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Edmund P. Edmonds

Notre Dame Law School, edmonds.7@nd.edu

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Postsecondary Athletics and the Law: A Selected Bibliography

Edmund P. Edmonds*

Although sports have for many years been an integral part of American higher education, it was not until recent years that athletics in colleges and universities became enmeshed in legal problems. The heightened interest in the legal aspects of sports is apparent to even the most casual reader of the daily sports pages, and it is increasingly becoming a major concern of administrators in American colleges. Because of this interest one finds a number of articles appearing in law reviews in recent times, when in the past they were almost non-existent. In fact, the existence of this symposium issue is just such an example of the increasing interest among lawyers and college administrators, and it points out the degree of concern that has been raised among those charged with running colleges and universities.

The purpose of this selected bibliography is to present an annotated list of legal materials which deal with the areas of interest to university administrators and legal counsel who deal in the governance of athletic programs. The bibliography is divided into subject classifications which present various areas of the law with a general section at the beginning which sets forth a number of items which are of a descriptive or policy nature. These items present an overview of the entire area of university athletics, and they are offered as basic readings for anyone who is interested in the problems that surround sports programs at the postsecondary level. Also included is a list of organizations which are concerned with the regulation, governance, or fostering of sports programs in the amateur and intercollegiate arena. Since a complete list would be too lengthy to include, only those organizations which have the widest focus or the greatest influence are listed, together with a statement of their publications.

Without a doubt the two areas of the most fervor have been the implementation of Title IX of the Education Amendments of 1972 and the regulation of intercollegiate sports activities by the National Collegiate Athletic Association. The Title IX regulations, which contain provisions aimed at eliminating the traditional sex-discriminatory effects of college athletics, is just beginning to have an impact on sports programming. Apparently the effect of these regulations will be to offer women a chance to participate in athletics in colleges and universities in a much more meaningful way than ever before.

Equally important in the last few years has been the concern over the regulatory power of the NCAA, and the status of student-athletes under NCAA rules. The effect of NCAA regulation has been challenged in numerous cases, where

* A.B. 1973, Univ of Notre Dame. M.L.S. 1974, Univ. of Maryland. J.D. 1978, Univ. of Toledo. Associate Law Librarian and Assistant Professor of Law, Marshall-Wythe School of Law, College of William and Mary. The author wishes to express his sincere thanks to Rhoda Berkowitz, Associate Law Librarian and Associate Professor of Law, The University of Toledo College of Law, for excellent editorial assistance and to Margaret Schneider who painstakingly helped in the typing and proofreading of the manuscript.

the battle has been waged over the rights guaranteed under the Fourteenth Amendment as they relate to athletic participants.

The other areas set out in this bibliography are broadcasting, transnational sports, violence in sports, and law, medicine and sports. Although there has been less interest in publication of articles and books in these areas, each is significant and should not be overlooked. The increased degree of violence in sports and the problems of injuries are ever-pressing. The need for thoughtful analysis and concrete proposals of solutions is paramount. Also, with the advent of cable and pay television, and the increasing financial burden on educational institutions, the area of broadcasting is stepping forth into a new era. The area of international sporting events is in some ways the most troubling. The problems of the Olympic Movement both at home and abroad have erupted in recent times all too often. The politicizing of athletics is a very real and harmful threat.

The information sources for sports, education, and the law are plentiful. The newsworthiness of the legal aspects of sports are heralded in daily newspapers across the land, much to the chagrin of many who once found nothing but solace in the sports page. Furthermore, legal problems are regularly reported in *Sports Illustrated* and *The Chronicle of Higher Education*, and both of these publications are well worthwhile for one trying to keep abreast of this area. Also of interest is *The College Law Digest* published by the National Association of College and University Attorneys. This bi-monthly publication contains summaries of recent case law in various categories, the most relevant to this Symposium being, "Students: Intercollegiate Athletics." *Left Field*, the monthly publication of FANS, and the *Sports Law Reporter*, edited by Joe Garagiola, Jr. and Joseph Fenzel, are also noteworthy publications.

GENERAL MATERIALS: BOOKS

Edwards, Harry, *Sociology of Sport*. Homewood, Illinois, The Dorsey Press, 1973.

