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Winning At All Costs: A Case Study

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Winning At All Costs: A Case Study

Keywords: athlete behaviors; ethical decision-making; intercollegiate athletics

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Abstract

This case addresses the challenges of sport managers to make fair and ethical decisions while considering the many potential organizational outcomes of their decisions. The case is based on a real situation that occurred within a NCAA Division III athletics setting. It highlights the decision making process of a director of athletics who must respond to the untimely arrests of the university’s star quarterback and an assistant coach. The case provides an opportunity for students to critically examine the following: 1) how a sport organization’s policies and philosophical position impact decision making, and 2) the relationship between sport and education. The case is multifaceted, and therefore, relevant for a wide spectrum of sport management classes, including sport ethics, philosophy or sociology, organizational behavior, strategic management, human resource management, and sport marketing.

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Teaching Note

This case addresses the challenges of sport managers to make fair and ethical decisions while strategically considering many of the potential organizational outcomes of their decisions. The case also creates an opportunity for students to critically examine the relationship between sport and education and challenges students to consider whether or not different standards and expectations should be set for student-athletes and employees (i.e., should they be treated the same or one held to a higher standard?) within intercollegiate sport programs. The case is based on a real situation, although the names, dates, and location have been changed to provide anonymity. This case study was constructed based on interviews, documents reviewed in the case, and news sources. The Appendices contain a hyperlink to pertinent sections from the NCAA Division III manual, the university’s faculty/staff and student handbooks, as well as newspaper accounts of the incidents. Similar to the account given in the case regarding the steps taken by the director of athletics, students should be encouraged to review, examine, and carefully consider these documents while evaluating the case. The multifaceted case can be used in courses such as sport ethics, philosophy or sociology, organizational behavior, strategic management, human resource management, and sport marketing.

Case Synopsis

The case focuses on the decision making process of William Frederickson, a director of athletics at a NCAA Division III university, who was faced with an untimely student-athlete and employee conduct issue. Days before West Rimrock University was set to play in their first ever Division III national championship game, their star football quarterback, Phil Johnstone, was arrested for public intoxication on the Grand Canal, a highly trafficked tourist attraction in the city. To make matters worse, immediately prior to being arrested Johnstone had called an
assistant football coach, Coach Jeff Granderson, for help. When Coach Granderson arrived, Johnstone was being arrested. In an attempt to reason with the police officer, Coach Granderson overstepped his bounds and was also arrested for resisting arrest and interfering with the police officer’s duties.

Assignment and Class Discussion

The case is multifaceted and therefore relevant for use in a wide variety of sport management courses. Instructor use of this case in each of these courses is suggested below.

Sport Ethics, Philosophy or Sociology Courses

After successfully completing the case, students will be able to:

1) Explain the importance of ethical decision-making in intercollegiate athletics;

2) Communicate the potential reactions each stakeholder group might exhibit; and

3) Demonstrate the use of ethical practices in future course assignments and discussions.

The case is particularly useful for courses addressing legal and ethical decision-making. To that end, Kihl’s (2007) article on moral codes and moral tensions would be an excellent reading as a prerequisite for students analyzing the case. Additionally, students would benefit by exploring the principle of equal respect, ethic of justice (Shapiro & Stefkovich, 2005), and the Just School Model (Sergiovanni, 1993). It can be taught over multiple sessions, depending upon the depth of analysis desired. This case could also be used in sociology of sport courses that critically examine the relationship between sport and education. Instructors may find Kuga (1996), which focuses on the faculty perceptions of intercollegiate athletics, the Knight Commission on Intercollegiate Athletics (2001, 2010) report, and selected chapters from Gerdy (1997) and Thelin (1996) to be valuable assigned reading with the case to further engage students in discussing the role of sport and higher education. Additionally, for classes focused on
intercollegiate athletics, instructors might assign Oriard (2004, 2009), Sperber (1990, 2000), Telander (1996), and/or Zimbalist (2001) to provide students a more nuanced view of the relationship between intercollegiate athletics and academics. As a means to create a more well-rounded class discussion, students could be encouraged to seek out news accounts of how other universities responded to similar situations. Specifically, students should examine the following: how Florida State University addressed the arrest of Sebastian Janikowski prior to a bowl game in the late 1990s, and how Ohio State University handled the suspension of five star players in advance of the 2011 Rose Bowl.

