701 (1973), § 504.

<sup>29</sup> *Id.*

In order for a disabled person to establish a claim under the Rehabilitation Act, he or she must show four things: (1) the program is a “covered entity” under the law; (2) the individual is “disabled” within the meaning of the state; (3) the individual is “otherwise qualified” to participate in the program, with or without reasonable accommodation; and (4) the individual was discriminated against because of disability.<sup>30</sup> When an individual seeks a reasonable accommodation under the Rehabilitation Act, it “does not guarantee an individual the experience that he may desire, just a fair one.”<sup>31</sup> This seems to be an important distinction – disabled individuals cannot seek whatever accommodations they want or believe would be helpful. Instead, they must seek accommodations, which are fair to both themselves and their employers, without placing an undue burden or hardship on the employer.<sup>32</sup>

### **C. The Americans with Disabilities Act**

While the Rehabilitation Act only applies to federally funded programs, the Americans with Disabilities Act (ADA) is broader and covers more entities.<sup>33</sup> In fact, the ADA’s “broader coverage reaches most private employers and private entities constituting places of public accommodations, prohibits discrimination on the basis of disability and further obligates these entities to provide reasonable accommodations, modifications, or auxiliary aids that will enable qualified individuals with disabilities to participate in the program or activity.”<sup>34</sup> Basically, the ADA broadens the scope of the Rehabilitation Act while working to serve the same ultimate purpose – providing a level playing field for individuals with disabilities.<sup>35</sup> In evaluating claims under the ADA, the Act analyzes major life activities, considers whether an individual is “otherwise qualified” to participate in the program, and determines what constitutes a reasonable accommodation.<sup>36</sup>

Additionally, the ADA Amendments Act of 2008 (ADAAA) broadened the scope of the ADA even further.<sup>37</sup> The ADAAA allowed people with certain impairments who had been unable to bring prior claims under the ADA to do so.<sup>38</sup> These individuals included, “persons with many types of impairments – including epilepsy, diabetes, multiple sclerosis, major depression, and bipolar disorder.”<sup>39</sup> The changes to the ADA “apply to all private and state and local government employers with 15 or more employees, employment agencies, labor organizations (unions), and joint labor-management committees.”<sup>40</sup>

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<sup>30</sup> Maureen A. Weston, *The Intersection of Sports and Disability: Analyzing Reasonable Accommodations for Athletes with Disabilities*, 50 ST. LOUIS U. L.J. 137 (2005); Jason Kroll, *Second Class Athletes: The USOC’s Treatment of Its Paralympians*, 23 CARDOZO ARTS & ENT. L.J. 307 (2005).

<sup>31</sup> Adam A. Milani, *Can I Play: The Dilemma of the Disabled Athlete in Interscholastic Sports*, 49 ALA. L. REV. 817 (1998) (quoting Knapp).

<sup>32</sup> The Rehabilitation Act, 29 U.S.C. § 701 (1973), § 504.

<sup>33</sup> Maureen A. Weston, *The Intersection of Sports and Disability: Analyzing Reasonable Accommodations for Athletes with Disabilities*, 50 ST. LOUIS U. L.J. 137 (2005).

<sup>34</sup> *See Id.*

<sup>35</sup> *Id.*

<sup>36</sup> Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12101-12213 (2018).

<sup>37</sup> *Questions and Answers on the Final Rule Implementing the ADA Amendments Act of 2008*, U.S. Equal Employment Opportunity Commission (Mar. 25, 2011), <https://www.eeoc.gov/laws/guidance/questions-and-answers-final-rule-implementing-ada-amendments-act-2008>.

<sup>38</sup> *Questions and Answers on the Final Rule Implementing the ADA Amendments Act of 2008*, U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (Mar. 25, 2011), <https://www.eeoc.gov/laws/guidance/questions-and-answers-final-rule-implementing-ada-amendments-act-2008>.

<sup>39</sup> *See Id.*

<sup>40</sup> *Id.*

The language of the United States Code § 12101 states that the purposes of these statutes and acts are the following:

- (1) to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities;
- (2) to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities;
- (3) to ensure that the Federal Government plays a central role in enforcing the standards established in this chapter on behalf of individuals with disabilities; and
- (4) to invoke the sweep of congressional authority, including the power to enforce the fourteenth amendment and to regulate commerce, in order to address the major areas of discrimination faced day-to-day by people with disabilities.<sup>41</sup>

There are five titles in the ADA, focused on eliminating discrimination in various areas of American life.<sup>42</sup>

The ADA defines disability as, “a physical or mental impairment that substantially limits one or more major life activities,”<sup>43</sup> “a record of a physical or mental impairment that substantially limited a major life activity,”<sup>44</sup> or “when a covered entity takes an action prohibited by the ADA because of an actual or perceived impairment that is not both transitory and minor.”<sup>45</sup> The second prong of this definition focuses on a record of a physical or mental impairment. The EEOC defines physical or mental impairment as “any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin and endocrine.”<sup>46</sup> This definition also includes “any mental or psychological disorder, such as intellectual disability (formerly termed mental retardation), organic brain syndrome, emotional or mental illness, and specific learning disabilities.”<sup>47</sup>

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<sup>41</sup> 42 U.S.C.A. § 12101 (West).

<sup>42</sup> These are Employment (Title I), State and Local Government (Title II), Public Accommodations (Title III), Telecommunications (Title IV), and Miscellaneous Provisions (Title V). This Comment focuses mainly on the first three titles. *What is the Americans with Disabilities Act (ADA)?*, ADA NATIONAL NETWORK, <https://adata.org/learn-about-ada>.

<sup>43</sup> *Questions and Answers on the Final Rule Implementing the ADA Amendments Act of 2008*, U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (Mar. 25, 2011), <https://www.eeoc.gov/laws/guidance/questions-and-answers-final-rule-implementing-ada-amendments-act-2008> (quoting Section 1630.2(g)).

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> *Questions and Answers on the Final Rule Implementing the ADA Amendments Act of 2008*, U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (Mar. 25, 2011), <https://www.eeoc.gov/laws/guidance/questions-and-answers-final-rule-implementing-ada-amendments-act-2008> (quoting Section 1630.2(h)).

<sup>47</sup> *Id.*

### **i. Major Life Activity**

In order to determine whether an individual has an ADA-recognized disability, the Act requires that there be an impairment to a major life activity.<sup>48</sup> The ADA says,

Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.<sup>49</sup>

Some courts place an emphasis on whether the activity is “major” by the specific individual they are faced with.<sup>50</sup> Others have decided to determine whether the general public considers an activity a “major life activity.”<sup>51</sup> This lack of uniformity across decisions makes it difficult for parties to predict how any given court will approach its specific circumstances. The ADA is clear, though, that the definition of disability “does not apply to impairments that are transitory and minor.”<sup>52</sup> Apparently transitory and minor impairments, in theory, do not impact an individual’s ability to work or function to the same extent as a disability. Thus, the ADA’s definition of disability “excludes individuals with temporary injuries, medical impairments, or disabilities that do not substantially limit a major life activity.”<sup>53</sup> However, episodic impairments or impairments in remission can meet the definition of disability, “if it would substantially limit a major life activity when active.”<sup>54</sup> Within the context of employment specifically, the Equal

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<sup>48</sup> Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12101-12213 (2018); What are the “Major Life Activities” associated with the Americans with Disabilities act?, Employer’s Resources of Colorado (Sept. 4, 2019), <http://www.erccolorado.com/what-are-the-major-life-activities-associated-with-the-americans-with-disabilities-act/>. (Some “[s]tate disability discrimination laws may define ‘major life activities’ differently than the ADA.” This Comment focuses on federal rather than state definitions.).

<sup>49</sup> Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12101-12213 (2018); Laura Rothstein and Julia Irzyk, *Disabilities and the Law* 4<sup>th</sup> ed. § 1:11. Basic principles of laws relating to disabilities (Oct. 2021).

<sup>50</sup> See *Pahulu v. Univ. of Kansas*, 897 F. Supp. 1387, 1393 (D. Kan. 1995) (Noting, “Thus, this court finds that for Pahulu, intercollegiate football may be a major life activity, i.e., learning.”).

<sup>51</sup> See *Knapp v. Nw. Univ.*, 101 F.3d 473, 480 (7<sup>th</sup> Cir. 1996) (Saying, “We do not think that the definition of ‘major life activity’ can be as particularized as Knapp wants it to be. Playing intercollegiate basketball obviously is not in and of itself a major life activity, as it is not a basic function of life on the same level as walking, breathing, and speaking. Not everyone gets to go to college, let alone play intercollegiate sports.”).

