Identifying Ethical and Legal Challenges and Solutions in the Online Coverage of Recruiting High School Athletes

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This thesis titled

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ABSTRACT

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Identifying Ethical and Legal Challenges and Solutions in the Online Coverage of Recruiting High School Athletes (86 pp.)

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The coverage of the recruitment of high school athletes has exploded in the last decade as the advent of the Internet turned a once-obscure type of coverage into a multimillion-dollar industry. That demand has led to a wave of ethical challenges for web-based publications. This study will reveal ethical challenges as identified by professionals working in high school and college athletics and journalism. It will further focus on legal issues in light of a 2003 West Virginia Supreme Court decision (Wilson v. Daily Gazette Co.) that deemed high school athletes private figures in libel cases making it much easier for the athlete to win. The goal of this paper is to identify ethical challenges and legal issues and to propose a code of ethics and a list of legal guidelines for web-based media outlets. Media covering high school recruiting can use these guidelines to gain and maintain credibility, to uphold a high level of ethics, and to avoid lawsuits.

Approved: _____________________________________________________________

Michael S. Sweeney

Professor; Associate Director for Graduate Studies
This thesis is dedicated to my family. My parents, Joe and Deeder Yanity, supported my mid-life academic endeavor in countless ways and provided for me, among other things, a home for a year, emotional support, unconditional love, and friendship.

My siblings, Joe Yanity and Mary Haines, have been and continue to be my greatest supporters and best friends. Finally, Stacy Kemp, gave me her love and generosity, which often came without expressions of thanks but never without the deepest appreciation.
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CHAPTER 1: INTRODUCTION

In 2006, the nation’s top-ranked high school football player and the most targeted recruit of college football coaches was a talented quarterback named Jimmy Clausen. The 18-year-old from Oaks Christian High School in Westlake Village, California, possessed what appeared to be all the physical tools to be successful in college. He led his high school team to three California Interscholastic Federation Division X championships, and had pedigree as his older brother, Casey, had played at the University of Tennessee. In the spring of 2006, a news release was sent on his behalf to media members from a Los Angeles-based public relationship firm. It read: “A major college recruiting announcement will be made this coming Saturday ... at the College Football Hall of Fame [in South Bend, Indiana].” On April 22, nearly 1,800 miles from his home, Clausen arrived at the Hall of Fame in a white stretch Hummer limousine. With fifteen family members and friends flocking him, he announced his oral commitment to play for Notre Dame to a throng of reporters. One sports writer wrote of the event: “The recruiting process has given these kids a sense of entitlement that goes beyond rational thought.”\(^1\)

Exposure of the recruiting of high school athletes began in the 1980s with rabid football fans mailing pamphlets to college coaches about high school players in their regions. This information was extended to fans as these scouts, who morphed into citizen journalists, offered pay-by-the-minute “1-900” phone numbers that fans would call for pre-recorded information. The advent of the internet proved a perfect medium for fast, audience-specific, in-depth coverage with message boards for fans to post their comments

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and the creation of fan communities. The audience grew. National media conglomerates such as Yahoo!, Fox, and CBS gobbled up independent networks of recruiting websites such as Rivals.com and Scout.com. These corporations beefed up the marketing, multimedia, statistics, and reporting—all of which specialize in analyzing, evaluating, ranking, and writing about high school athletes and their every move, regardless of whether those moves really happened. Subscribers were charged between $10 and $12 a month to access the websites, and they came by the millions. Seemingly overnight, a new niche had expanded the scope of the coverage of college football.

Each year on the first Wednesday of February, this information business hits its peak when America’s best high school football players fax their National Letters of Intent (NLIs) to the college coaches for whom they have chosen to play. These letters are binding and tie the player to the school and the school to a scholarship. In most cases, “National Signing Day” offers only a handful of surprises because of the information made available year-round by websites devoted to the recruiting of high school athletes by college programs. Still, the annual phenomenon generates a great deal of fan interest. On Signing Day in 2007, the most popular recruiting website Rivals.com reported 74.5 million page views—almost five times the number MSNBC.com reported on midterm Election Night in November 2006.²

With this evolution of the coverage of recruiting, web-based publications devoted to the coverage of recruiting have faced a wave of ethical issues. The websites, in large part, operate without standardized codes of ethics. The sites employ citizen journalists who are often untrained in traditional newsgathering and, in many cases, unaware of libel

law and journalism ethics, which can open the sites to legal and ethical missteps. To complicate matters, the plaintiff status of high school athletes, despite this enormous audience, remains as that of a private figure as determined by the West Virginia Supreme Court in the 2003 decision rendered in Wilson v. Daily Gazette Co., a libel case involving a well-known high school athlete.³ As this study will show, the private-figure status of a high school athlete makes it much easier for the athlete to win a libel case in a booming medium reported, at best, by citizen journalists and, at worst, rumor-repeating bloggers in need of a legal and ethical primer.

