

FROM THE PLAYING FIELD TO THE COURTROOM: THE PAST, PRESENT, AND FUTURE ROLE OF THE GOVERNMENT IN INTERCOLLEGIATE ATHLETICS' SUSPENSIONS

Authors: M. S. Nagel (University of South Carolina) and M. L. Howard (Florida State University)

If we think they're all going to be angels and sing in the choir, all 85 of them for four years, I think we're sadly mistaken. If it's an ongoing problem, if you've got somebody in the news every other week, then I think you have to say are they understanding exactly what we're trying to do here? – Former Georgia Tech Head Football Coach Chan Gailey (Knobler, 2005a, 1C)

I believe my obligation is to play the best players - Former Georgia Tech Head Football Coach Chan Gailey (Associated Press, 2005, para. 13)

On July 19, 2012 the University of Miami (UM) dismissed senior safety Ray-Ray Armstrong from its football team for undisclosed violation of team rules, though it did permit him to retain his scholarship and remain enrolled as a student (Watson, 2012). The talented Armstrong had previously been suspended for four games by the National Collegiate Athletic Association (NCAA) in 2011 for accepting impermissible benefits from Nevin Shapiro, a booster who continues to be embroiled in an ongoing university and NCAA investigation (Navarro, 2012) while currently imprisoned for orchestrating a multi-million dollar Ponzi scheme. Though Armstrong had the opportunity to submit his name for the National Football League (NFL) supplemental draft, he elected to continue his collegiate career. Many, including his father Albert Armstrong and his attorney Matt Morgan, believed that Armstrong was being used as a “sacrificial lamb” to appease NCAA investigators who were continuing their ongoing investigation of the UM football program. Armstrong had been involved in numerous previous incidents and had often utilized social media to relay information that later resulted in further NCAA scrutiny upon the UM football program (Schad, 2012).

Given that the NCAA's rules require a football player who transfers from a Division I school to another Division I school to sit out a year, Armstrong's options to continue his collegiate football career in 2012 appeared to be limited to transferring to a lower NCAA division or competing in the National Association for Intercollegiate Athletics (NAIA). Either of these scenarios would result in Armstrong competing against significantly inferior competition, which might have diminished his NFL draft status and possibly significantly impacted his initial professional football salary. In an effort to remain on the football team at UM, Morgan proposed filing an injunction against Miami's football suspension, while noting, “Why should he have to play at a NAIA or Division II school this year when to my knowledge the NCAA has not

concluded he even violated rules” (Schad, 2012, para. 6)? Morgan also noted, “Miami made a unilateral decision to dismiss Ray-Ray without NCAA process” (Schad, 2012, para 2).

The potential injunction received considerable attention on various sport-media outlets and caused extensive conjecture regarding the likelihood that Armstrong would be able to return to practice let alone compete in games. However, a few days after the injunction proposal was released to the media, Armstrong decided to enroll at Faulkner University, a NAIA school located in Montgomery, Alabama. Morgan noted his belief that Armstrong would have eventually succeeded in his legal proceedings, “...despite the existence of several potential merit based claims against the University of Miami, Ray-Ray has decided to continue his education and college football career with another program that has welcomed him like family” (Casagrande, 2012, para. 3).