Sample assignments for these courses may include:

1) Preparation of press conference talking points that stress the educational mission of intercollegiate athletics for the director of athletics, head coach, or university president to utilize when the university’s decision is announced.

2) Preparation of a report to the university president that details the rationale behind the decision the student would have made (had s/he been the director of athletics).

3) Coupled with the Responsible Decision Making Model for Athletics (RDMMA) developed by Yiamouryiannis and colleagues (2010), the case could be used as a final course deliverable or group assignment.

Assignment questions for these courses may include:

1) What should be the role of an athletics department in educational institutions?
   a. Would your answer be different if you worked in a NCAA Division I versus a Division III institution? Would it be different if the case did not involve football?
2) Do you feel that Mr. Frederickson would have made the same decision if he worked for a Division I institution? Why or why not?

3) What are the advantages and disadvantages of combining sport and education?

4) In light of the case, how can the incident be leveraged in a way that demonstrates the benefits of combining sport and education?

5) Does the university have a right (or responsibility) to hold student-athletes to a higher standard than non-athletes?
   a. Why or why not? Does it make a difference whether the athlete is on scholarship or not?
   b. Should different standards apply for employees and student-athletes?

6) As the vice president who oversees the athletics department, what advice would you give Mr. Frederickson?
   a. Would you have made the same decision?
   b. If not, what would have done differently and why?

7) What tensions between personal and professional moral codes might be present?

8) If Phil Johnstone had previously been expelled from the university, would your decision have been made more easily or differently? (See Appendix E for newspaper article about a prior incident at the university.)

9) How well do Mr. Frederickson’s decisions align with the principle of equal respect and the ethic of justice?

Organizational Behavior or Strategic Management Courses

After successfully completing the case, students will be able to:
1) Describe the relationship between leadership behaviors, organizational culture, and organizational decision making;

2) Articulate the impact of high velocity environments on the psyche of organizational team members; and

3) Demonstrate a link between the student’s actions and his/her personal espoused values.

Instructors could use this case in organizational behavior or strategic management courses to demonstrate how an organizational structure, an individual’s leadership style, and the organizational cultural can have important implications on the decision making process.

Supplemental reading assignments such as Branch (1990), Dirks (1999), Snyder (1990), and Weiss (1996), which confer the relationships between leadership behavior and organizational culture and organizational effectiveness, could be used for more in-depth analysis of the case.

Readings from outside the sport context, such as Vogus and Welbourne (2003) and Weick, Sutcliffe, and Obstfeld (1999), can give students an important point of view on decision-making in rapidly changing environments. Lastly, two readings from Parent (2008, 2010) can give students a deeper understanding of stakeholder theory and making decisions in high velocity environments.

Sample assignments for these courses may include:

1) In groups of 2-4, students will conduct a mock press conference. Remaining class members should serve as the press corps. Groups should be graded on the presentation and on the ability to respond to questions from the press. Additionally, non-presenting students could be evaluated on the questions they present in their role as media members.

Assignment questions for these courses may include:
1) What type of leadership behaviors did Mr. Frederickson display through the decision-making process? What impact does Mr. Frederickson’s decision and the manner in which he made his decision, have on the culture of the organization?

2) How involved should the university president be in the decision-making process? Would this be true for every university? What factors might influence whether or not the university president is involved in the decision-making process?

3) Why in athletics departments is there often a departure between espoused values (i.e., values written in mission and/or vision statements) and practice? How can a department head prevent this incongruence from occurring?

4) Given the historical development of the university and its athletics department, discuss the broader implications if Mr. Frederickson made a different decision than the one he did. Discuss in terms of implications for the university, Mr. Frederickson, and the athletics department.