Professor Edwards' text is the standard in the field of sociology and sports. The author has been a controversial figure in both the sports and education arenas. This text has a wide focus which includes the study of American sport and the society in which it exists with a look at the American sports creed in particular.

Evans, J. Robert, *Blowing the Whistle on Intercollegiate Sports*. Chicago, Nelson-Hall Company, 1974.

Evans attacks the big-time college athletic programs which emphasize entertainment and the "win at all cost" syndrome. The author believes that these programs should be allowed to self-destruct to allow the construction of a program which is more meaningful for students and would provide a learning experience for more collegians. The text considers the loss of control over these programs by university presidents and athletic departments, and the writer presents a program for change in the final chapter.

Hoch, Paul, *Rip of the Big Game: The Exploitation of Sports by the Power Elite*. Garden City, New York, Doubleday & Company, Inc., 1972.

This attack on the American sports system is extremely thought-provoking and it cannot be overlooked. The author's criticism, which is grounded in Marxian philosophy, is pointed at society and the power elite which control it. The ills and problems which are found in American sport are a reflection of our society in Hoch's estimation and cannot be changed by altering the sports system alone.

Michener, James A., *Sports in America*. New York, Random House, 1976.

The noted novelist tackled the entire American sports complex in a personalized discourse on the good and evil that are contained within that complex. The volume is well documented and contains chapters on colleges and universities, financing, women in sports, governmental control and the athlete.

Sage, George H., editor, *Sport and American Society: Selected Readings, Second Edition*. Reading, Massachusetts, Addison-Wesley Publishing Company, 1974.

This collection of articles includes three chapters which are especially pertinent to this bibliography. Chapter six contains four articles which deal with "Race and Sport" while chapter five focuses on "Women and Sport." Chapter three contains three writings on collegiate sports with an emphasis on coaches.

Scott, Jack, *The Athletic Revolution*. New York, The Free Press, 1971.

Scott's text outlines and analyses the growing unrest among athletes in the late 1960's which culminated in numerous clashes between athletes and coaches and other members of the sports establishment. Scott, because of this book and his work for the Institute for the Study of Sport and Society, is a controversial figure who for many is the main protagonist crying for drastic change in the athletic structure of this country. The book cannot be disregarded for it raises many important questions which must be considered by athletic departments throughout the United States.

Shaw, Gary, *Meat on the Hoof: The Hidden World of Texas Football*. New York, St. Martin's Press, 1972.

Shaw's book presents a hard look at big time college football and the dehumanizing effect which it can have on the players. A well written example of the "expose" of sports which has become popular, Shaw details the life of a college football team at the University of Texas. Critics of big time football point to this book and other materials of a similar nature as an example of what has gone wrong with college athletics.

Shea, Edward J. and Elton E. Wieman, *Administrative Policies for Intercollegiate Athletics*. Springfield, Illinois, Charles C. Thomas, Publisher, 1967.

This book speaks to the basic policies and guidelines which are relevant to providing an educational program of athletics at the postsecondary level. After providing a short history of the rise and the taking of control of intercollegiate athletics, the authors discuss educational values, institutional control, finances, coaches and the question of faculty status, recruitment, financial aid, admission and academic requirements, and limitations placed upon participation.

GENERAL MATERIALS: ARTICLES

Cross, *The College Athlete and the Institution*, 38 *Law & Contemp. Prob.* 151 (1973).

Cross discusses a large range of areas of concern to both athletes and colleges including the admission process, recruiting, eligibility restrictions, disqualifications, and the athlete as an employee.

Hammond, *The Student Athlete and the Law*, 9 NASPA J. 302 (1972).

Hammond explores numerous legal opinions and draws conclusions concerning the future status and rights of student athletes. In this article, the author deals with racial and sex discrimination, the wearing of protest insignia, grooming codes, workmen's compensation, eligibility, and tort liability.

Koch, *The Economics of "Big Time" Intercollegiate Athletics*, 52 Soc. Sci. Q. 248 (1971)

The thrust of this article is on the economic development of intercollegiate sports. The author applies an economic analysis to this sports system and the NCAA which he believes to closely approximate a business cartel. Koch looks at the nature of the market, as well as the production function, and discusses the success and the profitability of this cartel. The NCAA's ruling of this market area by regulating the input and restricting the output is not a perfected system because of the limitations imposed by the basic structure which inhibits total success.