<sup>52</sup> Laura Rothstein and Julia Irzyk, *Disabilities and the Law* 4<sup>th</sup> ed. § 1:12. Americans with Disabilities Act—Overview (Oct. 2021) (“A transitory impairment is an impairment with an actual or expected duration of six months or less.”).

<sup>53</sup> Maureen A. Weston, *The Intersection of Sports and Disability: Analyzing Reasonable Accommodations for Athletes with Disabilities*, 50 ST. LOUIS U. L.J. 137 (2005).

<sup>54</sup> Some examples of these impairments include “epilepsy, hypertension, asthma, diabetes, major depressive disorder, bipolar disorder, and schizophrenia. An impairment such as cancer that is in remission but that may possibly return in a substantially limiting form will also be a disability under the ADAAA and the final regulations.” *Questions and Answers on the Final Rule Implementing the ADA Amendments Act of 2008*, U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (Mar. 25, 2011), <https://www.eeoc.gov/laws/guidance/questions-and-answers-final-rule-implementing-ada-amendments-act-2008>.

Employment Opportunity Commission (EEOC) “adopt[ed] ‘rules of construction’ to use when determining if an individual is substantially limited in performing a major life activity.”<sup>55</sup>

When considering whether someone’s impairment suffices seeking a reasonable accommodation, it is not necessary for the impairment to be linked completely to the activity where the individual is seeking accommodation.<sup>56</sup> Indeed, “[t]here is nothing in ... the ADA which requires linking the decision on whether someone is disabled to the remedy sought; i.e., there is no need to connect the determination of whether someone is ‘substantially limited’ in a ‘major life activity’ to the specific activity in which he seeks to participate.”<sup>57</sup> Courts sometimes warn about using circular analysis while determining whether something is a major life activity or not.<sup>58</sup> In *Zatarain v. WDSU-Television Inc.*, the court wrote, “[T]he major life activity that is allegedly limited is separate and distinct from the impairment that limits it... To articulate plaintiff’s analysis, she claims to have a reproductive disorder that interferes with the major life activity of reproduction, which is substantially limited because of her disorder.”<sup>59</sup> Here, the court writes in the same opinion that the plaintiff’s “analysis is circular and unpersuasive.”<sup>60</sup>

The ADA’s insistence on an impairment to a major life activity in some ways seems to be the most important factor that courts consider.<sup>61</sup> In fact, “One court has stated that ‘[t]he “major life activities” hurdle, rather than proof of a concrete disability is what screens out trivial claims under’ the ADA.”<sup>62</sup> Another court notes that, “Not every impairment that affects an individual’s major life activities is a substantially limiting impairment. The key obviously is the extent to which the impairment restricts the major life activity.”<sup>63</sup> Ultimately, the Seventh Circuit decided in *Knapp v. Northwestern* that playing intercollegiate basketball was not central to an educational experience and, thus, not a major life activity.<sup>64</sup> Directly contradicting this decision, though, was the United States District Court for the District of Kansas’s decision in *Pahulu v. University of Kansas*.<sup>65</sup> In this case, the court found “that for Pahulu, intercollegiate football may be a major

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<sup>55</sup> These rules, which are fairly extensive and listed on the EEOC link here, include the following: (1) An impairment need not prevent or severely or significantly limit a major life activity to be considered “substantially limiting.” Nonetheless, not every impairment will constitute a disability; (2) the term “substantially limits” should be construed broadly in favor of expansive coverage to the maximum extent permitted by the terms of the ADA; (3) the determination of whether an impairment substantially limits a major life activity requires an individualized assessment; (4) in keeping with Congress’ direction that the primary focus of the ADA is on whether discrimination occurred, the determination of disability should not require extensive analysis; (5) although determination of whether an impairment substantially limits a major life activity, as compared to most people, will not usually require scientific, medical, or statistical evidence, such evidence may be used if appropriate; and (6) an individual need only be substantially limited, or have a record of a substantial limitation, in one major life activity to be covered under the first or second prong of the definition of “disability.” *Questions and Answers on the Final Rule Implementing the ADA Amendments Act of 2008*, U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (Mar. 25, 2011), <https://www.eeoc.gov/laws/guidance/questions-and-answers-final-rule-implementing-ada-amendments-act-2008>.

<sup>56</sup> Adam A. Milani, *Can I Play: The Dilemma of the Disabled Athlete in Interscholastic Sports*, 49 ALA. L. REV. 817 (1998) (quoting Knapp).

<sup>57</sup> *Id.*

<sup>58</sup> *Zatarain v. WDSU-Television, Inc.*, 881 F.Supp. 240, 243 (E.D. La. 1995), *aff’d*, 79 F.3d 1143 (5<sup>th</sup> Cir. 1996).

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

<sup>61</sup> Adam A. Milani, *Can I Play: The Dilemma of the Disabled Athlete in Interscholastic Sports*, 49 ALA. L. REV. 817 (1998) (quoting Knapp).

<sup>62</sup> *Id.*

<sup>63</sup> *See supra* note 46 at 480.

<sup>64</sup> *Id.*

<sup>65</sup> *See supra* note 45 at 1393.



life activity, i.e., learning.”<sup>66</sup> The difference in the outcome of these cases hinged on the fact that the court in *Knapp* worked to determine whether intercollegiate basketball was a major life activity for the general public,<sup>67</sup> while the court in *Pahulu* focused on whether intercollegiate football was a major life activity only for Pahulu himself.<sup>68</sup> The Pahulu court’s more individualized approach allowed for a more individualized decision.

## **ii. Otherwise Qualified**

An individual is not entitled to an accommodation simply because the individual’s disability meets the ADA’s or the Rehabilitation Act’s requirements. Instead, each disabled individual must prove that he or she is “otherwise qualified” to participate in the program or activity.<sup>69</sup> One article notes, “Under the ADA, in disparate treatment cases, an individual must prove that he is ‘otherwise qualified to receive the benefit he asserts it is discriminatory to deny him.’”<sup>70</sup> Individuals are otherwise qualified “if with ‘reasonable accommodation’ he can meet the ‘necessary’ or ‘essential’ requirements of a program in spite of his disability.”<sup>71</sup>

There has been some pushback against the Rehabilitation Act’s “otherwise” qualified language, as opposed to the ADA. In outlining the various weaknesses of the Rehabilitation Act’s language, Burgdorf noted, “The U.S. Civil Rights Commission and the National Council on Disability have suggested that, whether framed as ‘qualified’ or ‘otherwise qualified,’ neither phrase is necessary in section 504 and both distort the thrust of the statute.”<sup>72</sup> Burgdorf further noted that, “the United States Supreme Court stated that ‘the question of who is “otherwise qualified” and what actions constitute “discrimination” under the section would seem to be two sides of a single coin.’”<sup>73</sup> According to Burgdorf, it seems that it is difficult – if not impossible – to distinguish between individuals who bring legitimate discrimination claims under the Rehabilitation Act and those who do not.<sup>74</sup> Furthermore, “otherwise qualified” can look different based on various circumstances. In fact, “The type of disability involved may make a difference for determining whether the individual is otherwise qualified and whether reasonable accommodation can be made in a particular situation.”<sup>75</sup>

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<sup>66</sup> *Id.*

<sup>67</sup> *Id.*

<sup>68</sup> *Pahulu v. University of Kansas*, 897 F. Supp. 1387, 1393 (D. Kan. 1995).

<sup>69</sup> Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12101-12213 (2018).

<sup>70</sup> Lara Krigel Pabst, *Embodying the Olympic Spirit: Why Paralympic Athletes Should Be Entitled to Proportionate Benefits under the Americans with Disabilities Act*, 76 UMKC L. REV. 751, 765 (2008) (quoting Shepherd, 464 F. Supp. 2d at 1085-86).

<sup>71</sup> See *Dennin v. Connecticut Interscholastic Athletic Conf., Inc.*, 94 F.3d 96 (2d. Circ. 1996); Laura Rothstein and Julia Irzyk, *Disabilities and the Law 4<sup>th</sup> ed.* § 1:11. Basic principles of laws relating to disabilities (Oct. 2021).

<sup>72</sup> Robert L. Burgdorf Jr., “Substantially Limited” Protection from Disability Discrimination: The Special Treatment Model and Misconstructions of the Definition of Disability, 42 VILL. L. REV. 409, 422 (1997).

<sup>73</sup> *Id.* at 423.

<sup>74</sup> *Id.*

<sup>75</sup> Laura Rothstein and Julia Irzyk, *Disabilities and the Law 4<sup>th</sup> ed.* § 1:10. Definition issues—What is a disability? (Oct. 2021).