**Human Resource Management Courses**

After successfully completing the case, students will be able to:

1) Identify an awareness of the relationship between job satisfaction and retention;

2) Discuss the potential emotional responses that the head football coach, assistant football coaches, and other members of the coaching staff may have;

3) Demonstrate the capacity to write and revise personnel-related policies and procedures; and

4) Display the ability to create an effective employee orientation and/or training session.

Instructors of a human resource management courses might also find this case particularly useful for discussing ethical decision-making, employee policies, employee discipline, and organizational hierarchy. The case provides an especially challenging scenario.
due to an assistant coach, Coach Jeff Granderson, also being involved in the incident. Since most athletics department organizational charts would have Coach Granderson directly reporting to the head football coach, this has the potential to create a tenuous situation between the head coach and the director of athletics. If not handled appropriately by Mr. Frederickson, a rift between the head football coach (and other coaches that learn how the incident was handled) could develop and detrimentally impact the entire department. The importance of the relationship between a director of athletics and coaches is well-documented to be important to the retention and satisfaction of intercollegiate coaches. Inglis, Danylchuck, and Pastore (1996) along with Dixon and Warner (2010) both highlight the impact of intercollegiate director of athletics supervision and support for coaches. These supplemental assigned readings would be beneficial to further elicit discussion regarding the human resource management issues and the impact on the director of athletics and coach (i.e., supervisor and supervisee) relationship that could result from Mr. Frederickson’s decision.

Sample assignments for these courses may include:

1) Assigning students the task of writing a memo from the director of athletics to members of the coaching staff. The memo could, among other items, detail behavioral expectations for coaches and athletes.

2) Place students in small groups. Require each group to prepare an orientation or training session on athletic department related human resource policies (e.g., behavioral expectations for coaches on recruiting trips).

3) Have students review the excerpt from West Rimrock University’s employee handbook (Appendix C and D). Students should explore whether Mr. Frederickson’s
decision aligned with the university guidelines and if the policy should be rewritten or clarified.

Assignment questions for these courses may include:

1) If, as a result of this incident, Mr. Frederickson developed an athletic department policy for handling future behavioral incidences that involve student-athletes and/or coaches, what would the policy say?
   a. Do you think that an annual training or orientation session for all members of the department would be an effective method to prevent similar incidents from occurring in the future? Why or why not?

2) How involved should the head football coach be in the decision regarding Coach Granderson’s participation in the championship game? Should his involvement or lack thereof be different for the decision regarding Phil Johnstone’s participation? Why or why not?
   a. What are the benefits and drawbacks of including the coach in each of the decisions?

3) Who should inform the team of the decision as to Coach Granderson and Phil Johnstone’s status for the championship game? Why?

4) What subsequent disciplinary action(s) should be taken against Coach Granderson and Phil Johnstone? Who should make those disciplinary decisions? Why?
   a. What are implications and/or ramifications for Mr. Frederickson if the head football coach is not allowed to have input on subsequent disciplinary actions?

5) Should Mr. Frederickson, inform other coaches in the department of the decision to allow or not allow both Coach Granderson and Phil Johnstone to participate in the
championship? If so, how should Mr. Frederickson relay this information to them and what should he say?

a. If a similar incident happened at your current university, what would be some of the university, state, and federal workplace policies or guidelines that you would need to consider prior to alerting the staff?

b. If you were the senior Human Resources officer at West Rimrock University, what advice would you give Mr. Frederickson regarding what he should and should not say?

6) If you were Mr. Frederickson and you became aware that a majority of your coaches (i.e., employees) were upset about the decision what would you do and why?

Sport Marketing Courses

After successfully completing the case, students will be able to:

1) Explain the connection between athletic personnel behavior and the marketing of departmental activities;

2) Express the impact of a departmental or team scandal on members of the marketing staff; and

3) Display the ability to work on a team to create a high quality marketing plan.