This study briefly details the history of the coverage of recruiting in order to inform the reading audience of how it became so popular. Next, this study offers a refresher on libel law and analyzes previous research on, and case law concerning, athletes as plaintiffs in defamation cases with particular attention paid to the non-professional as evidenced in Holt v. Cox Enterprises (1984) and Wilson v. Daily Gazette Co. (2003), which are detailed further in Chapter 3.⁴

In the following section, this study analyzes previous research on journalism ethics by providing a refresher on the Canons of Journalism and the Hutchins Commission to establish a theoretical framework based on the Social Responsibility Theory. Further, common ethical dilemmas such as conflict of interest, journalist-source relationships, and dealing with minors are examined. How these dilemmas are confronted in sports journalism is also studied.

Finally, this study explains what legal precedents can affect recruiting websites, as well as addresses the following questions: What are potential legal pitfalls that those in the web-based coverage of high school recruiting must be aware of, and how do publishers and reporters avoid those pitfalls? Then, through the administering of a survey to sports media professionals and through the conducting of interviews with sports media professionals, college football coaches, and college football players, the study reveals which ethical dilemmas are most common and how they manifest themselves in the coverage of recruiting.

This research is relevant to publishers of recruiting websites and those who cover recruiting because the information gathered will be used to propose a draft of a code of ethics that can reduce the risk of libel suits and increase credibility. The proposed code takes into account the legal decision rendered in *Wilson v. Daily Gazette Co.* dealing with high school athletes as private figures and is grounded in the Social Responsibility Theory. According to Marie Hardin and Thomas Corrigan, “the relationship between high school sports, media and the culture urgently needs much closer scrutiny than it has received.”\(^5\) Historically, mainstream media treatment of high school athletes has been “handled with kid gloves – that they be treated with special care in light of their immaturity and inexperience.”\(^6\) For web networks devoted to the coverage of recruiting, scrutiny and special care would go a long way toward building credibility, toward operating in a socially responsible and ethical manner, toward easing burdens on

\(^6\) Ibid., 91.
university compliance staffs, coaches, and recruits, as well as protecting the publications themselves from libel suits.
CHAPTER 2: A BRIEF HISTORY

This chapter details the history of the coverage of college football recruiting from its beginnings when self-appointed scouts rated recruits for college coaches to the current state of internet saturation and major corporate ownership. This information is important to the development of this study in that the evolution of the coverage has brought about new, more challenging legal and ethical issues.

Before dot-com’s and www’s existed, unpaid college recruiters and self-appointed scouts and fans attempted to sell their expertise to college football and basketball coaches. Since college coaches cannot see every high school prospect in the nation, the scouts who identified successful players found a way to make money. A few who consistently identified successful players ended up making the “recruiting service” a full-time job for themselves. In 1976, Dick Lascola of Fallbrook, California, began what is largely thought to be the first recruiting service, Scouting Evaluation Association. The business began with Lascola producing simple fliers and pamphlets about the top juniors in Southern California and sending them to college coaches. Now nearly a hundred college coaches throughout the nation pay Lascola and his staff to provide them with information on thousands of high school football players throughout the country. His service has evolved to include video.

In 1980, Max Emfinger, founder and owner of National Bluechips High School Football Recruiting Service, became the first scout to extend the information on players out of the coaching realm to fans, too. His was the first recruiting service to provide a 1-

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900 number, or a pay-by-the-minute opportunity for fans to learn about the leanings, oral commitments, and more information on top recruits.\textsuperscript{8}

Tom Lemming and Allen Wallace provided the next significant changes in the coverage of recruiting. For three decades, Lemming has driven all over the country to personally observe high school prospects to gather information for a glossy, 300-page magazine specifically for fans. Lemming still ranks high school football players, appoints an “All-American” team, and, when the players sign binding NLIs, Lemming ranks which college teams did the best. A $90 annual fee gets fans the magazine, as well as two smaller ones and five newsletters. In 2006, Lemming claimed to have more than 5,000 subscribers.\textsuperscript{9} \textit{USA Today}, which was the first national publication to offer a recruiting beat, hired Lemming to cover it. Wallace is the president, publisher, and editor of \textit{SuperPrep}, a tri-annual magazine that began publishing in 1985. By the end of 1992, Solomon wrote, Wallace reported that his 1-900 phone line was getting 500 calls per day at $1.50 per minute.\textsuperscript{10}