While the Armstrong “incident” did not proceed to a courtroom, it continued a recent trend where players have threatened or actually sought redress from the courts for perceived athletic injustices (Bohn, 2007; Epstein, 2005; Hyman, 2007). Though participation in scholastic athletics has typically been seen as a privilege, not a right (*Vernonia School District v. Acton*, 1995), the courts are often sought as a refuge for coaching or administrative decisions that negatively impact a players’ eligibility to participate. In the intercollegiate setting, where tangible compensation in the form of scholarships and other direct educational support is often available, there is some uncertainty regarding the legality of taking a player’s scholarship away, particularly without due process[i]. In cases where a state actor (such as a public institution) is taking away a person’s right to life, liberty, or property, it must provide adequate due process to the accused (such as allowing sufficient time for the accused to prepare a defense, permitting the accused to cross examine witnesses, etc.). Even in non-governmental environments, eliminating potential compensation and/or other benefits, particularly when it has been established by contract, is not something that can be done without potential legal scrutiny. In Armstrong’s potential injunction filing, a collegiate athlete’s right to participate in athletics was a possible legal consideration that could have had important ramifications, particularly in light of due process considerations, which in college sport settings are sometimes limited for the athlete owing to the power of the head coach and other athletic administrators. With the scholarship and the right to remain on campus often identified by colleges and universities as the primary “benefits” or “compensation” for athletic performance (Byers, 1995; Brand, 2006), Armstrong’s case was seen by some as potentially groundbreaking. However, as this paper will demonstrate in detail, just a few years ago Georgia Tech defensive back Reuben Houston was involved in a somewhat similar suspension situation when after being arrested and charged with a felony he did seek redress through the courts to continue playing for the Yellow Jackets. In addition to detailing the specifics of Houston’s case, the paper will first briefly describe the apparent conflicts that are often present in coaches’ and athletic administrators’ involvement in adjudicating

players' misbehavior. It will also briefly discuss some government entities involvement in athletic participation decisions that are related to athlete malfeasance.

Repercussions of Athlete Misconduct

A head coach certainly has the prerogative to distribute playing time as he or she see fit. Though there have been some sport movies that display vindictive college coaches "out to get" select players, in reality, the highly competitive nature of intercollegiate athletics necessitates that coaches allocate playing time to the players who provide the best opportunity for the team to win and the coach to retain his or her job. In many cases, a player's behavior on the field or court is not an issue; rather, it is the player's inappropriate actions away from practice and competition that warrants potential punishment. In those cases, coaches, and, by extension, their athletic directors, and sometimes their school presidents, are placed in an uncomfortable position of having to potentially suspend from competition or even expel a prominent athlete from campus for misbehavior that could include recreational drug abuse, academic misconduct, domestic violence, and a variety of other potential infractions.

Most intercollegiate athletic programs do not have to face the extreme circumstances that occurred in the Baylor University men's basketball program where a player was killed by a former teammate (Jimenez, 2009) or at Binghamton University where the starting point guard was arrested for cocaine distribution and other alleged crimes (Thamel, 2009). In those situations, the coaches had lost complete control of their programs and they were soon dismissed. However, each year there are prominent examples of off-field player misbehavior that require coaches to make decisions that could negatively affect their team's performance. For example, NBC Sports reported that from January 1, 2012 to August 18, 2012 over 115 Division I football players were arrested for a variety of crimes, many of them felonies ("Police blotter," 2012).

With the highly competitive nature of intercollegiate athletics many coaches cannot afford to lose their best players from competition. While it is not surprising to see a novice college coach make a decision to allow a player who has committed or been accused of committing a crime to continue to play, it is surprising that in many cases established coaches have made decisions to allow players to continue their playing careers despite mounting evidence that their players should not be rewarded with continued athletic opportunities. In theory, those coaches who have established their careers over multiple successful seasons should be able to allocate punishments when appropriate, but even coaching legends can fall prey to an attitude that nothing can stand in the way of a potential winning season. Before he was embroiled in the Jerry Sandusky scandal, Penn State football coach Joe Paterno repeatedly rebuffed efforts to allow the Penn State Department of Student Affairs to discipline football players who had been involved in crimes which sometimes involved athletes physically hurting other students (O'Neill, 2012). Eventually, Penn State

Director of Student Affairs Vicky Triponey tired of fighting Paterno and the rest of the Penn State upper administration and she resigned under pressure (O'Neill, 2012). At the University of Nebraska in the 1990s, longtime head football coach Tom Osborne was scrutinized for his continued support of players, often in the face of evidence they should not only be suspended from playing, but also removed from the University of Nebraska campus. With players being accused of crimes including theft, domestic violence toward women, illegal possession of a firearm, and second degree murder Osborne routinely allowed players to continue to participate in practice and, in many cases, games (Farber, 1995). At one point, Osborne even kept a player's gun that was connected to a crime in his office for safekeeping while the police were looking for it (Farber, 1995).