Sport marketing instructors may find this case useful to begin a discussion on the impact of athletic team performance, scandal, and decision-making on fundraising, booster club participation, and marketing of the athletics program. Hughes and Shank (2008) address the impact of scandal on fundraising and Roy, Graeff, and Harmon (2008) investigate the relationship between on-field success and fundraising. Instructors could also provide students with information on the 2011 University of Connecticut incident in which Robert Burton, a
prominent football booster who was unhappy about the head football coaching hire, asked for his $3 million donation to be returned to him.

Sample assignments for these courses may include:

1) After reading and considering these supplemental articles and using the West Rimrock case as the backdrop, instructors could have students role-play various marketing or fundraising scenarios involving some combination of the following characters: director of athletics, associate director of athletics for marketing, booster club president, president of the board of trustees, and a university development officer.

2) Students could be asked to prepare a memo with talking points regarding the decision made in the case for both admissions and university development staff members.

3) Place students in small groups. Have each group identify the relevant target markets (stakeholder groups) for West Rimrock’s football team and develop strategies to market the team the following season. Specifically, students should explain how those strategies might differ depending on the stakeholder group to whom they are marketing.

4) In those same groups, students should develop an integrated marketing campaign based upon the different marketing approaches previously indentified for each target market.

Assignment questions for these courses may include:

The following questions would guide discussion in a sport marketing course:
1) Should Mr. Frederickson consult with anyone from the university’s development office prior to making his decision? If so, whom? Why might this be important in the long-term for the university?

2) Given the historical development of the school, how might fundraising, both for the university and for the athletics department, be impacted?

3) If you were in charge of implementing the above marketing strategies and knew that the admissions staff and counselors were fielding numerous questions related to the football incident with prospective students and their parents, what would you do to ensure a consistent message was being relayed?
References


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Background

West Rimrock University is a small, private, liberal arts institution located in the Northwestern United States. Historically the university was a comprehensive master’s degree status institution that had doctoral program offerings as well. Athletically, the university previously competed at the NCAA Division I level, offering full grants-in-aid in all men’s sports and in women’s tennis. The tennis teams experienced much success. In addition to winning national titles by defeating schools like Stanford and UCLA, numerous individuals competed in Wimbledon, and the U.S., French, and Australian Tennis Opens. The rest of the athletics program competed at a high level, but did not achieve success on the same level as did tennis.

With the passage of Title IX of the Educational Amendments in 1972, West Rimrock University was faced with a difficult decision. University administrators realized the development of a women’s athletics program would be costly, especially if grants-in-aid for student-athletes were to be considered. Therefore, in the fall of 1973 the university announced it would eliminate scholarships in all sports and move from competing at the NCAA Division I level to the NCAA Division III (non-scholarship) level. Athletes on both the men’s and women’s tennis teams, however, would continue to receive grants-in-aid and compete at the highest level. The initial response from current and former students and alumni was very negative and the institution failed to attract the types of student-athletes it once had. As a result, except for the two tennis teams, which continued to flourish, the university experienced a significant decline in athletics success.

In 1979 the university hired a new president, Gentry Cook, a vibrant, gregarious historian from Yale. His first major decision was to shift the academic focus of the institution.
made his feelings very clear to the faculty senate – because of its size, the university could not be a comprehensive master’s degree granting institution and continue offering quality undergraduate programs. A choice had to be made. Under his guidance the faculty decided the focus should shift to providing students with an excellent undergraduate liberal arts experience. Within two years, West Rimrock went from offering more than 20 master’s degrees to its current five. It concurrently experienced a ten-percent boost in undergraduate enrollment.

Dr. Cook’s 20-year tenure can almost be divided into two halves. While the first half was spent refocusing West Rimrock’s mission, the second half of his tenure he focused entirely on turning West Rimrock into an institution that would be renowned regionally. He centered his attention on improving all aspects of the institution, including the athletics department. Not only did he want the best chemistry professors, he also wanted a winning football team. Within a decade half that dream was realized as West Rimrock University earned a spot among the top-ranked universities.