The coverage of recruiting did not hit its whirlwind pace, however, until the advent of the first web browsers, which introduced easy-to-use graphical interfaces to navigate the internet in the mid-1990s. Seattle-area entrepreneur James Heckman began the craze in 1997 with an Internet start-up company called RivalsNet. The idea was to launch a network of team-specific sites for sports fans. RivalsNet originally featured more than 400 of these team sites and covered college and professional teams. Heckman’s company, which changed its name to Rivals.com, grew to 200 employees

\textsuperscript{8} Chris Jenkins, “Web a curse and blessing to recruiting,” \textit{USA Today}, February 8, 2001.  
\textsuperscript{10} Ibid.
working 700 independent sites, and it even sponsored a college football all-star game called the Hula Bowl in Hawaii.\(^{11}\) According to Rivals.com chief technical officer Bill Sornsin in 1999, “Recruiting is our secret sauce.”\(^{12}\) Heckman’s Rivals.com collected $70 million in venture capital and reported 40 million page views on Signing Day in 2001.

However, with its business model pillared almost exclusively on online advertising, Rivals.com collapsed amid the dot-com bust, going bankrupt in April 2001. Original Rivals.com employees Bobby Burton, Shannon Terry, and Greg Gough picked up the pieces in the subsequent liquidation sale. Burton’s group came armed with a new vision: to charge for the content. This business model led the company to profitability in 2003.\(^{13}\) The sites continued “this obsession with where pimple-faced teenagers will play football in college,” wrote Jon Solomon, and subscribers also gained access to heavily trafficked message boards where rumor and speculation run rampant.\(^{14}\)

Rivals.com began to flourish under Burton’s new leadership reaching more than 150,000 subscribers each paying $9.95 a month by 2006. Meanwhile, Heckman began another business venture in Scout Media, a nearly identical-looking network to compete head to head with Rivals.com. Scout bought independent fan sites such as


\(^{12}\) Glenn Nelson, “Heckman’s name was mud; now it’s Lazarus,” *Seattle Times*, October 17, 1999, accessed at [http://community.seattletimes.nwsource.com/archive/?date=19991017&slug=2989569](http://community.seattletimes.nwsource.com/archive/?date=19991017&slug=2989569) (accessed August 7, 2010). Before founding Rivals.com, James Heckman published a locally based magazine called Sports Washington that covered the recruiting of athletes to the University of Washington. In August 1993, the university banned Heckman from any contact or participation with the athletic program for three years for allegedly coercing recruits to attend Washington and employing football players in different capacities. He denied any wrongdoing.


\(^{14}\) Ken Booth, “From one-man, small-time operations to big business,” *The Birmingham News*, April 18, 2007, accessed at [http://blog.al.com/bn/2007/04/from_oneman_smalltime_operatio.html](http://blog.al.com/bn/2007/04/from_oneman_smalltime_operatio.html) (accessed August 8, 2010). While the message boards are a haven for subscribers’ rants, they are not the subject of scrutiny for this study. This study focuses on the content created by employees of the websites, not by subscribers.
GoJackets.com, which covers Georgia Tech sports, VandyMania.com for Vanderbilt, and DukeBasketballReport.com. It hired Wallace as a national football recruiting expert and proved to be a formidable competitor for Rivals.com in a rapidly growing industry. In August 2005, Fox Interactive Media – the internet division of Rupert Murdoch’s News Corporation – purchased Scout Media for about $60 million.\(^\text{15}\)

Meanwhile Rivals.com continued to expand its technological reach becoming the first network to launch a national recruiting database to list thousands of high school players, their statistics, and scholarship offers. In October 2006, ComScore/Media Matrix recorded 2.56 million unique users for the previous month.\(^\text{16}\) The success led to a windfall. In June 2007, Rivals.com executives cashed in when Yahoo! purchased the Rivals network for a reported $100 million.\(^\text{17}\) The takeover by the major media corporations has led to even more readership, more subscriptions, greater multimedia presentation, more statistics, more evaluation of more players, and more content. ESPN and CBS Sports have made late but substantial pushes into the industry, as well. Still, Rivals.com and Scout.com remain the leaders. In 2009, Rivals.com reported having 185,000 to 200,000 web-based subscribers, while Scout claimed to have between 110,000 and 150,000.\(^\text{18}\)

According to legal scholar John Long, “The Internet has made it possible [for fans] to familiarize themselves with their favorite school’s recruits before [the recruits]

\(^{15}\) NewsCorp release, 2007. Heckman was named the chief strategy officer for Fox Interactive Media in 2005, as well.