With many coaches demonstrating that they cannot be expected to properly police their athletes if they have talent or remaining eligibility, it would seem that a higher athletic authority, such as the NCAA, could be entrusted to maintain order when athletes misbehave. Unfortunately, the NCAA has also experienced times of "uncertainty" when faced with an opportunity to suspend players who have clearly violated NCAA rules. In December 2010, the NCAA deemed quarterback Terrelle Pryor and five other Ohio State University football players to have violated rules by selling memorabilia, and suspended them for five games. However, lobbying by Ohio State and the Big Ten Conference resulted in the NCAA delaying their suspension until the 2011 season, which allowed all of the players to participate in the Sugar Bowl game against the University of Arkansas (Smith, 2011). The NCAA decision was welcome news to officials in New Orleans as Sugar Bowl CEO Paul Hoolahan noted, "'I made the point that anything that could be done to preserve the integrity of this year's game, we would greatly appreciate it... I'm probably thinking of this from a selfish perspective'" (Gordon, 2010, para. 7 & 12). Though the NCAA does not directly benefit from bowl game attendance figures or television ratings, it certainly has a vested interest in seeing college sports attract a larger audience, and an Ohio State team at full strength provided a much better product. The following season, some of the players served their five game suspensions, but Terrelle Pryor elected to leave Ohio State to play in the NFL, conveniently avoiding punishment for his NCAA misdeeds.

Given the inability of many coaches and athletic directors to adequately police their athletic programs, the state of California decided to remove the option to play those convicted of violent felonies when Governor Arnold Schwarzenegger signed legislation banning any convicted athlete from intercollegiate athletic competition until their sentence was completed ("Cracking down," 2006). David Wiens, a student at San Diego State University who was beaten by three Grossmont College football players only to later see those players compete on the field after they pled guilty to felony assault, noted, "This bill is very personally meaningful to me because it calls into question those who are interested only in winning" (Marelius, 2006, para. 8). The California law was primarily spurred not by the actions of highly commercialized Division I

athletes, but by those competing at a much lower level. However, the desire to win can be highly appealing at any level as evidenced by Grossmont College's coach Dave Jordan's failure to inform his administrators of the player's violent actions.

Though there are numerous cases of coaches and administrators failing to adequately punish their athlete's misdeeds, in some cases the school may overreact and fail to provide athletes the opportunity to defend themselves against accusations before administering reprimands and penalties. Perhaps the most publicized incident of this nature occurred in 2006 at Duke University. After many members of Duke's lacrosse team held an off-campus party where two strippers performed, one of the strippers claimed that three players beat, raped, and sodomized her while in the bathroom ("Duke Case Chronology," n. d.). Amid a media and campus maelstrom Duke University initially announced the suspension of two lacrosse games due to the party and then soon decided to suspend the entire season. In addition, the school forced head coach Mike Pressler to resign.

While Durham County District Attorney Mike Nifong did eventually charge players Reade Seligmann, Colin Finnerty, and David Evans with rape, sexual offense and kidnapping, the evidence in the case continued to lead many to believe the accusations were fabricated. DNA evidence revealed the three defendants did not rape the accuser, and within a short period of time the accuser began to alter her initial story. Soon, Mike Nifong encountered intense scrutiny as he continued to press portions of his initial case despite mounting evidence that the initial claims were false. Eventually all charges were dropped and Mike Nifong resigned his position and was later disbarred (Setrakian & Francescani, 2007).

The initial stance taken by Duke University's administration was spurred by pressure from numerous Duke University faculty members. Among them was a "group of 88" faculty members who signed an advertisement published in the *Duke Chronicle* only two weeks after the party in which they claimed the rape allegations were true (Johnson, 2007). The quick, and largely inappropriate, actions against the lacrosse players eventually resulted in combined financial settlements with Reade Seligmann, Colin Finnerty, and David Evans that may have exceeded \$50 million (Comstock, 2011; Deconto & Neff, 2011). In addition, former head lacrosse coach Mike Pressler later reached a financial settlement with the university after it had dismissed him at the height of the scandal despite his 16 years of experience at Duke (Beard, 2007).