Shortly thereafter, he announced the tennis teams would no longer compete at the NCAA Division I level. The tennis teams would join the remainder of the athletics department and compete at the Division III level (cf. Appendix A). The move freed money that had been going to individual athletes and distributed those funds among the other sport teams. It is important to note that since the decision to drop from NCAA Division I athletics in 1972 the university experienced 20 plus years of athletics mediocrity. Dr. Cook understood that if his plan was to work three things had to happen: 1) he needed to hire the right person to guide the athletics department, 2) that person could not come from within, and 3) he had to hire someone with a reputation for caring about academic success.
Dr. Cook found this individual and William Frederickson was hired as the director of athletics in 1994. Frederickson was young, but he already had an impressive resume. He experienced success both as a collegiate athlete and more recently as the director of athletics at his alma mater. But most importantly, Frederickson was a firm believer in the Division III model, that is, the student truly comes first in the term student-athlete (NCAA, 2009). Frederickson brought a new attitude to the department and things began to improve almost immediately.

Within five years of his hire, the department won more than 30 conference titles and many sports competed in their respective NCAA post-season events for the first time in school history. During that same time span 12 athletes received coveted NCAA post-graduate scholarships. The scholarships afforded students the opportunity to pursue degrees in medicine, law, and economics among others. As a result, the institution was gaining a positive reputation nationally for a place that balanced athletic and academic success. Furthermore, the grade point averages, retention rates, and graduation rates for student-athletes, which previously had been well below that of the general student body, began to rise. In fact, at the end of his seventh year, the grade point average for athletes eclipsed that of the general student population for the first time in school history. Frederickson was clearly succeeding in his mission to create winning teams and to graduate successful students.

In his last act as president, Dr. Cook worked with William Frederickson to create the West Rimrock University Athletics Hall-of-Fame. The reason for creating the Hall-of-Fame was straightforward. For too long, athletes from the scholarship era had disassociated themselves from the institution. Dr. Cook needed a way re-engage them, both for economic and political reasons. As a result, the first Hall-of-Fame class, which consisted of athletes exclusively from
the scholarship era, was inducted in 1999. Understanding the importance of not alienating any constituent group, the first class of 10 honorees consisted of 2 football players, 2 coaches, 4 tennis players, and 1 athlete from both trap and skeet and men’s basketball, respectively. It was during the creation and development of the West Rimrock Athletics Hall-of-Fame that Mr. Frederickson came to understand the importance of keeping both internal and external stakeholders happy. That lesson, though, would soon be challenged.

Dilemma

The football team had been to the national semi-finals during the 2007 and 2008 campaigns, but both times they had to travel across the country to play the game and lost. The 2009 season was different; it had been one for the ages. West Rimrock’s quarterback, Phil Johnstone, was leading the nation in four different passing categories and they were the highest scoring team in the country. They boasted a receiving core that was ranked near the top in three different statistical categories.

In another stroke of good fortune, St. Sebastian’s upset victory over Reveille College meant that West Rimrock was able to host the national semi-final game. West Rimrock’s football team could not have played better as they ended up defeating St. Sebastian by three touchdowns. The margin of victory was so large that many players who did not normally play were able to get into the game and play meaningful minutes. West Rimrock would be playing in the nationally televised NCAA Division III championship game the next weekend. The game had started at noon and since there was no travel involved for West Rimrock, the football team, the fans, and the university community were ready to celebrate the victory in style.

West Rimrock University’s Director of Athletics, William Frederickson sat at his desk early the next cold December morning. This should have been the happiest day of his tenure, he
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thought. The football team, who less than 15 years ago had not won a single game, just defeated powerhouse St. Sebastian in the national semi-finals. West Rimrock’s football team was headed to Virginia to play for NCAA Division III national championship for the first time in school history. Yet instead of elation, Mr. Frederickson was distraught about the information he received less than an hour before.