\(^{16}\) Rivals.com release, 2006.


ever step foot on campus.”¹⁹ And just how rabid are those fans? According to ESPN.com executive editor Patrick Stiegman, their appetite is insatiable: “My experience with fans of recruiting is they can’t get enough so they will read every source that is available to them.”²⁰ The fans are often reading single-source updates about an athlete’s recruiting process. The source is typically the high school athlete himself. Reporters tend to “stretch the kids out all year” by publishing articles on the athlete’s contact with college coaches, official visits to college campuses, and even the athlete’s day-to-day whims.²¹ These articles are accessible by paid subscription only and are published on the sites from the time the athlete moves onto the recruiting scene – sometimes as early as his freshman year in high school – to when he orally commits to play for a university, which is usually late in the athlete’s junior year. The recruiting process climaxes when the athlete makes the oral commitment to the school. Though this commitment is non-binding, it is typically a one-time story. Thus, breaking this story is the No. 1 goal of the reporters working for the recruiting websites.

To enhance the coverage, the recruiting websites also appoint “experts” – in the vein of the old-school scouts such as Lascola, Emfinger, Lemming, and Wallace – to rank recruits based on a star system in which the best prospects are assigned five stars and the least promising ones are assigned zero stars, reserved for athletes who will likely not play in college. Lemming claims to have traveled more than 60,000 miles to all 50 states in 2010 to identify and rank the nation’s top recruits for his publication. But, the websites do things much more efficiently. After Signing Day, the experts at Rivals.com and

²¹ Tom Lemming, telephone interview with author, May 26, 2010.
Scout.com follow elite high school athletes through a year-long recruiting odyssey. In late February, Rivals.com and Scout.com host “combines” all over the country. At these combines, the experts measure and compare athletes in the 40-yard dash, standing broad jumps, vertical jumps, and various cone and shuttle drills. Players then go to instructional camps hosted by universities. In mid-May, quarterbacks, receivers, running backs, tight ends, linebackers, and defensive backs (skill players) participate in 7-on-7 passing leagues where they continue to be evaluated. Linemen-specific challenges occur during this time of the year when top offensive and defensive linemen are also singled out. All the while, the evaluators for the websites are inundated with evaluation videos that are edited by site employees. The high school football season begins in early September and runs until November, after which evaluators focus on all-star games. Dallas Jackson, Rivals.com’s Managing Producer of High School Sports said, “The process is always ongoing,” Jackson said. “That is the beauty and the misunderstanding of it. Our recruiting department is literally on the road ALL THE TIME [sic].” The experts anoint an annual “Top 250” list to identify the nation’s top recruits and also make top lists by position (e.g., top 50 quarterbacks), by state (e.g., Ohio’s top 150 recruits), and by classes (e.g., the nation’s top 200 juniors). At Rivals.com, the top athletes are re-ranked up to seven times throughout the year. Each time the rankings are renewed and published, traffic spikes on the websites, as well.

Rivals.com and Scout.com, as well as popular recruiting sites such as ESPN.com and MaxPreps.com, also serve as online warehouses for information on thousands of

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22 Dallas Jackson, email interview with author, July 13, 2010.
23 Ibid.
24 Ibid.
recruits. Photographs, video clips, rankings, statistics, vital statistics, combine and camp results, scholarship offers, and favorite schools are just some of the items that can be found on individual athlete profile pages. Fans are not the only subscribers to this information as college coaches admit to keeping track of athletes through these sites, especially because their contact with them is limited by rules established by the National Collegiate Athletic Association (NCAA).\textsuperscript{25}

The sites also include day-to-day coverage of the college football team during the season, message boards in which subscribers participate, and podcasts with their recruiting experts.

The coverage of college football recruiting has grown exponentially since the 1970s. The audience and the publishers’ ability to produce and distribute content have greatly increased since the advent of the internet. Major media corporations have taken notice and poured hundreds of millions of dollars into the industry. With this growth, though, has come a wave of legal and ethical issues yet to be studied in a scholarly manner.

CHAPTER 3: REVIEW OF CASE LAW, ETHICS, & EXISTING RESEARCH

This chapter offers a review of libel law and legal decisions involving professional, college, and high school athletes. Details are included so readers can more fully understand the possible legal pitfalls that may exist in the coverage of recruiting. Further, this chapter offers a review of media ethics and ethics as they apply to sports journalism.