Slusher, *Sport: A Philosophical Perspective*, 38 Law & Contemp. Prob. 129 (1973).

In this short article, the writer considers the functions of rules in sports, the control of athletics by the institution, the reason for sport, and the right to expression in sports.

ORGANIZATIONS

Amateur Athletic Union of the United States,

News, monthly; *Amateur Athletic Yearbook*; *Directory*, annual.

Official Amateur Athletic Union Code.

American Football Coaches Association.

Directory, annual; *Proceedings*, annual; *Summer Manual*, annual.

Association for Intercollegiate Athletics for Women.

Newsletter, quarterly; *Directory*, annual; *Handbook*, annual.

College Sports Information Directors of America.

News Digest, ten times per year; *College Sports Information Directors*, annual.

International Cheerleading Foundation.

Cheerleader Magazine, quarterly; *Directory of Collegiate Cheerleaders*, annual;

Encyclopedia of Cheerleading, annual.

National Association of Collegiate Directors of Athletics.

Athletic Administration, quarterly; *Directory of College Athletics*, annual.

National Association of Basketball Coaches of the United States.

Coaches Bulletin, quarterly.

National Association of Intercollegiate Athletics.

News, quarterly; *NAIA Coach*, three times per year; *Handbook*, quadrennial.

National Athletic Trainers Association.

Athletic Training Journal of the N.A.T.A., seven times per year.

National Collegiate Athletic Association.

News, nineteen times per year; Manuals, guides, proceedings and other publicity releases.

National Football Foundation and Hall of Fame.

Footballetter, six times per year; *Chapter News Digest*, quarterly.

National Junior College Athletic Association.

JUCO Review, monthly; *Colleges and Coaches*, annual; *Handbook*, annual.

United States Olympic Committee.

The Olympian, ten times per year; *U.S. Olympic Book*, quadrennial.

SEX DISCRIMINATION AND TITLE IX

Comment, *Equality in Athletics: The Cheerleader v. the Athlete*, 19 S.D.L. Rev. 428 (1974).

Although this article is basically oriented towards a discussion of sex discrimination in high school athletics, the author's discussion of the 14th Amendment and Title IX is of interest. The comment discusses the state action doctrine and the application of the Equal Protection Clause as well as the South Dakota Human Rights Act.

Comment, *Implementing Title IX: The HEW Regulations*, 124 U. Pa. L. Rev. 806 (1976).

This comment presents an analysis of Title IX and an evaluation of the regulations promulgated by HEW. In evaluating the regulations, the author discusses the coverage of Title IX in the areas of admission and recruitment, programs and activities, housing, integration of courses, finances and employment assistance, and especially competitive athletics.

Comment, *Sex Discrimination in Athletics*, 21 Vill. L. Rev. 876 (1976).

This comment examines the constitutionality of Section 86.41 of the Title IX regulations. The article considers the Supreme Court's handling of sex based cases with an emphasis on the Equal Protection Clause. The article's discussion of the regulations centers on the area of separate teams and programs.

Comment, *Sex Discrimination in Athletics: Conflicting Legislative and Judicial Approaches*, 29 Ala. L. Rev. 390 (1978).

The focus of this article is the case and statutory law surrounding Title IX and the differences in the two. The author discusses the use of the Equal Protection Clause and state statutes instead of Title IX. The comment also addresses the contact-non-contact sport distinction, the use of the class action suit, the "Separate but Equal Doctrine", and the enforcement procedures.

Comment, *Title IX's Promise of Equality of Opportunity in Athletics: Does it Cover the Bases?*, 64 Ky L. J. 432 (1975).

The author describes the case law under the Equal Protection Clause and its relationship to Title IX. After considering the legislative history and the development of the regulations under Title IX, the comment explores the equality of opportunity provided by the case law and the new legislation and questions whether women will be provided with the opportunity for meaningful participation in athletic programs.

Cox, *Intercollegiate Athletics and Title IX*, 46 Geo. Wash. L. Rev. 34 (1977).