The problem began shortly after 11 p.m., when Phil Johnstone placed a call to his quarterback coach. He said that he was at the Grand Canal, the town’s tourist area, and needed some help. Assistant Coach Jeff Granderson, who had been the starting quarterback for West Rimrock just three years before, jumped into his car and drove downtown to help his star player. By the time Coach Granderson found his quarterback, a city police officer was placing Phil under arrest for drunk and disorderly conduct. Coach Granderson, while attempting to reason with the police officer, was also handcuffed and subsequently charged with resisting arrest and interfering with the duties of a public servant. Phil and Coach Granderson spent the night in jail and after paying the fines for their respective misdemeanor charges, were released the next day at 5 a.m.

As William Frederickson sat in his office after receiving news of the incident (see Appendix B), he pondered his choices. The first option was simply to take no action at all. The issue did not occur on university grounds and should therefore not be under the purview of university regulations. Although Phil and Jeff Granderson had been arrested and charged with misdemeanors, they paid their fines and though they now had a criminal record, each owed no further debt to society. Should their actions be scrutinized by the athletics department though? After all, it is commonly held that an athlete represents the university at all times. Even though NCAA Division III athletes do not receive recompense for their athletic ability, they still enjoy
numerous benefits and privileges associated with participation. And what about the case of Coach Granderson? As a university employee should he be punished for his participation in the situation?

These questions led Mr. Frederickson to consider a second choice more thoughtfully. As he viewed it, the second option was to treat the two cases as separate and different events. Coach Granderson was, after all, a university employee and as such his behavior directly reflected upon the institution. What would it say about the moral character of West Rimrock if Coach Granderson were allowed to be on the sidelines during the national championship game on Saturday? As for Phil, he violated team rules and was later arrested at the Grand Canal, the busiest, most visible part of the city. Maybe he should be punished differently than Coach Granderson?

Besides prohibiting Coach Granderson from coaching on Saturday, Mr. Frederickson also considered suspending Phil for the first quarter of the game. Doing so would send a strong statement to all stakeholders that the university took seriously its mission to develop the whole person. Another consideration was that in making this choice Mr. Frederickson would not be jeopardizing the team’s chances to win the school’s first ever NCAA Division III national championship. Winning a national championship would bring much positive publicity to the university. Perhaps that positive press would turn into greater alumni giving. Furthermore, the win might aid in the recruitment process of future West Rimrock students (Goff, 2000). Mr. Frederickson thought about his history at the institution and reflected upon both his personal and the university’s espoused values. He was hired by President Cook both to create a winning athletics program and to ensure West Rimrock graduates would be well rounded and capable of making positive contributions to society.
This knowledge and deep understanding of President Cook’s philosophy led Mr. Frederickson to consider a third option. Prior to making the decision, however, Mr. Frederickson, conducted a thorough review of the NCAA Division III philosophy (see Appendix A), West Rimrock’s faculty/staff handbook (see Appendix C) and student handbook (see Appendix D). After researching the documents, Mr. Frederickson felt confident that current policy would affirm his decision. He knew the verdict would not be popular, but he first wanted to ensure it could not be challenged from a legal standpoint. Mr. Frederickson felt that it is the institution’s job to teach principles and he believed that decisions made by the institution should not be free from value judgments. By choosing to suspend both Phil and Coach Jeff Granderson, Mr. Frederickson was sending a strong message about how all members of the athletics department, both coaches and players, should represent themselves.

Mr. Frederickson’s personal moral code included empathy, responsibility, respect, and fairness. As such he firmly held that institutions of learning should care about their students and employees as people and not simply view them as means to an end. If he chose either of the first two options, what message would Mr. Frederickson send to Phil, Coach Granderson, the other 400 student-athletes, the coaching staff, and the entire university community? As he saw it, part of developing the whole person was caring about that person’s welfare, both in the present and the future. By suspending Phil and a young Coach Granderson, Mr. Frederickson was sending a strong message that with poor choices come consequences. Both Phil and Coach Granderson chose to be irresponsible and they are therefore being held accountable. Conversely, if he decided to allow them to participate in the game, Mr. Frederickson felt that he would send a clear signal that athletes deserve special treatment. His hope was that, in time, Phil and Coach Granderson would come to appreciate the lesson. While it was no easy decision, Mr.
Frederickson having wrestled with the numerous considerations, felt good about his selection. He would soon, however, come to understand the full impact of his choice.