Review of Libel Law

An “oddity of tort law,” as described by former Supreme Court Justice Lewis Powell, libel is the printed version of defamation.26 Typically tried before a jury and at the state level, libel cases are legitimate when four – and, sometimes – five of the following elements are present: defamation, identification, publication, fault (in which falsity is measured as actual malice or negligence), and damages, or losses that can be financially compensated.27 The landmark U.S. Supreme Court case concerning libel is New York Times v. Sullivan (1964).28 It was a key decision that “lessened the chilling effect of early libel law.”29 As determined in the unanimous ruling in N.Y. Times, if a plaintiff is a public official, she must prove that the defendant acted with “actual malice,” or with knowledge that the published material was false, or with reckless disregard of whether it was false or not.30 A plaintiff also must prove the published statements to be false (as opposed to the publication proving they are true). While this idea seems to be

30 N.Y. Times, 60-61.
clear, the existence of defamation is still a question to be decided by a court, making it a gray area for both plaintiffs and defendants.31

_Curtis Publishing Co. v. Butts_ and its companion case _Associated Press v. Walker_, ruled on by the U.S. Supreme Court in 1967, extended the _N.Y. Times_ ruling to apply to public figures, not just public officials.32 In 1971’s _Rosenbloom v. Metromedia, Inc._, U.S. Supreme Court Justice William Brennan concluded that _N.Y. Times_’s protection should be granted to “defamatory falsehoods relating to private persons if the statements concerned are matters of general or public interest.”33 In _Gertz v. Robert Welch, Inc._, the high court ruled that private individuals do not have the public platform for rebuttal – a fact that makes private figures more vulnerable to libelous statements.34 The _Gertz_ court actually recognized the influence all-purpose public figures have over society but also noted the possibility of a limited-purpose public figure by stating, “It is preferable to reduce the public figure question to a more meaningful context by looking to the nature and extent of an individual’s participation in the particular public controversy giving rise to defamation.”35

Furthermore, _Gertz_ made fair comment on matters of public interest a constitutionally protected form of expression.36 This facet of _Gertz_ is critical in the realm

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31 Long, 260.
34 _Gertz_, 343-345.
35 Ibid., 345.
36 Craig, 534. Justice Lewis Powell asserted in _Gertz, supra_, at 339-340 that “there is no such thing as a false idea.”
of sports reporting as the sports pages of newspapers have been legally marked as “a
traditional haven for cajoling, invective, and hyperbole.”

_Time, Inc. v. Firestone_ (1976) narrowed the limited-purpose public figure doctrine
as follows: Socialite Mary Alice Firestone was awarded alimony in a highly publicized
divorce proceeding in Florida involving the heir to the Firestone Tire fortune. Despite at
least forty-five articles published by one newspaper about the divorce trial and Firestone
calling two of her own press conferences about the divorce, the U.S. Supreme Court
refused to determine her a public figure because she had not voluntarily thrust herself into
public controversy because the “Dissolution of marriage through judicial proceedings is
not the sort of ‘public controversy’ referred to in _Gertz_, even though the marital
difficulties of extremely wealthy individuals may be of interest to some portion of the
reading material.”

Thus, juries hearing libel cases must decide a handful of critical facts, among
them if a published statement is defamatory, if damages occurred, and the question of the
plaintiff’s status as public official, public figure, or private figure. For media corporations
serving as defendants, the idea of leaving this much ambiguity to a jury might be chilling
in itself.

Athletes and Libel

Nearly every court that has heard a libel suit involving a professional athlete as a
plaintiff has ruled the plaintiff a public figure because, as written in the _Barry v. Time_,

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37 _Scott v. News-Herald_, 496 N.E. 2d 699 (Ohio 1986). This case heard by the Ohio Supreme Court was
brought by H. Don Scott, a superintendent of the Maple Heights Municipal Public School System, against
the _News Herald_ for libelous statements. The court ruled Scott to be a public figure, found the newspaper
did not act with actual malice, and ruled for the newspaper.

Inc. ruling, “one’s voluntary decision to pursue a career in sports whether as an athlete or a coach ‘invites attention and comment’ regarding job performance and thus constitutes as assumption of the risk of negative publicity.”\(^3\) This was also the case in *Chuy v. Philadelphia Eagles Football Club*, a landmark case in regard to determining the plaintiff status of professional athletes.\(^4\) Donald Chuy was an offensive lineman for the Los Angeles Rams for six years before being traded to the Philadelphia Eagles. He developed a pulmonary embolism due to a shoulder injury, but a team doctor told a Philadelphia sports columnist that Chuy had the fatal disease polycythemia vera. Meanwhile, because of Chuy’s injuries, the Eagles tried to abandon their contract with him. Chuy filed suit against the Eagles and part of his contention was that he was defamed by the doctor’s statement. He held that he was a private figure, but a trial court and then the Third Circuit ruled him to be a public figure because “those who enter that sphere inviting such attention must overcome the *Times* standard. Society’s interest inspires comment in the press and elsewhere. The greater the interest, the greater the public’s self-generating need for the facts.”\(^5\) The U.S. District Court for the Eastern District of Pennsylvania explained how this statement was different from the *Firestone* ruling:

where a person has, however, chosen to engage in a profession which draws him regularly into regional and national view and leads to ‘fame and notoriety in the community,’ even if he has no ideological thesis to promulgate, he invites general public discussion. We obviously cannot say that the public’s interest in professional football is important to the commonwealth or to the operation of a democratic society in the same sense as are political and ideological matters. However, the fabric of our

\(^3\) *Barry v. Time, Inc.*, 584 F. Supp. 1110 (N.D. Cal. 1984). Pete Barry coached men’s basketball at the University of San Francisco and found himself at the center of a scandal in which he violated NCAA rules on recruiting.


society is rich and variegated. As is demonstrated by the Nielsen ratings, the American public is fascinated by professional sports.42

Despite many other attempts by professional athletes to gain private-figure status, courts have not acquiesced.43 However, many scholars and legal analysts wondered if amateur athletes would be held to the same status.44 They got their answer in the 1984 case Holt v. Cox Enterprises.45 Darwin Holt was an award-winning football player at the University of Alabama when, during a game in 1962, he struck Georgia Tech’s Chick Graning in the face, giving Graning a broken jaw, broken nose, and a concussion, and knocking out several teeth. The incident led to subsequent coverage in the form of several newspaper articles, columns, and broadcast segments. The two teams did not play again for eighteen years, but when they did, four articles written by Darrell Simmons and published in the Atlanta Journal and Constitution commented on Holt’s character, suggesting he purposely delivered the “illegal uppercut.”46 Holt sued over these latter accounts. The Georgia district court did not take his amateur status into account at all, but deemed him a “limited-purpose public figure” because of the fact that Holt voluntarily competed in front of tens of thousands of fans during his college career. However, unlike the Chuy ruling, the court classified Holt as a limited-purpose public figure for the purposes of the published defamatory statements because he “did not hold the pervasive fame or notoriety necessary to make him a general-purpose public figure.”47 Because

42 Chuy, 431 F. Supp., 1280.
43 Other cases on which courts have ruled athletes to be public figures include Bell vs. Associated Press, 584 F. Supp. 128 (D.C. 1984), Brewer v. Memphis Publishing Co., Inc., 626 F. 2s 1238 (5th Cir. 1980), and Cepeda v. Cowles Magazines and Broadcasting, Inc., 392 F. 2d 417, 6-7 (9th Cir. 1968).
44 Long, 272.
47 Long, 272.
Holt could not prove actual malice, Cox Enterprises, then owner of the *Atlanta Journal* and *Constitution*, won the case.

The aforementioned cases served as precedent when the Circuit Court of Hancock County, West Virginia ruled in favor of the Charleston newspaper in *Quincy Wilson v. The Daily Gazette Co.* In 1999, Wilson, the state’s most recognizable high school athlete, led his Weir High School team to the state basketball championship title and, in the post-game celebration, was alleged to have exposed himself to the opponent’s cheerleaders. Wilson sued the *Gazette* after two articles by Mitch Vingle fingered Wilson and blasted his lack of sportsmanship. The newspaper submitted evidence that Wilson was in fact a public figure because he:

(1) was an outstanding athlete; (2) was a co-winner of the Kennedy Award [the state’s most valuable football player honor]; (3) led his football team to the state championship; (4) received news coverage of his signing a letter of intent to accept a football scholarship from West Virginia University; (5) played in the high school championship basketball tournament; (6) his father was a former professional football player; and (7) his athletic accomplishments were posted on a West Virginia University website.

After the county’s Circuit Court ruled Wilson to be a public figure, Wilson appealed the ruling and the case was heard by the Supreme Court of Appeals of West Virginia in 2003. The court reversed and remanded the lower court’s ruling, holding that Wilson was not a public figure, or a limited-purpose public figure. In the three-to-two decision, the court determined Wilson to be a private figure because:

The Gazette’s evidence completely failed to prove that Mr. Wilson occupied a position of such ‘persuasive power and influence’ that he could be deemed one of that small group of individuals who are public figures for all purposes . . . This evidence, at best, simply established that in some

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49 Ibid., 216.
circles, namely athletics, Mr. Wilson may have achieved a reputation as a quality high school athlete. Evidence of a limited circle of notoriety does not satisfy the high bar outlined by Gertz for establishing the all-purpose public figure doctrine.\(^5\)