Cox presents an analysis of the application of Title IX and the HEW regulations to collegiate sports programs. The article also discusses the proposed Equal Rights Amendment and its possible effect, as well as the separate team concept, the contact sport exemption, scholarships, the adjustment period and the related constitutional issues.

Jewett, *The Equal Rights Amendment and Athletics*, 1 Harv. Women's L. J. 53 (1978).

The position of women's athletics would be significantly altered by the proposed Equal Rights Amendment and related state legislation. In this article the author reviews the status of women's athletics, the differences between Title IX, ERA, and the Fourteenth Amendment, and the importance of athletics. The alternatives of "separate but equal" application and fully co-educational athletics are explored.

Kadzielski, *Title IX of the Education Amendments of 1972: Change or Continuity?*, 6 J. L. & Educ. 183 (1977).

The author explores the regulations and Title IX in detail with an emphasis on the athletic oriented regulations. The writer discusses the problems surrounding Section 86.41 which does not effect many traditional male sports.

Koch, *Title IX and the NCAA*, 3 West. St. U. L. Rev. 250 (1976).

The focus of Koch's article on Title IX and the final regulations is the NCAA viewpoint. In this context the author deals with the economic consequences, the status quo plus doctrine, and the exemption argument for revenue producing sports.

Kuhn, *Title IX: Employment and Athletics are Outside HEW's Jurisdiction*, 65 Geo. L. J. 49 (1976).

Kuhn argues that the regulations implementing Title IX by HEW are an improper extension of that department's power under the act. The legislative history, it is argued, does not authorize the regulation of the general employment practices of education institutions. The author looks into the legislative history of Title VI as well as Title IX.

Note, *Sex Discrimination and Intercollegiate Athletics*, 61 Iowa L. Rev. 420 (1975).

This note focuses upon the nature and the extent of sex-based inequality in collegiate athletics, and considers the pressures on educational institutions to alter this traditional discrimination. The author discusses the constitutional mandates and the standard of review under the Fourteenth Amendment and notes the possibility of the application of the Equal Rights Amendment and the regulations under Title IX.

Note, *The Case for Equality in Athletics*, 22 Clev. St. L. Rev. 570 (1973).

This article is centered on the quest of female students to obtain permission to perform on previously all male teams. Although the cases that are considered are predominantly from secondary school claimants, the discussion of Title IX and the Fourteenth Amendment in this problem area are applicable to collegiate and professional sports.

Speck, *Title IX: The Death of Athletics and Other Myths*, 13 NASPA J. 73 (Winter 1976).

In this short article, the author explains that Title IX is not a lengthy and confusing law which invalidates the differences between men and women. Furthermore, the act does not require the use by both sexes of the same showers and toilets, nor does it regulate textbooks. The act preserves the right to set up single sex scholarships, and the application of the law is not a fatal blow to sports in the United States.

THE NCAA AND THE REGULATION OF COLLEGIATE SPORTS

Comment, *A Student-Athlete's Interest in Eligibility: Its Context and Constitutional Dimensions*, 10 Conn. L. Rev. 318 (1978).

The major focus of this article is whether the interest of a student-athlete in intercollegiate sports participation is a sufficient liberty or property interest so as to be within the due process protection of the Fourteenth Amendment. After an examination of the numerous theories put forth in litigation involving the NCAA, the author concludes that an athletic scholarship creates a legal right protectable under the Fourteenth Amendment.

Comment, *Judicial Review of the NCAA's Bylaw 12-1*, 29 Ala. L. Rev. 547 (1978).

Bylaw 12-1, which limits the maximum number of coaches that may be employed by an NCAA member institution, has been challenged twice in recent litigation. This comment deals with the bylaw in terms of the scope of judicial scrutiny and the application of the Fourteenth Amendment while reviewing *Board of Regents v. NCAA* and *Hennessey v. NCAA*.

Comment, *The Government of Amateur Athletics: The NCAA-AAU Dispute*, 41 S. Cal. L. Rev. 464 (1968).