The Duke Lacrosse incident demonstrated that a rush to judgment by university administrators can have long-term financial consequences. However, even amidst the near hysteria in the immediate weeks after the party and the resulting financial settlements that Duke had to pay, there was never a concern that eliminating the players' opportunity to complete their season would have negative repercussions upon their future athletic careers. While lacrosse does have a viable professional league, the salaries are typically low compared to other professions, and are miniscule compared to the National Football League. Though the

aforementioned situations may provide some insights into a potential injunction filed by Ray-Ray Armstrong, the Reuben Houston case from a few years ago is the most appropriate investigation as it dealt with a player's right to participate on the field, not just the right to retain an athletic scholarship or continue as an enrolled student.

Reuben Houston Case

By the conclusion of the 2004 Georgia Tech football season, cornerback Reuben Houston had established himself as one of the top defensive backs in the Atlantic Coast Conference (ACC). Expectations were high for his senior season as the summer semester began. Those expectations would soon be forgotten as Houston became embroiled in one of the most unique college athletics lawsuits ever filed. On June 21, 2005 Reuben Houston was arrested for conspiracy to possess and distribute 94 pounds of marijuana as part of an ongoing investigation of Oscar Rosales, an alleged national drug trafficker who had been under investigation for over 10 years (Cash, 2005e). As per Georgia Tech policy regarding students charged with felonies (Knobler, 2005c), Houston was immediately suspended from school and from the football team, even as head coach Chan Gailey noted, "I am still gathering information and cannot comment further at this time" (Cash, 2005e, 1D). Houston was able to post \$30,000 bond and was released to his family's suburban Atlanta home (Cash, 2005f). Gailey also noted, "A lot of things can happen between now and September in his case. We're at the mercy of two people – the court and the school (Cash, 2005g, 1C).

Details of the investigation revealed that Houston had met with Anthony Baltazar, a nephew of Rosales, on the Georgia Tech campus on February 12, 2005. Baltazar had delivered over 74 bricks of marijuana in his car's trunk (Cash, 2005f). Baltazar had initially asked Houston to sell the drugs, but Houston repeatedly declined (Cash, 2005b). Houston claimed that he told Baltazar that he would take him to someone he knew who might be interested in his proposal but he had no idea that the car Baltazar was driving contained any drugs (Cash, 2005f). While Houston was in the car with Baltazar Drug Enforcement Agency officials were conducting surveillance. Though Houston's presence in the car was indisputable, his specific role in the drug conspiracy was difficult to ascertain. Despite Houston's continued assertions that he never had any intention to distribute marijuana, Baltazar claimed that the initial plan was for Houston to provide \$60,000 to purchase all of the drugs (Cash, 2005b).

Manny Arora, one of Houston's attorneys, noted some inconsistencies in the government's case and expressed concern that Georgia Tech was overreacting to the situation to appease critics who were determined to see an athlete punished even if that athlete had not had an opportunity to answer the allegations that had resulted in his suspension from school and the team, "(Houston) had no idea there were drugs...in that car. My issue with Tech is the punishment has to fit the crime. There's different levels of

offenses. Everyone's so scared that they'll be perceived to be giving him favored treatment that they go out of their way to make a point" (Knobler, 2005d, 1C.).

The efforts of Arora in filing a campus appeal did lead to Houston's return to the Georgia Tech campus as a student as the school elected to permit Houston to enroll in classes on August 25 and allowed him to have room and board privileges granted to other scholarship athletes, pending the result of his appeal. However, he was specifically prevented from returning to practice with the team (Knobler, 2005b). Houston had entered that fall semester only two classes shy of earning his degree in management and he was hopeful to finish his degree by December. However, on October 21, Georgia Tech completed its review of the evidence presented in the appeal and determined that Houston should be immediately banned from all campus activities citing its Student Code of Conduct that stated, "Disciplinary action...will normally proceed during pending criminal proceedings, and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced. Students charged with felonies may be Interim Suspended and given the opportunity to request a review of the decision (Cash, 2005c, para 8).