### iii. Reasonable Accommodation

If a court decides that a particular activity is a major life activity, that court then seeks to determine whether the proposed accommodation is reasonable. In determining whether an accommodation is reasonable, courts often look to see if the accommodation puts an “undue burden” on the defendants or “fundamentally alters” the nature of the program, job, or competition at hand.<sup>76</sup> Different courts define “reasonable” in different ways, making it sometimes difficult for parties and attorneys to predict how a court will rule in any particular case.<sup>77</sup> Generally, though, within the realm of employment, “Reasonable accommodation is any modification or adjustment to a job, an employment practice, or the work environment that makes it possible for an individual with a disability to enjoy an equal employment opportunity.”<sup>78</sup>

While determining whether something is a reasonable accommodation, it is important to understand exactly what a reasonable accommodation *should* be. Burgdorf writes,

Properly understood, then, reasonable accommodation is not a special service for individuals with disabilities. It is a method for eliminating discrimination that inheres in the planning and organization of societal opportunities based on expectations of certain physical and mental characteristics. It is a necessary device for achieving real equal opportunity, not deviating from it.

Reasonable accommodations allow individuals with disabilities to move throughout their daily lives with relative ease, allowing them to benefit from their jobs or other aspects of their lives in ways that able-bodied individuals may take for granted. Similar to the ADA, the Rehabilitation Act requires programs “to make reasonable accommodations for the disabled, unless the accommodations cause an undue burden to the program.”<sup>79</sup>

Though this article does not deal with disability in employment, it is helpful to analyze the law here to get a sense of what the ADA and interpreting courts hope to accomplish. There are several different types of reasonable accommodations when it comes to employment specifically.<sup>80</sup> These include the following: “making existing facilities accessible; job restructuring; part-time or modified work schedules; acquiring or modifying equipment; changing tests, training materials, or policies; providing qualified readers or interpreters; and reassignment to a vacant position.”<sup>81</sup> Reasonable accommodations in employment must accomplish several things: (1) “[meet] the needs of the individual”<sup>82</sup>; (2) “[enable] an applicant with a disability to have an equal opportunity to participate in the application process and to be considered for a job”<sup>83</sup>; and (3) “[allow] an employee with a disability an equal opportunity to

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<sup>76</sup> See *Dennin v. Connecticut Interscholastic Athletic Conf., Inc.*, 94 F.3d 96 (2d. Circ. 1996); and *PGA Tour, Inc. v. Martin*, 532 U.S. 661, 121 S. Ct. 1879, 149 L. Ed. 2d 904 (2001).

<sup>77</sup> *Id.*

<sup>78</sup> § 2:2. Legal obligations, 1 Disability Law Compliance Manual § 2:2.

<sup>79</sup> Jason Kroll, *Second Class Athletes: The USOC's Treatment of Its Paralympians*, 23 CARDOZO ARTS & ENT. L.J. 307 (2005).

<sup>80</sup> *Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA*, U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (Oct. 17, 2002), <https://www.eeoc.gov/laws/guidance/enforcement-guidance-reasonable-accommodation-and-undue-hardship-under-ada>.

<sup>81</sup> *Id.*

<sup>82</sup> *Id.*

<sup>83</sup> *Id.*

enjoy the benefits and privileges of employment that employees without disabilities enjoy.”<sup>84</sup> While outlining what a reasonable accommodation looks like within employment, the Equal Employment Opportunity Commission (EEOC) also makes distinctions about what is *not* a reasonable accommodation.<sup>85</sup> The EEOC notes that an employer “does not have to provide as reasonable accommodations personal use items needed in accomplishing daily activities both on and off the job.”<sup>86</sup> However, the EEOC makes a distinction between personal use items that are and are not reasonable accommodations: “items that might otherwise be considered personal may be required as reasonable accommodations where they are specifically designed or required to meet job-related rather than personal needs.”<sup>87</sup> Thus, if a disabled individual only needs the accommodation within the context of employment, courts may consider it a reasonable accommodation that the employer should provide.<sup>88</sup>

If accommodations place an undue burden or hardship on the employer, the law considers it unreasonable.<sup>89</sup> The EEOC defines undue hardship as “significant difficulty or expense.”<sup>90</sup> In order to determine whether an accommodation causes an undue hardship for an employer, the EEOC “focuses on the resources and circumstances of the particular employer in relationship to the cost or difficulty of providing a specific accommodation.”<sup>91</sup> Certainly, the test for reasonableness takes the expense of the accommodation into account; however, the test considers several factors in addition to cost.<sup>92</sup> In fact, “[u]ndue hardship refers not only to financial difficulty, but to reasonable accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the business.”<sup>93</sup> The EEOC mentions that the ADA assesses undue hardship based on a handful of factors:

- the nature and cost of the accommodation needed;
- the overall financial resources of the facility making the reasonable accommodation;
- the number of persons employed at this facility;
- the effect on expenses and resources of the facility;
- the overall financial resources, size, number of employees, and type and location of facilities of the employer (if the facility involved in the reasonable accommodation is part of a larger entity);
- the type of operation of the employer, including the structure and functions of the workforce, the geographic separateness, and the administrative or fiscal relationship of the facility involved in making the accommodation to the employer;
- the impact of the accommodation on the operation of the facility.<sup>94</sup>

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<sup>84</sup> *Id.*

<sup>85</sup> *Id.*

<sup>86</sup> *Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA*, U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (Oct. 17, 2002) (The guide describes “personal use items” as “a prosthetic limb, a wheelchair, eyeglasses, hearing aids, or similar devices if they are also needed off the job.”).

<sup>87</sup> *Id.*

<sup>88</sup> *Id.*

<sup>89</sup> *Id.*

<sup>90</sup> *Id.*

<sup>91</sup> *Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA*, U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (Oct. 17, 2002).

<sup>92</sup> *Id.*

<sup>93</sup> *Id.*

<sup>94</sup> *Id.*

Employers, courts, and the ADA assess would-be reasonable accommodations on a case-by-case basis,<sup>95</sup> and “the duty to provide reasonable accommodation is an ongoing one.”<sup>96</sup> This means that the ADA may require an employer to provide multiple accommodations for an employee with a disability.<sup>97</sup> Because what is necessary and what is reasonable varies from individual to individual, it is logical to assess these claims on a case-by-case basis.

#### **iv. A Real Athlete: David Dennin**

In 1996, David Dennin was a 19-year-old high school student with Down Syndrome.<sup>98</sup> Due to his disability, David spent an extra year in middle school before moving on to high school.<sup>99</sup> During his freshman, sophomore, and junior years of high school, David competed on the swim team like many of his classmates; the swim team was open to everyone and did not determine eligibility on the basis of ability.<sup>100</sup> However, when he reached his senior year, he was too old (at 19) to permissibly compete as an athlete in a Connecticut Interscholastic Athletic Conference (CIAC) school.<sup>101</sup> The CIAC’s rules dictated that athletes above the age of 18 were ineligible to compete in their athletic events for many reasons, including promoting fairness in competition and the safety of student athletes.<sup>102</sup>

After Dennin petitioned the CIAC for permission to swim, the CIAC allowed David to swim as long as he was listed as an ineligible athlete, unable to score points for his team (among other requirements).<sup>103</sup> Because David was on a relay team, this disqualified his relay teammates from scoring points for their team as well.<sup>104</sup> David’s parents asked the CIAC to reconsider, noting that David’s slow swim times did not give him an unfair advantage over younger athletes and the non-contact nature of swimming meant that he posed no safety risk to opponents; furthermore, their wish was simply to allow David four years as a full member of the high school swim team, like the rest of his teammates.<sup>105</sup> In response, the CIAC revoked permission for David to swim at all, refusing to let him swim, even as an ineligible, scoreless swimmer.<sup>106</sup>

Eventually, after a few more rounds of back-and-forth between David’s parents, the school, and the CIAC, the Dennins and the Trumbull Board of Education filed an action against the CIAC, hoping the CIAC would waive the age restriction for David individually, for one

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<sup>95</sup> *Id.*

<sup>96</sup> *Id.*

<sup>97</sup> *Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA*, U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (Oct. 17, 2002) (The EEOC notes, “Certain individuals require only one reasonable accommodation, while others may need more than one. Still others may need one reasonable accommodation for a period of time, and then at a later date, require another type of reasonable accommodation.”).

<sup>98</sup> *Dennin v. Connecticut Interscholastic Athletic Conf., Inc.*, 94 F.3d 96, 99 (2d Cir. 1996) (David was a student at Trumbull High School).

<sup>99</sup> *Id.* (David did not spend his middle school years swimming at the high school level.)

<sup>100</sup> *Id.*

<sup>101</sup> *Id.* at 98. (The concerns were that older athletes – in all sports – would be bigger, faster, or stronger, which would be unfair for younger athletes. Additionally, in contact sports like football, older and bigger athletes could pose threats to the health and safety of younger athletes. Safety in this sense is not a concern in non-contact sports like swimming.)