Further, the court believed the controversy to be about sportsmanship rather than athletics. The court wrote:

No evidence existed to show that Mr. Wilson voluntarily injected himself into a controversy regarding “sportsmanship.” There was also no evidence to show that a controversy existed regarding sportsmanship, prior to the publication of the Gazette’s articles. The law is clear in holding that “a plaintiff should not be considered a limited-purpose public figure absent the existence of a pre-defamation public controversy in which the plaintiff has become directly involved.”\(^5\)

Despite the closeness of the Wilson decision that deemed the minor a private figure, future courts may be reluctant to rule high school athletes public figures because they are “not typical defamation plaintiffs; they are teenagers.”\(^5\) However, the West Virginia Supreme Court of Appeals did not take issue with Wilson’s age and also noted that the Holt ruling was inconsistent with that of Gertz.\(^5\)

According to legal scholar John Long, though, Wilson does not take into account the “increasing access to the media that prep athletes enjoy.”\(^5\) This is particularly true in regard to the internet. Still, it seems more likely courts would err on the side of caution given the decision issued in Wilson. However, many lower courts have recently found plaintiffs to be public figures in internet communities and determining plaintiff status on internet usage.\(^5\) In some cases, Amy Kristin Sanders points out, “the courts seem to

\(^{50}\) Wilson, 216-217.
\(^{51}\) Ibid., 218.
\(^{52}\) Deem, 823.
\(^{53}\) Wilson, 207.
\(^{54}\) Long, 275.
imply that the plaintiffs’ extensive reliance on the internet has pushed them into the public figure category.”  

It has not been tested by athletes, but in *Ampex Corporation v. Cargle* (1995), for example, a California appellate court ruled the corporation a limited-purpose public figure in part because there were several postings on Yahoo! message boards to provide evidence of a public controversy. According to Sanders, a “growing reliance on the internet as the mass communication medium of the masses has the potential to reduce the Average Joe’s ability to protect his reputation from defamatory statements.” In other words, a plaintiff has a new-found ability to protect his or her reputation from libel on personal websites, in message boards, and on social media websites, all of which – some lower courts have ruled – can boost the plaintiff to limited-purpose public figures. This notion may give media publications a little breathing room, but it should not be a notion of complete comfort given that it has not been tested in sports, or with high school athletes in courts of law.

Craig’s 1994 study analyzes how *Milkovich v. Lorain Journal Co.* reworked *Gertz* and the future of libel litigation for athletes who are the subject of editorials and opinion pieces. Long and Jonathan Deem take specific aim at the classification of high school athletes in defamation cases. Both legal scholars predict high school athletes will eventually become, at least, limited-purpose public figures. However, their studies do not address what that classification means to media outlets covering high school athletes, particularly on the internet, where lines have blurred both the defining standards of the

56 Sanders, 181.
57 *Ampex Corp. v. Cargle* 27 Cal. Rptr.3d 870 (Cal. App. 4th, 2005).
58 Sanders, 155.
59 Some of the lower courts’ rulings include *Mathis v. Cannon* (2002) and *Atlanta Humane Society v. Mills* (2005), both heard by the Georgia Supreme Court, and *Bieter v. Fetzer* (2005) heard by the Minnesota Court of Appeals.
60 Long, 258. Deem, 801.
content (opinion, rumor, or fact) and the status of a potential libel plaintiff. In a later section of this paper, their scholarship will be expanded by filling that void and it will also offer comprehensive suggestions to sharpen that focus and avoid legal pitfalls.

**Review of Media Ethics**

On April 28, 1923, the American Society of News Editors adopted the Canons of Journalism, a list of ethical guidelines under which newspaper journalists should operate. These guidelines “are framed from a social responsibility perspective that maintains the public welfare is a fundamental concern of daily journalism.”

The preamble to the Canons reads:

> The primary function of newspapers is to communicate to the human race what its members do, feel and think. Journalism, therefore, demands of its practitioners the widest range of intelligence of knowledge and of experience, as well as natural and trained powers of observation and reasoning. To its opportunities as a chronicle are indissoluble linked its obligations as teacher and interpreter.

> To the end of finding some means of codifying sound practice and just aspirations of American journalism, these canons are set forth . . .

The Canons of Journalism, which the ASNE revised and renamed the Statement of Principles in 1975, consist of six fundamental principles. The principles are:

- Responsibility
- Freedom of the press
- Independence
- Truth & accuracy
- Impartiality
- Fair play

The statement stresses bias-free news stories, warns of “‘private sources’ that are unwilling to go on the record,” and insists invasions of privacy “should be avoided.