With no other options available as the felony charges against him were unlikely to be adjudicated before the spring, Houston sought relief through the courts. Houston's attorneys filed a lawsuit in Fulton County, Georgia seeking reinstatement to campus to attend classes and compete for the football team. In his arguments Arora noted that Georgia Tech was applying punishments for crimes in an inconsistent manner. Among many arguments, he stated that Georgia Tech had not previously suspended other students who had been accused of committing felonies. Arora noted that former football player Cory Collins (who played from 1999-2002) had not been suspended from class or games when he was arrested on a felony charge for damage to property (Cash, 2005c). Arora also said that student Theodore Holot had been permitted on campus despite being charged with the manufacture and possession of an explosive device. Georgia Tech Athletic Director Dave Braine and other Georgia Tech administrators countered Arora's arguments and expressed concern to the court that it should not intervene in matters involving intercollegiate athletics.

The court initially ruled in Houston's favor in late October and again on November 5, but Georgia Tech did not comply. After a third order was issued on November 9 and subsequently ignored, Arora filed a contempt motion and on Tuesday November 15, 2005 Superior Court Judge M. Gino Brogdon ruled that Houston should be reinstated to campus and should be immediately allowed to return to practice with the football team due to the inappropriate actions of the Georgia Tech administration. He noted Georgia Tech's treatment of Houston "...was arbitrary and strikingly dissimilar to the school's treatment of other similarly situated athletes who have been accused of breaking the law" ("Judge orders.., 2005, para. 11). He also expressed concern that Houston would suffer "immeasurable and irreparable harm absent this Court's equitable intervention (Cash, 2005c, para. 23).

Brogdon was certainly aware of the potential controversy his decision would create as he noted “wariness and trepidation regarding inappropriate judicial scrutiny and interference with the operation, management and administration of an educational institution” (“Judge orders.., 2005, para. 10). Dave Braine expressed his shock at the ruling, “I never, in my wildest dreams, would have imagined the sports world would become something like this...but we will comply with the order (Cash, 2005d, p. 1D). Braine also opined,

I feel compelled to say that this decision will send shock waves through college athletics programs around the country. Playing college football, especially at a school like Georgia Tech, is a privilege, not a right. We must be able to set standards of conduct for our student-athletes, and we must be able to enforce and maintain discipline. (“Judge orders...,” 2005, para. 9)

Though Brogdon’s order permitted Houston to participate, Georgia Tech filed an appeal on the grounds that such a court intervention would provide long-term administrative problems for colleges and collegiate athletic departments. The appeal would be heard after the college football season and Georgia Tech’s December graduation had concluded.

Despite the consternations of the Georgia Tech administration, Houston was welcomed back to the team immediately and he practiced on Wednesday November 16. The timing of the reinstatement was fortuitous as the Yellow Jackets were scheduled to play number 3 ranked Miami that Saturday. With Houston participating in roughly 25 plays as the team’s nickel back, Georgia Tech upset Miami 14-10 (Cash, 2005a). Houston also played in the Yellow Jackets final regular season game against the University of Georgia and in the Emerald Bowl against the University of Utah. He was able to complete his degree in management in December 2005.

After leaving the Georgia Tech campus, the case against Houston moved quickly toward a resolution. Manny Arora convinced Houston to plead guilty to conspiracy, a much less severe charge than the ones initially filed upon his arrest. On April 6, 2006 he was sentenced to 9-months’ probation without work or travel restrictions (Ledbetter, 2006). Prior to his arrest, Houston was projected to be a high NFL draft selection. While some teams did express interest in him prior to the 2006 draft, he was not selected and instead signed a free agent contract with the Tampa Bay Buccaneers. He was not able to make the team and never played a NFL game.

After fighting vigorously to keep Reuben Houston off of the campus and away from the athletic department, Georgia Tech was able to win their appeal of Brogdon’s initial decision (*Board of Regents of the University System of Georgia v. Houston*, 2006). The Georgia appeals court agreed that the lower court erred in its decision to allow Houston to return to campus and participate in extracurricular activities. However, it

also noted that though their decision could have an impact upon future cases of this nature, given Houston's prior graduation much of their decision would have no effect.