<sup>102</sup> *Id.* at 99.

<sup>103</sup> *Id.*

<sup>104</sup> *Dennin v. Connecticut Interscholastic Athletic Conference*, 94 F.3d 96 (1996).

<sup>105</sup> *Id.*

<sup>106</sup> *Id.*

season.<sup>107</sup> Ultimately, a district court judge granted a preliminary injunction holding four things: (1) David would suffer irreparable harm if he were not granted waiver of the rule; (2) the conference's failure to waive the rule violated the Rehabilitation Act; (3) the conference's failure to waive the rule violated the ADA; and (4) the conference deprived David of due process when it failed to consider whether a single waiver of the rule would undercut the ultimate purposes of the rule.<sup>108</sup> The judge noted, "The sole reason plaintiff is in school at nineteen is his disability. Since plaintiff is 'otherwise qualified' due to the availability of a reasonable accommodation, under the Rehabilitation Act, defendant must grant a waiver to plaintiff."<sup>109</sup> Ultimately, David was able to swim with his teammates as an eligible, scored member of his high school team.<sup>110</sup>

### III. Comparing Special Olympics and the Paralympics to the ADA

Special Olympics and the Paralympics seek to serve different purposes than disability law. Accordingly, they define disability differently. This Section seeks to compare the ways each of these programs treats disability with the goals in mind, as well as hypothesizing what these structures could look like applied to the ADA.

**Table 1**

*Comparing Definitions*

	Americans with Disabilities Act (ADA)	Special Olympics	Paralympics
<b>Definition</b>	A physical or mental impairment that substantially limits one or more major life activities such individual, a record of such an impairment, or being regarded as having such an impairment. <sup>111</sup>	Intellectual disability is a term used when a person has certain limitations in cognitive functioning and skills, including communication, social and self-care skills. <sup>112</sup>	<u>Health condition</u> – a pathology, acute or chronic disease; disorder; injury or trauma. <sup>113</sup>  <u>Underlying health condition</u> – a health condition that may lead to an eligible impairment. <sup>114</sup>

<sup>107</sup> *Id.* (Since David had not been able to swim for four years like other athletes and because he was not a threat to other athletes' safety, his age would not matter in the outcome of swim meets.).

<sup>108</sup> *Id.* at 98.

<sup>109</sup> *Dennin v. Connecticut Interscholastic Athletic Conf., Inc.*, 913 F. Supp. 663, 670 (D. Conn.), *judgment vacated, appeal dismissed*, 94 F.3d 96 (2d Cir. 1996).

<sup>110</sup> *Dennin v. Connecticut Interscholastic Athletic Conf., Inc.*, 94 F.3d 96, 101 (2d Cir. 1996) (After the district court issued a preliminary injunction, the CIAC appealed the case to the United States Court of Appeals, Second Circuit. At that time, the swim season was already over – so the case was moot. Due to the issue of mootness, the Second Circuit vacated the district court's judgment and dismissed the appeal. Regardless, David was able to finish out his career as a high school swimmer, alongside his teammates.).

<sup>111</sup> Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12101-12213 (2018).

<sup>112</sup> *What is Intellectual Disability?*, Special Olympics, <https://www.specialolympics.org/about/intellectual-disabilities/what-is-intellectual-disability?locale=en>.

<sup>113</sup> *U.S. Paralympics: National Classification Policies & Procedures*, U.S. PARALYMPICS (June 1, 2021), [https://www.teamusa.org/-/media/USA\\_Paralympics/Classifications/National-Policies-And-Procedures-with-Full-Appendix-V5-June-2021-FINAL\\_ua.pdf?la=en&hash=89E7ACAD6EFAAE19B05768627688FD921B56B899](https://www.teamusa.org/-/media/USA_Paralympics/Classifications/National-Policies-And-Procedures-with-Full-Appendix-V5-June-2021-FINAL_ua.pdf?la=en&hash=89E7ACAD6EFAAE19B05768627688FD921B56B899).

<sup>114</sup> *Id.*

<b>Qualifications</b>	(1) Major Life Activities <sup>115</sup>	(1) Eight years old <sup>117</sup>	Classifiers assess athletes:
	(2) Major Life Functions <sup>116</sup>	(2) Identified as an agency or professional as having intellectual disabilities, cognitive delays as measured by formal assessment, significant learning, or vocation problems due to cognitive delay. <sup>118</sup>	(1) Medically (2) Technically

<b>Result</b>	Reasonable Accommodation	Divisioning	Classification
	<ul style="list-style-type: none"> <li>- Housing</li> <li>- Employment</li> <li>- Higher Education<sup>119</sup></li> </ul>	<ul style="list-style-type: none"> <li>- Gender</li> <li>- Age</li> <li>- Ability<sup>120</sup></li> </ul>	<ul style="list-style-type: none"> <li>- Eligibility<sup>121</sup></li> <li>- Groups according to limitation<sup>122</sup></li> </ul>

## A. Special Olympics

Special Olympics is an international organization that seeks to “[change] lives by promoting understanding, acceptance, and inclusion among people with and without intellectual disabilities.”<sup>123</sup> Through Special Olympics’ sports and educational opportunities, the organization serves more than 5.5 million athletes in 193 countries.<sup>124</sup> Like the ADA, Special Olympics exists not only to provide assistance to individuals with intellectual disabilities but also to help able individuals understand and value people with disabilities.<sup>125</sup> Special Olympics’ mission is

To provide year-round sports training and athletic competition in a variety of Olympic-type sports for children and adults with intellectual disabilities, giving them continuing opportunities to develop physical fitness, demonstrate courage, experience joy and

<sup>115</sup> Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12101-12213 (2018).

<sup>116</sup> *Id.*

<sup>117</sup> *Frequently Asked Questions*, SPECIAL OLYMPICS, <https://www.specialolympics.org/about/faq>

<sup>118</sup> *Id.*

<sup>119</sup> Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12101-12213 (2018).

<sup>120</sup> *Frequently Asked Questions*, SPECIAL OLYMPICS, <https://www.specialolympics.org/about/faq>

<sup>121</sup> *U.S. Paralympics: National Classification Policies & Procedures*, U.S. PARALYMPICS (June 1, 2021), PDF located at: [https://www.teamusa.org/-/media/USA\\_Paralympics/Classifications/National-Policies-And-Procedures-with-Full-Appendix-V5-June-2021-FINAL\\_ua.pdf?la=en&hash=89E7ACAD6EFAAE19B05768627688FD921B56B899](https://www.teamusa.org/-/media/USA_Paralympics/Classifications/National-Policies-And-Procedures-with-Full-Appendix-V5-June-2021-FINAL_ua.pdf?la=en&hash=89E7ACAD6EFAAE19B05768627688FD921B56B899).

<sup>122</sup> *Id.*

<sup>123</sup> *Frequently Asked Questions*, SPECIAL OLYMPICS, <https://www.specialolympics.org/about/faq>

<sup>124</sup> *Id.*

<sup>125</sup> *Id.*

participate in a sharing of gifts, skills and friendship with their families, other Special Olympics athletes and the community.<sup>126</sup>

This mission was born out of Eunice Kennedy Shriver's desire to use positive language to change perceptions about individuals with intellectual disabilities.<sup>127</sup> The Special Olympics website notes, "Starting with the very first Special Olympics International Games in 1968, [Eunice Kennedy Shriver] wanted to dwell on our athletes' abilities, not disabilities."<sup>128</sup>

### **i. Definition of Disability**

Special Olympics' mission to promote inclusion and personal excellence is parallel, but not identical, to the ADA's mission of prohibiting discrimination. Accordingly, Special Olympics' definition of disability is a bit different. Special Olympics serves individuals with intellectual disabilities specifically, so its disability definition focuses on that distinction.<sup>129</sup> Special Olympics' basic definition says, "Intellectual disability (or ID) is a term used when a person has certain limitations in cognitive functioning and skills, including communication, social and self-care skills. These limitations can cause a child to develop and learn more slowly or differently than a typically developing child."<sup>130</sup> Special Olympics also relies on the American Association of Intellectual and Development Disabilities' criteria to determine whether an individual has an intellectual disability or not. The three criteria are as follows: (1) the individual's IQ is below 70-75; (2) there are significant limitations in two or more adaptive skills (skills needed to live, work, and play in the community); and (3) the condition manifests itself before the age of 18.<sup>131</sup>

### **ii. Qualification**

In order to participate in Special Olympics events, individuals must meet a couple eligibility requirements.<sup>132</sup> Participants "must be at least 8 years old and identified by an agency or professional as having one of the following conditions: intellectual disabilities, cognitive delays as measured by formal assessment, or significant learning or vocational problems due to cognitive delay that require or have required specially designed construction."<sup>133</sup> Additionally, Special Olympics has a program created specifically for children aged 2 through 7 with intellectual disabilities called Special Olympics Young Athletes.<sup>134</sup>

Special Olympics' reliance on medical diagnoses in determining whether someone has a disability relieves the organization itself of the burden of determining who is eligible to participate in their programs. Instead, they welcome anyone who has record of an intellectual disability diagnosis.<sup>135</sup> In seeking out participants for their various programs, Special Olympics

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<sup>126</sup> *Id.*

<sup>127</sup> *Id.*

<sup>128</sup> *Id.*

<sup>129</sup> *What is Intellectual Disability?*, SPECIAL OLYMPICS, <https://www.specialolympics.org/about/intellectual-disabilities/what-is-intellectual-disability?locale=en>.