Upon making the decision, his first call was President Cook to inform him of the choice. As suspected, the university president was pleased Mr. Frederickson had decided to suspend both Phil Johnstone and Coach Granderson from participating in and travelling to the national championship game. After informing Phil, Coach Granderson, and the head football coach of his decision, Mr. Frederickson, through his sports information director, issued a press release. Upon hearing the news, the campus, city, and former students almost immediately split into two camps. One set of constituents, mostly team parents and football alumni made it clear they were disgruntled with the decision. Meanwhile, the faculty and a large portion of the current and former student body were impressed that the athletics department chose to suspend both the player and the coach.

West Rimrock University went to the national championship game with a quarterback who had not played all year. As a result, they were thoroughly outplayed during a nationally televised game. Numerous athletes and parents were so unhappy with the result they called for the university to fire Mr. Frederickson. His decision had essentially cost West Rimrock an opportunity to win the championship. For many athletes this was the last organized football game of their careers. They worked their entire lives for this opportunity, and from their viewpoint the athletics director had taken away from them any realistic chance at winning.

In his mind, however, using both personal and professional moral codes, Mr. Frederickson had arrived at the most ethical decision. But what was the cost? He was at a personal crossroads. Would other coaches lose faith and trust in him? Could he effectively manage the athletics department if football alumni stopped making donations? How would the
nationally televised defeat impact recruitment? These and other questions caused Mr. Frederickson to experience many sleepless nights.
References


Appendices

Appendix A

Hours after West Rimrock earned a spot to compete for the NCAA Division III football championship game, its quarterback was arrested and charged with public intoxication. Phil Johnstone, who was named the offensive player of the year for 2009 by the Northern Collegiate Athletic Conference, was arrested in Sunday's early hours on the Grand Canal. Johnstone, a senior, "tried to grab (the officer's) arm," and "had a strong smell of intoxicants on his breath, bloodshot eyes, slurred speech and was unsteady on his feet," according to the police report.

As the police were arresting Johnstone, a West Rimrock assistant coach was also charged. According to police report, Jeff Granderson a third year assistant coach was charged with “interfering with the duties of a public servant" stemming from Johnstone's arrest. Coach Granderson was released on $1500 bond.

Johnstone, 22-year old senior, led West Rimrock (14-0) to a 41-20 victory Saturday afternoon over St. Sebastian earned the West Rimrock University team a trip to the Stagg Bowl in Salem, Va., for the national title game. West Rimrock will play in their first-ever national championship game against Sunrise State University, which is unbeaten in 14 games and has won 95 of its last 96 games. West Rimrock officials said any punishment, if there were any, "would be pure speculation." West Rimrock head football coach would not comment on the arrests.
Appendix C

Excerpt from Employee Handbook

Disciplinary Actions and Dismissal

In order to achieve university goals, both the University and individual departments set expectations for employees regarding job performance, time and attendance, and conduct. Employees are responsible for adhering to these expectations and for understanding that failure to meet expectations may result in disciplinary action, up to and including dismissal.

The purpose of discipline in most cases is to help employees improve. In many instances the University will attempt to address these issues by following a system of progressive discipline, which typically includes the following steps:

1) Counseling by the direct supervisor
2) Written warnings
3) Disciplinary suspension for misconduct
4) Dismissal

Following a disciplinary action, it is the employee’s responsibility to correct the issues that have been identified. Failure to do so may lead to further discipline, up to and including dismissal.