Discussion

The American intercollegiate system is unique in the world. The intertwining of higher education and big-time athletics creates problems, especially in situations such as those found in football where there is not a viable NFL minor league. Football players, regardless of their academic credentials or interest, must utilize colleges and universities to hone their athletic craft to attract potential interest and a job offer from an NFL team. Even though many coaches have little desire to see their top players declared ineligible, situations do occasionally arise where a significant portion of the university community desires to see a player removed from campus, but the legitimacy of those arguments expressed at the height of possible media hysteria are difficult to judge.

The Armstrong suspension and potential lawsuit, particularly in light of the lower courts' ruling in the Reuben Houston situation, elicits a number of questions concerning the relationship among collegiate athletes, their athletic departments and various levels of government. Although the Houston case was later overturned on appeal, initially Judge Brogdon ruled that Houston should be permitted to return to all campus activities. In the future, other judges may side with players in their quest to retain not only their scholarship, but their athletic access which often has a direct impact upon their future professional sport employment. Interestingly, while Houston was deemed to have a right to return to all campus activities, nowhere in the ruling was there an order to reinstate his previous playing time. Coach Gailey encountered criticism for his decision to play Houston (Michaux, 2005) but given the high-pressure environment of big-time college football, that decision is not surprising. In the future could such a court ruling regarding playing time be issued? Judge Brogdon noted his hesitancy in becoming involved in the operation of a college campus, and then immediately he overcame that hesitancy and declared that Houston must be reinstated. As the courts "evolve" in the future, we may see interesting sport law applications in this area.

When faced with a player's action that may warrant suspension or expulsion, colleges and universities are now faced with much greater judicial scrutiny, which can create an unenviable position from which correct actions are difficult to ascertain, particularly before all the facts have been confirmed. As Jeff Benedict (Cash, 2005c, pg. 1C) noted,

Do you carry on as normal, like nothing has happened? When there are felonies related to public safety, the university owes it to the rest of the student body and the faculty and staff to take action. In general, it's not accurate and not appropriate to force a college student back on the field under the guise of fairness.

The problem every administrator faces in these situations is the unknown outcome. If an athlete is suspended and later all charges are dropped, has the school overstepped its bounds and restricted the player's access to what is now often deemed a potential right rather than an extracurricular activity? Conversely, if an athletic department does not suspend an athlete accused of a crime and the charges are later proved accurate, not only could the administration be seen as careless in their policing of the campus, but could also be deemed an encourager of player misbehavior.

Certainly, the pressure on coaches to win has never been greater. With escalating compensation packages and near-rabid fan bases often pressuring the coach to win at all costs, it is difficult for even some of the top coaches to see player behaviors with a balanced eye. College administrators need to have plans in place to immediately react to alleged player misbehavior. Obtaining and evaluating information is crucial to any on-campus governance program, particularly in sports where media scrutiny will be intense and pressure for the player to perform to satisfy various stakeholders will be present. As the Armstrong and Houston cases demonstrate, it is likely that players may contemplate and then pursue litigation for negative consequences and it is not beyond the realm of possibility that a judge will find athlete arguments compelling enough to get involved. Though the Houston decision did not immediately send "shock waves" through the entire college athletic environment as Georgia Tech Athletic Director Dave Braine predicted, it is likely that future athlete cases will occur and at some point athletic departments may even consult legal counsel before evaluating decisions such as scholarship offers, travel squads, and playing time. Coaches and athletic administrators may not want the courts involved in many of their decisions, but it appears that even this industry is not immune to our growing culture of litigation.