<sup>130</sup> *Id.*

<sup>131</sup> *Id.*

<sup>132</sup> *Frequently Asked Questions*, SPECIAL OLYMPICS, <https://www.specialolympics.org/about/faq>

<sup>133</sup> *Id.*

<sup>134</sup> *Id.*

<sup>135</sup> *Id.*

places a large focus on inclusion.<sup>136</sup> This underlying goal of ensuring that each Special Olympics athlete – as well as their family members, volunteers, coaches, and Unified partners (discussed in subsection iv.) – feels welcomed and included helps to focus every aspect of the organization’s inner workings.<sup>137</sup> Every decision that Special Olympics makes and every program that it organizes aids this purpose. Furthermore, the organization uses these diagnoses to aid them in the process of “divisioning.”<sup>138</sup>

### **iii. Divisioning**

Special Olympics uses a process called divisioning to ensure that athletes compete with others who are similar in age, gender, and ability.<sup>139</sup> Divisioning assists in creating more exciting and evenly matched events between various athletes and teams.<sup>140</sup> Divisioning is a two-step process, but it works differently depending on the sport.<sup>141</sup> Special Olympics describes the process like this:

Before each competition, a time, score or skill assessment is submitted for each athlete or team. For events that are not timed or measured, such as football and badminton, there is a series of short games between athletes or teams or an assessment of each athlete or team’s ability by a committee. The divisions are then set up based on the information on each athlete’s skill level so that each set of competitors is closely matched.<sup>142</sup>

As a result of this process, each athlete or team is placed in a division made up of three to eight athletes or teams, all relatively well matched in terms of ability.<sup>143</sup> A general standard of Special Olympics – though it is not an official rule – is that “there should be no more than a 15 percent difference between the most highly skilled athlete or team – and the lowest skilled athlete or team in each division.”<sup>144</sup> Divisioning ensures that each athlete has a fair opportunity to compete with and against athletes near his or her own level – making each sporting event more exciting (and more beneficial to all parties involved) in the long-run.<sup>145</sup>

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<sup>136</sup> *Special Olympics International launches “The Revolution is Inclusion” Campaign*, SPECIAL OLYMPICS PRESS RELEASE, <https://www.specialolympics.org/about/press-releases/special-olympics-international-launches-the-revolution-is-inclusion-campaign>.

<sup>137</sup> *Id.*

<sup>138</sup> *Frequently Asked Questions*, SPECIAL OLYMPICS, <https://www.specialolympics.org/about/faq>

<sup>139</sup> *Id.*

<sup>140</sup> *Sports Essentials: Divisioning*, SPECIAL OLYMPICS RESOURCES, <https://resources.specialolympics.org/sports-essentials/divisioning>.

<sup>141</sup> *Special Olympics, Game On: A Quick Guide to Special Olympics Divisioning*, YOUTUBE (Oct. 1, 2015), <https://www.youtube.com/watch?v=oOFkQssMM8U>.

<sup>142</sup> *Sports Essentials: Divisioning*, SPECIAL OLYMPICS RESOURCES, <https://resources.specialolympics.org/sports-essentials/divisioning>.

<sup>143</sup> *Divisioning-Fact Sheet*, SPECIAL OLYMPICS, [https://media.specialolympics.org/resources/sports-essentials/divisioning/Divisioning-Fact-Sheet.pdf?\\_ga=2.123871946.1307468407.1635724918-640708335.1635187583](https://media.specialolympics.org/resources/sports-essentials/divisioning/Divisioning-Fact-Sheet.pdf?_ga=2.123871946.1307468407.1635724918-640708335.1635187583).

<sup>144</sup> *Id.*

<sup>145</sup> *Id.*



#### **iv. Unified Programs**

Special Olympics Unified Sports are a specific portion of Special Olympics that seek to embody inclusion in intentional ways. According to the Special Olympics website, Special Olympics Unified Sports have about 1.4 million participants worldwide.<sup>146</sup> While Special Olympics Unified Sports also go through the divisioning process, the teams that compete in these Unified divisions look a bit different – they are composed of both athletes with and without intellectual disabilities.<sup>147</sup> The organization notes, “Unified Sports joins people with and without intellectual disabilities on the same team. It was inspired by a simple principle: training together and playing together is a quick path to friendship and mutual understanding.”<sup>148</sup> Allowing people with and without intellectual disabilities to play on the same team and work toward the same goals theoretically helps those same individuals to model inclusion outside of athletics as well – in academics, work, and leisure.<sup>149</sup> Indeed, “Having sport in common is just one more way that preconceptions and false ideas are swept away.”<sup>150</sup>

Unified Sports help encourage inclusion from childhood onward, due to Special Olympics Champion Schools.<sup>151</sup> The Special Olympics Champion Schools program “was founded in 2008 and funded through the U.S. Office of Special Education Programs at the U.S. Department of Education to use Special Olympics as a way to build inclusion and tolerance in schools.”<sup>152</sup> Special Olympics also exists as a college club on 215 college and university campuses.<sup>153</sup> 73 of these 215 programs “conduct ongoing Unified Sports on their campus,”<sup>154</sup> including the University of Mississippi. At the college and university level, these programs often have competitive teams (made up of both Special Olympics athletes and students from that college or university) that play against other schools in the area.<sup>155</sup>

The goal of Special Olympics Unified Champion Schools is to create “school climates where students with disabilities feel welcome and are routinely included in, and feel a part of, all activities, opportunities, and functions.”<sup>156</sup> Champion Schools work to promote inclusion in the classroom and all other areas of life, as well as in athletics.<sup>157</sup> The organization writes:

This is accomplished by implementing inclusive sports, inclusive youth leadership opportunities, and whole school engagement. The program is designed to be woven into the fabric of the school, enhancing current efforts and providing rich opportunities that

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<sup>146</sup> *Unified Sports*, SPECIAL OLYMPICS, <https://www.specialolympics.org/our-work/sports/unified-sports>.

<sup>147</sup> *Id.*

<sup>148</sup> *Id.*

<sup>149</sup> *Id.*

<sup>150</sup> *Id.* (For example: Stefano Subauste – a student at the University of Mississippi and a Special Olympics athlete – helped promote inclusion on campus during his (successful) campaign for Mr. Ole Miss. His Special Olympics teammates helped campaign for him and celebrated his platform of inclusion as he worked to spread the principles of the organization into other areas of university life. Here is an article with more details: <https://thedmonline.com/mr-ole-miss-no-stranger-to-halftime-in-vaught-hemingway-please-welcome-mr-ole-miss/>).

<sup>151</sup> *Unified Sports*, SPECIAL OLYMPICS, <https://www.specialolympics.org/our-work/sports/unified-sports>.

<sup>152</sup> *Id.*

<sup>153</sup> *Id.*

<sup>154</sup> *Id.*

<sup>155</sup> *Unified Rivalry Series*, SPECIAL OLYMPICS, <https://www.jointherevolution.org/50-game-changers/unified-rivalry-series>.

<sup>156</sup> *Our Work: Special Olympics Unified Champion Schools*, SPECIAL OLYMPICS, <https://www.specialolympics.org/our-work/unified-champion-schools?locale=en>.