Certain violations and infractions, as determined by the University, including, but not limited to, performance or conduct that is harmful to the University, dishonesty, theft, vandalism, physical assault, falsification of University records, or other illegal activity may be sufficiently serious to suspend the normal progressive disciplinary process. Under these circumstances, any step in the disciplinary procedure may be used, including dismissal without prior discipline.

By establishing these procedures, the University does not waive or limit its right to terminate employment with or without notice or cause. In addition, employees need to remember that the “Employment at Will” policy remains in full force and effect at all times.
Appendix D

Excerpt from West Rimrock’s Student-Athlete Handbook

Section 7. STUDENT-ATHLETE CONDUCT

It is expected that student-athletes will conduct themselves in a manner that reflects positively on West Rimrock University, and display exemplary behavior through their time as a West Rimrock student-athlete. Student-athletes are expected to abide by all policies, procedures, and guidelines regarding appropriate conduct as outlined in the West Rimrock’s Student Handbook as well as to federal, state, and local laws. Student-athletes shall refrain from the use of alcoholic beverages, tobacco, and non-prescription drugs while representing West Rimrock, regardless of the student-athlete’s age. Consumption of performance-enhancing drugs at anytime is strictly prohibited unless prescribed by a physician for medical reasons. All West Rimrock University student-athletes are required to sign a drug testing consent form prior to athletic participation. The West Rimrock University and the NCAA reserve the right to randomly drug test student athletes throughout the academic year and during post-season championships.

In addition to the above department-wide policies, the coach of each sport may develop team rules concerning appropriate student-athlete conduct. In such a case, the coach must provide the director of athletics with these rules and inform his or her team of these rules and guidelines during the first team meeting. Team rules and policies must be reviewed annually. Violations of conduct, university, athletic department, and/or team policies and guidelines will result in sanctions, which may include permanent dismissal from all athletics department programs. Sanctions may include, but are not limited to verbal reprimand, written reprimand, game(s) suspension, suspension from the team for a specified time frame, or expulsion from the team for the remainder of the academic year.
Appendix E

Newspaper Article on Prior Incident Involving Johnstone

Four students expelled following off-campus incident

Posted: Sunday, January 14, 2007

The Associated Press

UNIVERSITY CITY (AP) –

President Gentry Cook upheld the suspension of four West Rimrock students in December after an off-campus incident in October. Senior Paul Thompson, sophomores Casey Land and Thomas O’Connor and first year Phil Johnstone were suspended after defending their case in three University hearings against senior Michael Overby’s allegation that they broke into and fired a weapon in his off-campus apartment. Jennifer Lutz, dean of students, charged the four students with dishonesty, disorderly conduct, dangerous conduct, destruction of property, and assault and battery, in their first hearing, though the last charge was later dismissed.

Land questioned why the University pursued this when the local police department had not pursued the case at that time. "This whole time we've been working with the police, they say that we're not at risk, they've dropped their whole investigation toward us, and they're willing to come in and help us ... but West Rimrock hasn't allowed it," Land said.

Overby initiated the University investigation by reporting the incident to Lutz the day after it occurred. "The incident involved a gun, and the gun was actually fired in my apartment. I was scared for my life at that point, and I was pretty sure it was the four of them," Overby said. "I didn't feel comfortable on campus ... that's why I decided to bring it to campus."

Although Lutz could not comment specifically on how the community's interests are affected in this case and why the University chose to pursue this off-campus incident, she said
some cases do warrant University intervention when they involve a conflict between students that does not end when students return to campus.

"If the incident primarily involves students, then there would be an interest, regardless of what happens legally outside of campus. So whereas the police may or may not investigate something, the reasons for not doing so may not be related at all to the truth, it may be related to technicalities of the law." Lutz said.

The Student Handbook states, "Activities of students may, upon occasion, result in violation of the law, but this in itself does not constitute basis for additional penalties by the University. However, the University may impose penalties independent of and in addition to the actions of a civil or criminal court when its own community interests are affected."

Overby returned to West Rimrock this semester, and Johnstone, Land, O'Connor, and Thompson are permitted to apply for readmission to the University after the Spring 2007 semester.