REFERENCES

- Associated Press. (2005, November 16). Player facing felony drug charge returns to practice for Georgia Tech. Retrieved September 13, 2012 from <http://www.accessnorthga.com/detail-pf.php?n=121772>
- Beard, A. (2007, June 8). Duke, ex-lacrosse coach reach settlement. Retrieved September 12, 2012 from <http://www.wral.com/news/local/story/1482466/>
- Bohn, R. (2007, January 30). O.J. Mayo saga continues, injunction granted. Retrieved August 22, 2012 from <http://www.draftexpress.com/article/O.J.-Mayo-Saga-Continues,-Injunction...>
- Board of Regents of the University System of Georgia v. Houston. (2006). Ga. App. Lexis 1232. A06A1165.
- Brand, M. (2006). *NCAA State of the Association speech: The principles of intercollegiate athletics*. Retrieved on March 27, 2012 from <http://www.ncaa.org/wps/wcm/connect/public/ncaa/about+the+ncaa/who+we+ar...>
- Byers, W. (1995). *Unsportsmanlike conduct: Exploiting college athletes*. Ann Arbor, MI: University of Michigan Press.
- Casagrande, M. (2012, August 13). Ray-Ray Armstrong attorneys opt against injunction. *South Florida Sun Sentinel*. Retrieved August 26, 2012 from <http://www.sun-sentinel.com/sports/um-hurricanes/sfl-rayray-armstrong-wi...>

- Cash, R. L. (2005a, November 20). Cornerback debuts in mid-season form. *Atlanta-Journal Constitution*. 5G.
- Cash, R. L. (2005b, October 17). Houston makes no excuses for his arrest. *Atlanta-Journal Constitution*. 1C.
- Cash, R. L. (2005c, November 16). Houston returns to shock of many. *Atlanta-Journal Constitution*. 1C.
- Cash, R. L. (2005d, November 16). Indicted player returns to Jackets. *Atlanta-Journal Constitution*. 1D.
- Cash, R. L. (2005e, June 22). Tech senior arrested; Houston allegedly involved in major drug ring. *Atlanta-Journal Constitution*. 1D.
- Cash, R. L. (2005f, June 23). Tech star could get 20 years; Hearing Monday in Fresno. *Atlanta-Journal Constitution*. 1C.
- Cash, R. L. (2005g, July 19). Strong shoulders; Davis deals with arrest of Houston. *Atlanta-Journal Constitution*. 1C.
- Comstock, C. (2011, February 23). AIG ended up having to pay millions for the Duke lacrosse stripper lawsuit. Retrieved September 12, 2012 from http://articles.businessinsider.com/2011-02-23/wall_street/30006935_1_la..
- Cracking down. (2006, October 9). *Sports Illustrated*, 105(14), 24.
- Deconto, J., & Neff, J. (2011, February 25). IRS seeks \$6.5 million from Duke lacrosse settlement. Retrieved September 12, 2012 from <http://www.newsobserver.com/2011/02/25/1012573/irs-seeks-65-million-from...>
- Duke case chronology. (n. d.). Retrieved August 25, 2012 from http://www.cbsnews.com/elements/2006/04/19/in_depth_us/timeline1515358.s...
- Epstein, T. L. (2005, Spring). Splinters from the bench: Feasibility of lawsuits by athletes against coaches and schools for lack of playing time. *Virginia Sport and Entertainment Law Journal*, 4(2), 174-197.
- Farber, M. (1995, September 25). Coach and jury. *CNN*. Retrieved August 22, 2012 from <http://sportsillustrated.cnn.com/football/college/news/1997/12/10/osborn...>
- Georgia Tech. (2005). *2005-2006 student-athlete handbook*. Author.
- Haynes, B. (2012, August 5). But you promised me four years!: A look into NCAA coaches promises to athletes, and the doctrine of promissory estoppel. Retrieved September 11, 2012 from <http://sportinlaw.com/2012/08/05/but-you-promised-me-four-years-a-look-i...>
- Hyman, M. (2007, October 27). "Disappointment lawsuits" give athletes another legal option. *SportsBusiness Journal*. Retrieved September 7, 2012 from <http://www.sportsbusinessdaily.com/Journal/Issues/2007/10/20071029/From-...>
- Jimenez, D. (2009, September 9). Bliss back in Texas again after Baylor basketball scandal. *USA Today*. Retrieved August 19, 2012 from <http://www.usatoday.com/sports/college/mensbasketball/2009-07-18-bliss-b...>
- Johnson, K. C. (2007, September 18). The Group of 88. Retrieved August 12, 2012 from <http://www.volokh.com/posts/1190132783.shtml>
- Judge orders Tech to reinstate player facing felony drug charge. (2005, November 11). *USA Today*. Retrieved September 13, 2012 from <http://www.usatoday.com/sports/college/football/acc/2005-11-15-gatech-ho...>
- Knobler, M. (2005a, July 26). Gailey won't set number as goal. *Atlanta-Journal Constitution*. 1C.
- Knobler, M. (2005b, August 25). Houston in school, off team. *Atlanta-Journal Constitution*. 8D.
- Knobler, M. (2005c, June 28). Jackets' Houston could be indicted. *Atlanta-Journal Constitution*. 6D.