<sup>157</sup> *Id.*

lead to meaningful change in creating a socially inclusive school that supports and engages all learners.<sup>158</sup>

Unified Champion Schools model what inclusion can look like by allowing friendships and peer relationships to grow within a framework designed to welcome all individuals.<sup>159</sup> Each school looks different – “[w]hat a Unified Champion School ‘looks like’ can vary greatly from school to school, based on the needs, goals, schedules, and other factors unique to each school; but the basic building blocks remain the same.”<sup>160</sup> Special Olympics Unified programs operate in accordance with the creed: “Play Unified. Live Unified.”<sup>161</sup> Encouraging inclusion in athletics allows Special Olympics Unified Programs to simultaneously encourage inclusion in all other areas of life.<sup>162</sup>

#### **v. A Real Athlete: Madison Dennis**

Madison Dennis is a Special Olympics athlete from Tupelo, Mississippi, who frequently participates in various Special Olympics sports and activities.<sup>163</sup> While Madison did not play sports at her high school, Special Olympics’ inclusion initiatives allow her to participate in athletic events not only in her hometown but also for the University of Mississippi (“Ole Miss”).<sup>164</sup> Most notably, Madison was able to represent Ole Miss at the 2018 Special Olympics USA Games in Seattle, Washington, where her skills at quarterback helped bring the bronze medal home to Mississippi.<sup>165</sup>

Special Olympics College Ole Miss (an ESPN Special Olympics Unified Champion School<sup>166</sup>) is a unified program, so Special Olympics athletes play alongside students at the University of Mississippi.<sup>167</sup> In competing at the USA games, Special Olympics College Ole Miss “was given the opportunity to take part in the first unified Intercollegiate Division at the Special Olympic USA Games.”<sup>168</sup> Because of this, Madison has not only been an integral figure in promoting inclusion locally, in her community, but also done so nationally as well. Special Olympics, as an organization, works hard to “promote ideals of acceptance and inclusion.”<sup>169</sup>

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<sup>158</sup> *Id.*

<sup>159</sup> *Id.*

<sup>160</sup> *Id.*

<sup>161</sup> *Unified Sports*, SPECIAL OLYMPICS, <https://www.specialolympics.org/our-work/sports/unified-sports>.

<sup>162</sup> *Id.* (Special Olympics Unified Sports have also been recognized by several “high-profile, professional sports organizations and events.” These organizations include the National Basketball Association (NBA); Major League Soccer (MLS); the Union of European Football Associations (UEFA); the National Collegiate Athletic Association, D-III; ESPN’s X Games Aspen; the National Federation of High Schools (NFHS); and the National Intramural-Recreational Sports Association (NIRSA). In addition, ESPN names about 30 Unified Champion Schools every year in recognition of outstanding Unified involvement. Special Olympic College Ole Miss was recognized as an ESPN Champion School in 2018, following a Unified flag-football Bronze Medal finish at the Special Olympics USA Games in Seattle the same year.).

<sup>163</sup> Kendall Patterson, *Special Olympics Team Ranked Among Top 30 in the Nation*, UNIVERSITY OF MISSISSIPPI NEWS (Nov. 1, 2018), <https://news.olemiss.edu/special-olympics-team-ranked-among-top-30-nation/>.

<sup>164</sup> *Id.*

<sup>165</sup> *Id.*

<sup>166</sup> *Id.*

<sup>167</sup> Alex Paton, *Ole Miss team competes in USA Special Olympics*, SUPERTALK MISSISSIPPI MEDIA (July 3, 2018), <https://www.supertalk.fm/ole-miss-team-competes-in-usa-special-olympics/>.

<sup>168</sup> *Id.*

<sup>169</sup> *Id.*

Through its effort to promote inclusion in schools and communities worldwide, Madison has been able to find teammates, peers, and friends that exist beyond the realm of athletics.

In an effort to advocate further for Special Olympics, athletes meet annually with members of Congress in the House and Senate for Special Olympics Hill Day.<sup>170</sup> The goal is this: to “challeng[e] and invit[e] their elected officials to partner with them to achieve the goals of expanding Special Olympics Unified Sports and Unified Champion Schools programming, and to end health care disparities and discrimination against the 15 million persons with intellectual disabilities in America by supporting inclusive health initiatives.”<sup>171</sup> In February 2020, Madison was able to travel to Washington, D.C., for Special Olympics Hill Day and meet with several U.S. Congressmen, including two from her own state: Representative Trent Kelly and Representative Bennie G. Thompson.<sup>172</sup> Through this opportunity, Madison communicated the importance of Special Olympics in communities, schools, and individuals across the United States to lawmakers on Capitol Hill.

Madison will be representing the state of Mississippi in the 2022 Special Olympics USA Games in Orlando as a swimmer.

## **B. The Paralympics**

The Paralympic Games, often simply called the Paralympics, have existed since the end of World War II.<sup>173</sup> The games grew from a group of British World War II veterans to an international movement that runs in conjunction with the Olympic Games, in the same host city.<sup>174</sup> The Paralympics website notes, “In 2001, the International Paralympic Committee (IPC) and the International Olympic Committee (IOC) signed an agreement which guaranteed that host cities would be contracted to manage both the Olympic and Paralympic Games.”<sup>175</sup> As of the 2020 Paralympic Games (which took place in 2021), Paralympic athletes can compete in 22 summer Paralympic Sports and 6 winter Paralympic sports.<sup>176</sup>

Like Special Olympics, the Paralympics exist “to inspire and excite the world: the external result is our contribution to a better world for all people with a disability.”<sup>177</sup> While Paralympics do not explicitly name a dedication to inclusion in the same way that Special Olympics programming does, their purposes seem to mirror each other in making the world a better place for individuals with disabilities. Additionally, the Paralympics seek to empower disabled athletes and allow them to compete at an elite level, on an international stage.<sup>178</sup>

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<sup>170</sup> Tara Baker, *Special Olympics Delegates Made Their Case on Capitol Hill*, SPECIAL OLYMPICS PRESS RELEASES, <https://www.specialolympics.org/about/press-releases/special-olympics-delegates-made-case-of-impact-and-need-for-critical-funding-on-capitol-hill>.

<sup>171</sup> *Id.*

<sup>172</sup> *Id.*

<sup>173</sup> *What are the Paralympic Games?*, PARALYMPICS, <https://paralympics.org.nz/news/what-are-the-paralympic-games/>.

<sup>174</sup> *Id.*

<sup>175</sup> *Id.*

<sup>176</sup> *Id.*

<sup>177</sup> Chapter 1.1 - Paralympic vision and mission, INTERNATIONAL PARALYMPIC COMMITTEE (Apr. 2003), [https://www.paralympic.org/sites/default/files/document/141113141204499\\_2014\\_10\\_01+Sec+i+chapter+1\\_1\\_Paralympic+Vision+and+Mission.pdf](https://www.paralympic.org/sites/default/files/document/141113141204499_2014_10_01+Sec+i+chapter+1_1_Paralympic+Vision+and+Mission.pdf).

<sup>178</sup> *Id.*

### **i. Definition of Disability**

The Paralympics exist to serve and spotlight athletes with physical disabilities, and the organization's definitions of disability reflect this purpose. The Paralympics defines disability in terms of health conditions, underlying health conditions, and resulting impairments.<sup>179</sup> According to the organization, a health condition is "a pathology, acute or chronic disease; disorder; injury or trauma."<sup>180</sup> An underlying health condition is "a health condition that may lead to an eligible impairment."<sup>181</sup> A group of classifiers (discussed below) considers each of these factors in an attempt to place Paralympic athletes in classifications that reflect their ability level. This process, though different from Special Olympics' divisioning process, seems to work in a similar way and seeks a similar outcome: allowing disabled athletes to compete at the height of their abilities against evenly matched competitors.

### **ii. Qualification – Classifiers**

Because Paralympic athletes have a physical disability, "criteria is put in place to ensure that winning is determined by skill, fitness, power, endurance, tactical ability and mental focus, the same factors that account for success in sport for athletes who are able-bodied."<sup>182</sup> The organization uses trained individuals called classifiers to determine whether each individual athlete is eligible to compete in a Paralympic event.<sup>183</sup> Classifiers on each classification panel can be either medical or technical, determined by each sport's rules.<sup>184</sup>

There are different qualifications for each type of classifiers. According to the website, medical classifiers "should be [a] certified health professional in a field relevant to the eligible impairment categories, such as a medical doctor or physical therapist, who has knowledge and experience in dealing with people with physical impairments."<sup>185</sup> This more medical approach to assessing disability, impairment, and eligibility – similar to the approach Special Olympics takes – alleviates some of the pressure on the Paralympics to determine how and when an athlete is eligible to compete. Technical classifiers, "must have [an] extensive coaching background, be former athletes and/or have a degree in physical education, biomechanics or kinesiology with a suitable level of knowledge of the impairments and activity limitations associated with the sport in which they pursue classifier training."<sup>186</sup> In other words, technical classifiers make certain that each athlete is able to compete according to the rules of the individual sport.