The AAU-NCAA dispute over the governance of both international and domestic athletics and the threat to the United States' position as a leading world power in sports is the scope of this comment. The history in this area of the AAU and the NCAA and the structure of amateur athletics is outlined. The dispute between the two bodies is essentially one of jurisdiction. The AAU, which is the national representative for a number of sports on the international level, has been attacked by the NCAA for its attempt to control domestic contests which the NCAA believes to be beyond the power of the AAU. The author considers a number of solutions to the problem including legislation, arbitration, voluntary agreement, and judicial solution.

Koch, *A Troubled Cartel: The NCAA*, 38 Law & Contemp. Prob. 135 (1973).

Koch's thesis is that the NCAA is in fact a business cartel which operates to restrict competition and maximize profits. The author explores the differences in the NCAA and the traditional business cartel and discusses the particular problems of the NCAA.

Lowell, *Federal Administrative Intervention in Amateur Athletics*, 43 Geo. Wash. L. Rev. 729 (1975).

Lowell's article centers upon an analysis of the Amateur Athletic Act of 1974. In considering the ramifications of the proposal, the writer discusses the AAU-NCAA conflict, the desirability of the involvement of the federal government in athletics, and alternative legislative solutions.

McGuire, *The NCAA: Institution under Constitutional Siege*, 2 J. Coll. & U.L. 175 (1975).

The recent increase in the number of constitutional attacks on the NCAA and its regulation of intercollegiate athletics provides the focal point for McGuire's article. The author discusses the regulatory scheme as it relates to athletic eligibility, and academic and admission standards, and the employment of the Fourteenth Amendment by claimants against the NCAA.

Martin, *Due Process and Its Future Within the NCAA*, 10 Conn. L. Rev. 290 (1978).

Martin's article involves a discussion of the procedural inadequacies relating to the operation of the NCAA's Committee on Infractions. The author reviews four recent cases, *Colorado Seminary v. NCAA*, *Regents of the University of Minnesota v. NCAA*, *Hunt v. NCAA*, and *Tarkanian v. University of Nevada at Las Vegas*, which have raised Fourteenth Amendment Due Process claims. The author gives a detailed view of these cases and the operation of the Committee on Infractions as well as a good discussion of the NCAA's position and its viability under the Fourteenth Amendment.

Martin, *The NCAA and the Fourteenth Amendment*, 11 New Eng. L. Rev. 383 (1976).

The current litigation against the NCAA on its legislative as well as its executive and judicial functions is related to the implications of the Fourteenth Amendment's Due Process and Equal Protection Clauses. The article considers the state action and the suspect class concepts as they apply to the NCAA.

Note, *Judicial Review of Disputes Between Athletes and the National Collegiate Athletic Association*, 24 Stan L. Rev. 903 (1972).

The enforcement of the NCAA's regulations, and specifically the "1.600 Rule," is examined in this note within the limitations imposed by the Fourteenth Amendment as well as the common law doctrine of private associations. The present procedures used for the enforcement of athletic regulations and the substantive aspects of those regulations are considered by the author in some detail.

Note, *National Collegiate Athletic Association's Certification Requirement: A Section 1 Violation of the Sherman Anti-trust Act*, 9 Val. U. L. Rev. 193 (1974).

The writer contends in this note that the certification requirements imposed on athletes and events is violative of Section 1 of the Sherman Act. The effect of this practice has been to allow the NCAA to retain its domineering position and prohibit dual-sanctioning of their events. The author presents an analysis of the classic antitrust aspects of the NCAA's operation.

Note, *Tackling Intercollegiate Athletics: An Antitrust Analysis*, 87 Yale L. J. 655 (1978).

This note examines the NCAA as a self-regulatory association which engages in activities that normally constitute per se anti-trust violations in ordinary business

contexts. The per se restraints of trade are analyzed as well as the rule of reason treatment often applied in cases involving self-regulatory organizations. The author also reviews relevant antitrust analysis in light of *Goldfarb v. Virginia State Bar* and offers a standard for analysis in this area that better approaches the goals of the antitrust laws.

Note, *The Student-Athlete and the National Collegiate Athletic Association: The Need for a Prima Facie Tort Doctrine*, 9 Suffolk U. L. Rev. 1340 (1975).