- Knobler, M. (2005d, August 2). Lawyer wants Houston in school. *Atlanta-Journal Constitution*. 1C.
- Ledbetter, D. O. (2006, April 6). Tech's Houston gets probation. *Atlanta-Journal Constitution*. 2F.
- Marelius, J. (2006, September 6). Governor signs bill spurred by assault of SDSU student. Retrieved September 7, 2012 from http://www.utsandiego.com/uniontrib/20060906/news_2m6schwarz.html
- Michaux, S. (2005, November 23). Gailey deserves praise, not scorn. *The Augusta Chronicle*. C01.
- Multiyear scholarships plan moves on. (2012, February 17). Retrieved September 11, 2012 from http://espn.go.com/college-sports/story/_/id/7587582/challenge-ncaa-mult..
- Navarro, M. (2012, July 19). Miami Hurricanes dismiss safety Ray-Ray Armstrong. *The Miami Herald*. Retrieved August 26, 2012 from <http://www.miamiherald.com/2012/07/19/2900966/miami-hurricanes-dismiss-s...>
- O'Neill, A. (2012, July 30). The woman who stood up to Joe Paterno. Retrieved August 22, 2012 from <http://www.cnn.com/2012/07/15/us/triponey-paterno-penn-state/index.html>
- Police blotter. (2012). Retrieved August 30, 2012 from <http://collegefootballtalk.nbcsports.com/police-blotter/>
- Schad, J. (2012, August 7). Ray-Ray Armstrong to file injunction. Retrieved August 26, 2012 from http://espn.go.com/college-football/story/_/id/8245588/ray-ray-armstrong...
- Setrakian, L., & Francescani, C. (2007, June 16). Former Duke prosecutor Nifong disbarred. Retrieved August 22, 2012 from <http://abcnews.go.com/TheLaw/story?id=3285862&page=1>
- Smith, E. (2011, October 26). Tattoo parlor operator involved in Ohio State scandal sentenced to prison. *USA Today*. Retrieved August 22, 2012 from <http://content.usatoday.com/communities/campusrivalry/post/2011/10/edwar...>
- Thamel, P. (2009, Binghamton player arrested on charges of selling cocaine. *New York Times*. Retrieved August 18, 2012 from <http://www.nytimes.com/2009/09/24/sports/ncaabasketball/24hoops.html>
- Vernonia School District v. Acton. (1995). 515 U.S. 646.
- Watson, G. (2012, August 7). Attorney for dismissed safety Ray-Ray Armstrong files an injunction to get him reinstated at Miami. Retrieved August 22, 2012 from <http://sports.yahoo.com/blogs/ncaaf-dr-saturday/attorney-dismissed-safet...>

[i] The NCAA's recent rule change to allow schools to offer multi-year athletic scholarships will have an interesting impact upon the relationship between coaches and players. When all NCAA athletic scholarships were one-year renewable grants, in many cases coaches who desired to remove a player from the team simply kicked the player off the team but had the school honor the remaining compensation provided in that year's grant. This potentially alleviated the concern that the student was "losing" something of value that had been contractually agreed upon. There are certainly some schools that have individual special stipulations on their campuses regarding due process for removing a scholarship athlete from the team or for taking the remaining years of their scholarship. The development of these rules will be interesting to observe, especially as the NCAA continues to deliberate if they should revert back to the one-year renewable athletic grant-in-aid (Haynes, 2012; "Multiyear scholarships...", 2012).