Technical and medical classifiers are grouped to form eligibility assessment committees ("ad hoc bod[ies] formed to assess the existence or otherwise of an Eligible Impairment")<sup>187</sup> for

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<sup>179</sup> *U.S. Paralympics: National Classification Policies & Procedures*, U.S. PARALYMPICS (June 1, 2021), PDF located at: [https://www.teamusa.org/-/media/USA\\_Paralympics/Classifications/National-Policies-And-Procedures-with-Full-Appendix-V5-June-2021-FINAL\\_ua.pdf?la=en&hash=89E7ACAD6EFAAE19B05768627688FD921B56B899](https://www.teamusa.org/-/media/USA_Paralympics/Classifications/National-Policies-And-Procedures-with-Full-Appendix-V5-June-2021-FINAL_ua.pdf?la=en&hash=89E7ACAD6EFAAE19B05768627688FD921B56B899).

<sup>180</sup> *Id.*

<sup>181</sup> *Id.*

<sup>182</sup> *What is a classifier and classification?*, TEAM USA ATHLETE SERVICES, <https://www.teamusa.org/Team-USA-Athlete-Services/Paralympic-Sport-Development/Eligibility-Information/Become-a-classifier>.

<sup>183</sup> *Id.*

<sup>184</sup> *Id.*

<sup>185</sup> *Id.*

<sup>186</sup> *Id.*

<sup>187</sup> *U.S. Paralympics: National Classification Policies & Procedures*, U.S. PARALYMPICS (June 1, 2021), PDF located at: [https://www.teamusa.org/-/media/USA\\_Paralympics/Classifications/National-Policies-And-Procedures-with-Full-Appendix-V5-June-2021-FINAL\\_ua.pdf?la=en&hash=89E7ACAD6EFAAE19B05768627688FD921B56B899](https://www.teamusa.org/-/media/USA_Paralympics/Classifications/National-Policies-And-Procedures-with-Full-Appendix-V5-June-2021-FINAL_ua.pdf?la=en&hash=89E7ACAD6EFAAE19B05768627688FD921B56B899).

each sport. While each Paralympic sport can determine the types and number of classifiers on their sport's panel, each classifier must meet certain competencies – no matter the sport.<sup>188</sup> These competencies include the following:

- a thorough understanding of the relevant sport classification rules;
- an understanding of the relevant sport and its rules;
- an understanding of the Code and the International Standards; and
- the professional qualifications, level of experience and any other skills or competencies the relevant International Sport Federation determines the classifier must possess to conduct athlete evaluations in accordance with the International Standard for Athlete Evaluation.<sup>189</sup>

In conjunction, medical classifiers and technical classifiers ensure that individuals who know and understand the specific disabilities and specific sporting event are evaluating each athlete. The classification process allows the best athletes to compete against other similarly abled athletes, while bolstering competition and establishing base-line abilities to compete in each sport.<sup>190</sup>

### **iii. Classification**

Ultimately, classifiers work through a process called classification, in which athletes are determined either eligible or ineligible and grouped according to ability.<sup>191</sup> Classification serves two purposes. It “1. Defines who is eligible to compete in Para sport, and 2. Groups eligible athletes into sport classes according to their activity limitation.”<sup>192</sup> Like each sport has the ability to set certain parameters for their classifiers, “classification systems are defined and implemented by the respective International Federation for each sport.”<sup>193</sup>

Each Paralympic sport decides which impairment types are eligible to compete in their events.<sup>194</sup> Currently, there are ten eligible impairment types: impaired muscle power, impaired passive range of movement, limb deficiency, leg length difference, short stature, hypertonia, ataxia, athetosis, vision impairment, and intellectual impairment.<sup>195</sup> In order for an impairment to be eligible, it “must be permanent and the result of [a] verifiable eligible underlying health condition.”<sup>196</sup> There are also several impairments that the Paralympic Games has designated non-eligible: pain, hearing impairment, low muscle tone, hypermobility of joints, joint instability, impaired muscle endurance, impaired motor reflex functions, impaired cardiovascular functions,

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<sup>188</sup> *What is a classifier and classification?*, TEAM USA ATHLETE SERVICES, <https://www.teamusa.org/Team-USA-Athlete-Services/Paralympic-Sport-Development/Eligibility-Information/Become-a-classifier>.

<sup>189</sup> *Id.*

<sup>190</sup> *Id.*

<sup>191</sup> *Paralympic Classification*, TEAM USA ATHLETE SERVICES, <https://www.teamusa.org/Team-USA-Athlete-Services/Paralympic-Sport-Development/Eligibility-Information/Paralympic-Classification-Information>.

<sup>192</sup> *Id.*

<sup>193</sup> *Id.*

<sup>194</sup> *Id.*

<sup>195</sup> *U.S. Paralympics: National Classification Policies & Procedures*, U.S. PARALYMPICS (June 1, 2021), PDF located at: [https://www.teamusa.org/-/media/USA\\_Paralympics/Classifications/National-Policies-And-Procedures-with-Full-Appendix-V5-June-2021-FINAL\\_ua.pdf?la=en&hash=89E7ACAD6EFAAE19B05768627688FD921B56B899](https://www.teamusa.org/-/media/USA_Paralympics/Classifications/National-Policies-And-Procedures-with-Full-Appendix-V5-June-2021-FINAL_ua.pdf?la=en&hash=89E7ACAD6EFAAE19B05768627688FD921B56B899).

<sup>196</sup> *Id.*

impaired respiratory functions, impaired metabolic functions, tics and mannerism, stereotypes and motor preservation.<sup>197</sup>

Ultimately, the classification process groups each athlete into sport classes within each sport “assessed by reference to the impact of the impairment on the ability to compete in that sport.”<sup>198</sup> The eligibility assessment committees use diagnostic information in tandem with demonstrations of the athletes’ abilities to make these decisions.<sup>199</sup> In this context, the Paralympics consider diagnostic information to be “medical records and/or any other documentation that enables the International Sport Federation to assess the existence or otherwise of an Eligible Impairment or Underlying Health Condition.”<sup>200</sup>

#### **iv. A Real Athlete: Anastasia Pagonis**

Anastasia Pagonis is a Paralympic athlete from New York who represented the United States in the 2020 Paralympic Games in Tokyo, Japan.<sup>201</sup> Anastasia “has a genetic and autoimmune retinopathy, which means her immune system attacks her retinas.”<sup>202</sup> As a result, she began to lose her sight when she was just 11 years old, which initially made swimming difficult both physically and emotionally.<sup>203</sup> By 14, Anastasia was completely blind, and swimming competitively allowed Anastasia a way to regain her independence.<sup>204</sup>

The most recent summer Paralympic Games, which were held in 2021, saw 17-year-old Anastasia achieve a record-breaking win to earn the gold medal in her division.<sup>205</sup> As a Paralympic athlete, Anastasia went through the classification process described earlier in subsection iii; she is an S11 athlete.<sup>206</sup>

World Para Swimming has three impairment groups: physical, intellectual, and vision.<sup>207</sup> The S11 category is “the classification for athletes with the greatest amount of vision loss”<sup>208</sup>; as an S11 Paralympic athlete, Anastasia competed in the freestyle, butterfly, and backstroke events alongside other athletes with very low visual acuity or no light perception.<sup>209</sup> In order to ensure competition fairness, all the athletes in this swim class wear blackened goggles and use a tapper (“someone stands outside the pool and taps her on the head with a foam-tipped pole to let her know when it’s time to turn”).<sup>210</sup> Anastasia’s finish in the 400-meter freestyle – at four minutes and 54.49 seconds – was a full ten seconds ahead of the second-place swimmer and a new world

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<sup>197</sup> *Id.*

<sup>198</sup> *Id.*

<sup>199</sup> *Id.*

<sup>200</sup> *Id.*

<sup>201</sup> Scottie Andrew, *Meet the 17-year-old swimmer and TikTok star who just won Paralympic Gold*, CNN SPORTS (Aug. 29, 2021), <https://www.cnn.com/2021/08/29/sport/paralympics-anastasia-pagonis-gold-medal-trnd/index.html>.

<sup>202</sup> *Classification in Para Swimming, WORLD PARA SWIMMING*, <https://www.paralympic.org/swimming/classification>.

<sup>203</sup> *Id.*

<sup>204</sup> *Id.*

<sup>205</sup> *Supra* note 196.

<sup>206</sup> *Id.*

<sup>207</sup> *Supra* note 197.

<sup>208</sup> Karen Price, *Uniquely Herself, Anastasia Pagonis is Now Also a Paralympic Gold Medalist*, TEAM USA (Aug. 26, 2021), <https://www.teamusa.org/News/2021/August/26/Uniquely-Herself-Anastasia-Pagonis-Is-Now-Also-A-Paralympic-Gold-Medalist>.