In considering a number of actions filed by student-athletes denied eligibility because of rules and regulations imposed by the NCAA, the author of this note discusses the Fourteenth Amendment and rejects the position followed by many courts that the NCAA's activities are under the color of state law. In the alternative, the note offers the solution of the prima facie tort doctrine. This cause of action would force the NCAA to justify its decision denying eligibility. If the NCAA could not persuade the court that it was justified in its actions, the court could use its equitable power to enjoin the NCAA.

Recent Decisions, *Anti-Trust Law-National Collegiate Athletic Association Held Subject to the Rule of Reason Test of the Sherman Anti-Trust Act*, 7 Cum. L. Rev. 505 (1977).

This note considers *Hennessey & Hudson v. NCAA* in which By-Law 12.1 of the NCAA, which limits the number of assistant coaches for athletic teams, was questioned by two University of Alabama football coaches which had to be removed in order to comply with the regulation.

BROADCASTING

Hochberg and Horowitz, *Broadcasting and CATV: The Beauty and the Bane of Major College Football*, 38 Law & Contemp. Prob. 112 (1973).

The authors discuss the history of broadcasting of college football in detail while specifically considering the existing arrangements, the current programming pattern, the economic implications, and the potential impact of cable TV.

Hochberg, *Congress Kicks a Field Goal: The Legislative Attack in the 93rd Congress on Sports Broadcasting Practices*, 27 Fed. Com. B. J. 27 (1974).

Hochberg, *Congress Tackles Sports and Broadcasting*, 3 West. St. U. L. Rev. 223 (1976).

Hochberg, *Second and Goal to Go: The Legislative Attack in the Ninety-Second Congress on Sports Broadcasting Practices*, 26 Fed. Com. B. J. 118 (1973), 18 N.Y.L.F. 841 (1973).

These three articles center mostly upon broadcasting as it relates to professional sports. However, there is some discussion of protective legislation for college football games telecast during the professional football season as well as the NCAA's ban on the televising of games which include schools on probation.

Note, *Sports Anti-Siphoning Rules for Pay Cable Television: A Public Right to Free TV?*, 53 Ind. L. J. 821 (1978).

This article discusses the validity of sports program restrictions and possible justifications for anti-siphoning regulations. The author considers FCC regulations

and First Amendment concerns. The author concludes that no siphoning threat exists and, therefore, there is no justification for the present restrictions.

Recent Developments, *Communications Law-Television-Antisiphoning Rules Governing Movie and Sports Content of Pay Cable Television Exceeded Jurisdiction of FCC Under Federal Communications Act*, 23 Vill. L. Rev. 597 (1977-78).

Home Box Office, Inc. v. FCC, which dealt with federal regulation concerning sports programming on cable television, is the focal point of this article. Cable television and its possible future impact on sports programming is a development that will be carefully watched by amateur as well as professional sports enterprises.

TRANSNATIONAL SPORTS

Nafziger, *Legal Aspects of a United States Foreign Sports Policy*, 8 Vand. J. Transnat'l L. 837 (1975).

Nafziger probes the area of sovereign intervention and politics in international sports. After discussing governmental involvement in the United States and the Olympic movement, the author asserts that the United States needs to develop a comprehensive and coherent foreign sports policy.

Nafziger, *Regulation of Transnational Sports Competition: Down from Mount Olympus*, 5 Vand. J. Transnat'l L. 180 (1971).

In this article, Nafziger considers the rules and norms that govern the administration of transnational sports competition. After discussing the behavioral and organizational characteristics of olympic decision making, the writer examines the olympic movement and its response to the politicization of competition among nations, the problem of creeping professionalism, ping-pong diplomacy, and the conflict over the apartheid practices of South Africa.

Nafziger and Strenk, *The Political Uses and Abuses of Sports*, 10 Conn. L. Rev. 259 (1978).

The authors consider six areas in which athletic contests are used to advance international politics: diplomatic recognition and nonrecognition, protest, ideology and propaganda, prestige, international cooperation, and conflict. In analyzing each of these areas, the legal framework of the International Olympic Committee as well as other international sports federations is examined. The authors present a model for determining the legality of actions in each of these categories, and they explore the important international consequences involved.

SPORTS VIOLENCE

Comment, *The Consent Defense: Sports, Violence, and the Criminal Law*, 13 Am. Crim. L. Rev. 235 (1975).

Although this comment centers upon a discussion of *State v. Forbes*, a case which involves state criminal charges leveled against a professional hockey player who struck an opposing player with his stick during a game, the treatment of criminal law and the use of the consent defense is of importance to those interested in

postsecondary athletic programs. The increased amount of violence in all levels of sports, including fan actions, is a grave problem which cannot be ignored.

Note, *Tort Liability for Players in Contact Sports*, 45 U.M.K.C. L. Rev. 119 (1976).

This note focuses on *Nabozny v. Barnhill* in which a soccer player who injured an opposing player nonintentionally during the course of a match was found to be possibly liable in tort for such injuries. The note, which does not discuss an action involving collegiate athletes, is important for its treatment of judicial intervention in sports and the discussion of duty of care and the role of tort law in sports.

Recent Cases, *Torts-Participant in Athletic Competition States Cause of Action for Injuries Against Other Participant*, 42 Mo. L. Rev. 347 (1977).

This casenote also deals with *Nabozny v. Barnhill* and analyzes the case in terms of assault and battery and the consent defense, negligence and contributory negligence as well as assumption of the risk, and recklessness.

SPORTS, LAW AND MEDICINE

Langerman and Fidel, *Responsibility is Also Part of the Game*, 13 Trial 22 (January 1977).

Due to the increased sports competition at all levels, Langerman and Fidel point out the importance of the duty to supervise, discipline, and instruct with reasonable care and foresight those who participate.

Philo and Stine, *The Liability Path to Safer Helmets*, 13 Trial 38 (January 1977).

These two authors consider the present state of helmet construction for football and the nature of litigation and liability which has surrounded injuries due to helmet construction.

Ryan, *Medical Practices in Sports*, 38 Law & Contemp. Prob. 99 (1973).

The teaching of sports medicine is the focus of Ryan's text which considers a number of college sponsored courses in this field. The lack of training and the informal and inefficient organization of sports medicine are also discussed.

MISCELLANEOUS

Comment, *The Authority of a College Coach: A Legal Analysis*, 49 Ore. L. Rev. 442 (1970).

The historical sources of athletic control and the rights of athletes and coaches are the focal point of this comment. The author discusses three doctrines which sustain the institutional authority—the contract right, the state power as an administrative agency and the *in loco parentis* doctrine.

McGahey, *A Comment on the First Amendment and the Scholar-Athlete*, 6 Human Rights 155 (1977).

McGahey points out that, among college students, the athlete's First Amendment rights lag far behind. The author reviews the recent history of the area and concludes that the reformulation of the role of the coach, the athlete, and the educational institution will be affected by the assertion of First Amendment rights.

Note, *Constitutional Law-Wearing of Black Armbands By State University Football Players During Game Would Violate Establishment of Religion Clause*, 19 U. Kan. L. Rev. 316 (1971).

In *Williams v. Eaton*, the federal district court of Wyoming considered the dismissal of football players from the University of Wyoming football team for their attempt to demonstrate against the treatment of Blacks by the Mormon Church during a game against Brigham Young University.

Steinbach, *Workmen's Compensation and the Scholarship Athlete*, 19 Clev St. L. Rev. 521 (1970).

The employee status of the college athlete and, hence, his or her right to workmen's compensation for injuries received during practice or a contest, is discussed. The author considers the case law and points to the importance of the contractual obligation in the determination of employee status.

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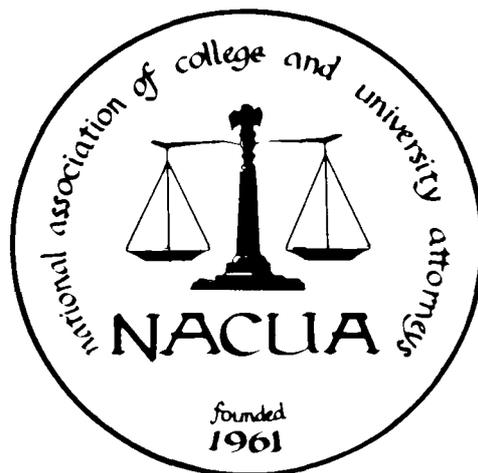
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