<sup>209</sup> *Id.*

<sup>210</sup> *Supra* note 197.

record.<sup>211</sup> In fact, the time she beat to set the record was her own, which she previously set during the US Paralympic Trials earlier the same year.<sup>212</sup>

Through her win, Anastasia is showing the world what blindness is and how it can look in athletics. After struggling with depression, anxiety, and PTSD, swimming competitively allowed Anastasia an outlet – and winning the gold medal at the Tokyo Paralympic Games is the culmination of Anastasia’s determination not to let her disability define her.<sup>213</sup> But, Anastasia’s work is not done yet. After her win, she noted, “I just want to teach people that this is blind, not just what you think is blind where you have to wear sunglasses and you can’t do anything. This is blind.”<sup>214</sup>

### **C. Implementing Special Olympics’ and Paralympics’ Methods in the ADA**

The ADA currently runs in a way that is not necessarily at odds with Special Olympics and the Paralympics, but certainly different from them. As it stands, legal claims based on the ADA require courts to first determine whether a person is disabled under the statute and then, if they are, whether they deserve a reasonable accommodation.<sup>215</sup> This structure means that judges and juries, who often have no medical insight about various disabilities and impairments, must make decisions not only determining whether someone deserves accommodation in employment, housing, or higher education – but also about whether they are even disabled in the first place.

Another potentially problematic aspect of the ADA is that it governs how the law treats both intellectual disabilities and physical disabilities. Special Olympics, however, focuses solely on individuals with intellectual disabilities,<sup>216</sup> while the Paralympic Games exist for the benefit of physically disabled and impaired athletes.<sup>217</sup> Because each organization focuses on only one broad category of disability (though there are many types of intellectual disabilities and physical disabilities within those broad categories), Special Olympics and the Paralympics are able to more effectively accommodate disabled individuals. Perhaps if the ADA addressed these distinctions, courts nationwide would be able to use more streamlined statutes to reach more consistent decisions about what constitutes a reasonable accommodation.

### **IV. Conclusion**

No matter the way that inclusion is cultivated, breaking down barriers is beneficial for all parties involved. As Special Olympics notes, “Having sport in common is just one more way that preconceptions and false ideas are swept away.”<sup>218</sup> While the ADA exists to accommodate disabilities far beyond those found in sport, Special Olympics’ model of making inclusion the goal could be an interesting way to ensure that the law prioritizes reasonable accommodations, as

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<sup>211</sup> *Id.*

<sup>212</sup> *Id.*

<sup>213</sup> *Supra* note 203.

<sup>214</sup> *Id.*

<sup>215</sup> Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12101-12213 (2018).

<sup>216</sup> *Frequently Asked Questions*, SPECIAL OLYMPICS, <https://www.specialolympics.org/about/faq>  
Special Olympics; *What is Intellectual Disability?*, SPECIAL OLYMPICS, <https://www.specialolympics.org/about/intellectual-disabilities/what-is-intellectual-disability?locale=en>.

<sup>217</sup> *U.S. Paralympics: National Classification Policies & Procedures*, U.S. PARALYMPICS (June 1, 2021), [https://www.teamusa.org/-/media/USA\\_Paralympics/Classifications/National-Policies-And-Procedures-with-Full-Appendix-V5-June-2021-FINAL\\_ua.pdf?la=en&hash=89E7ACAD6EFAAE19B05768627688FD921B56B899](https://www.teamusa.org/-/media/USA_Paralympics/Classifications/National-Policies-And-Procedures-with-Full-Appendix-V5-June-2021-FINAL_ua.pdf?la=en&hash=89E7ACAD6EFAAE19B05768627688FD921B56B899).

<sup>218</sup> *Unified Sports*, SPECIAL OLYMPICS, <https://www.specialolympics.org/our-work/sports/unified-sports>.

well as creating a world that seeks to understand and respect individuals with disabilities. Additionally, following the Paralympics' lead in giving individuals with disabilities the opportunity to perform at their best and compete at the highest levels in all areas of life makes our communities, schools, and workplaces more well-rounded.

The Rehabilitation Act and the Americans with Disabilities Act both exist to help level the playing field for individuals with disabilities. It is easy to get caught up in the legal definitions and policies, and their implications, and to forget that at the heart of these acts should be a desire to cultivate respect for the individuals around us who have physical or intellectual disabilities. Many scholars, courts, and legislatures recognize that the language of the ADA is broken in certain places. Perhaps, in an attempt to fix it, we should remember the ultimate goal of these statutes – inclusion and respect. Stories like those of David, Madison, and Anastasia remind us of the value of seeing disability in athletics and illustrate what priorities should be in drafting future disability legislation (or challenging existing disability legislation). As Special Olympics Unified Sports show us, when we make these issues personal and truly value the people around us living with disabilities, the world is a better place. Play Unified. Live Unified.

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### About the Author

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### Discussion Questions

1. How does the language of the Americans with Disabilities Act (ADA) make it easy for courts to come to different conclusions about what constitutes a reasonable accommodation?
2. What goals or structures from Special Olympics could be utilized to help streamline awards of reasonable accommodation under the ADA?
3. What goals or structures from the Paralympics could be utilized to help streamline awards of reasonable accommodation under the ADA?



To Cite this Article

Avant, A. (2022, Spring). Leveling the playing field: Comparing the statutory definition of disability to disability in Special Olympics and the Paralympics. *Journal of Multidisciplinary Research*, 14(1), 87–111.



## Book Review

### Book Details

Martinez, B. (2021). *Your Winning Formula*. Palm Beach Gardens, FL: ACE Leadership Group, 209 pages, \$15, paperback, ISBN: 9798528321936.

### Reviewer

Laura Courtley-Todd, M.S.

### Synopsis and Evaluation

The book *Your Winning Formula* provides an excellent roadmap to challenge our youth to become transformational leaders, capable of developing a powerful impact and effective vision to influence others. The author, Buck Martinez, uses his experience as the co-founder of Student ACES for Leadership and a former corporate executive in the energy industry for more than 30 years to deliver a thorough overview of how to “win” in today’s challenging world. Martinez cites several inspirational examples to assist young adults in their pursuits to be transformational leaders. This approach gives a clear message to the reader on the book’s intent and purpose.

*Your Winning Formula* delivers a simplified guide to assist young adults in navigating today’s challenges on how to stand strong for values that are moral, honorable, and just - so they can maintain a commitment to ethical leadership. Its ease in reading, coupled with historical examples and current narratives, captivates the reader while giving clear instructions on how to become transformational leaders.

Young adults who read *Your Winning Formula* will learn the critical tools necessary to develop their brand and how to unleash positive values while providing the courage to be proud and bold in their pursuit of becoming influential transformational leaders.

Each chapter takes the reader through a motivational interpretation of how to aspire to greatness while exploring individual definitions of greatness. Further, each chapter gets to the root of concern regarding today’s society and provides motivational quotes, inspirational examples, and personal experiences that highlight the need for young adults to be difference makers. Each chapter also provides bullet point examples and recommendations to assist the young adult reader to stay on task with their mission to become transformational leaders.

The book does not sugarcoat the tough challenges that young adults face in these challenging times. Rather, it provides a bold perspective for young adults to comprehend. It does not provide pioneering research; rather, it provides real-life leadership examples to which the reader can relate. The book would best be suited for young adults in leadership capacities such as student government, club leadership, student-athlete, captain of a team, or similar.

*Your Winning Formula* will inspire young adults. Because it is not a textbook and is more like a motivational challenge, young adults will be interested in not only reading the book but also putting the tools learned to practice. What may be a barrier is the author's perspective on today's decline in morality in the United States. Many of the young readers may not relate as they have not witnessed or felt such a decline. However, the ideas and passionate delivery on how to achieve greatness so you can "win" in today's society are very impactful. The formulas outlined in each chapter are filled with motivation to be the best version of yourself, regardless of current societal norms.

As an assistant professor, I highlighted many examples to use in my Introduction to Sports Administration courses. The book's approach to goals and vision are great lessons to use in a classroom setting. It is from this that I recommend the book to those who are looking to inspire and educate transformational leadership.

### **In the Author's Own Words**

"If you commit to following the recommended path in this book, you will doors opening up and positive changes in your life. Always remember that life is a series of experiences. How you prepare and best position yourself will ultimately determine your success. Be a person that leads with their actions and be a person whose actions make people follow you. Let your purpose, passion and conviction make you into the game changer our society needs" (p. 190).

### **Reviewer's Details**

Laura Courtley-Todd, M.S. (lcourtle@stu.edu), is an Assistant Professor in the Gus Machado College of Business at St. Thomas University, in Miami Gardens, Florida. Her area of expertise is in Sports Administration, with a specialization in collegiate athletics leadership, and facility and event management. Her research interests include sports leadership, youth sports education, sports facility design, and event management. ORCID 0000-0002-5642-8941.

### **To Cite this Review**

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