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unless the public right warrants such intrusion.” Of course, a code of ethics is not a legal document, nor does the ASNE have authority to enforce it, but the language of the Canons suggests that adherence is in the reporters’ and publication’s best interest as “newspapers which pander to ‘vicious interests’ will encounter public disapproval and be considered less than professional than newspapers that focus on accuracy and bias-free news coverage.” In the 1930s and ‘40s, scholarship on journalism ethics focused on sensationalism, bias, stereotypical headlines of crime, pre-trial publicity, publication of private facts, the role of the media in war, the impact of competition, the “scoop” mentality, and conflict of interest.

In 1947, the Hutchins Commission, a group of renowned American intellectuals headed by University of Chicago Chancellor Robert M. Hutchins, prepared a report entitled “A Free and Responsible Press,” which served to warn journalists that the government would regulate the press if it did not regulate itself. As historian John Ferre´ noted,

the report sounded an alarm. If the media failed to act responsibly, the commission prophesized, the government would have no choice but to regulate them. “Those who direct the machinery of the press have engaged from time to time in practices which the society condemns and which, if continued, it will inevitably undertake to regulate control,” the Commission said. . . . Social responsibility may not have been a developed theory, but it was a persuasive, other-oriented perspective that valued both freedom from government interference and commitment to the public good.

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63 Wilkins and Brennen, 300.
64 Ibid.
65 Ibid., 299.
The journalist-source relationship has been the subject of considerable study since the 1980s. Janet Malcolm’s *The Journalist and The Murderer* became a best-selling non-fiction book and Malcolm’s unique take on the journalist-source relationship was summed up in her introduction:

> Every journalist who is not too stupid or too full of himself to notice what is going on knows that what he does is morally indefensible. He is a kind of confidence man, preying on people’s vanity, ignorance, or loneliness, gaining their trust and betraying them without remorse. Like the credulous widow who wakes up one day to find the charming young man and all her savings gone, so the consenting subject of a piece of nonfiction writing learns—when the article or book appears—his hard lesson. . . . The catastrophe suffered by the subject is no simple matter of an unflattering likeness or a misrepresentation of his views; what pains him, what rankles and sometimes drives him to extremes of vengefulness, is the deception that has been practiced on him. On reading the article or book in question, he has to face the fact that the journalist—who seemed so friendly and sympathetic, so keen to understand him fully, so remarkably attuned to his vision of things—never had the slightest intention of collaborating with him on his story but always intended to write a story of his own.67

Further, the highly-publicized romantic liaison between Suzy Wetlaufer, the top editor of the *Harvard Business Review*, and the married former General Electric chairman, Jack Welch, after she interviewed him for a story prompted more discussion on the appropriate limits of the journalist-source relationship.68

Codes of ethics continue to develop industry-wide, such as from the American Newspaper Guild in 1934 to the still-evolving Society of Professional Journalists’ code originally developed in 1926. They are also tailored to specific publications, such as the

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67 Janet Malcolm, *The Journalist and The Murderer* (New York: Alfred A. Knopf, Inc., 1990), 3. Malcolm’s book details the libel suit between the plaintiff, convicted triple murderer Jeffrey MacDonald, and author/journalist Joe McGinniss. McGinniss lived with MacDonald and his legal team during MacDonald’s murder trial and maintained the reporter-source relationship while MacDonald was in prison. McGinniss led MacDonald to believe the author would write a sympathetic story that would maintain MacDonald’s innocence. However, McGinniss’s eventual best-seller, *Fatal Vision*, did no such thing, for McGinniss believed MacDonald to be a narcissistic sociopath who did kill his wife and children.

New York Times, for example. In the early 1980s, the Journal of Mass Media Ethics began publishing and its first issue was devoted to codes. The codes strive to promote social responsibility and advocate “cooperation between the media and citizenry in concrete efforts that would limit market excesses and pressure the media to serve society than narrow self-interest.” Those efforts have resulted in news councils, ombudsmen, and journalism reviews.

Ethics is Sports Journalism

In 1984, the Associated Press Sports Editors adopted ethics guidelines, which were revised in 1991. The majority of the guidelines deal with perceptions of “impartiality,” especially in regards to “freebies,” such as free tickets to games, free accommodations, food, and the like for journalists. Still, the theoretical framework of social responsibility overarched the APSE’s guidelines because the objective of sports journalists was the same as that of news journalists – to benefit the public.

Sports journalism, as viewed by those in the journalism profession, often struggles to reach the ethical bar set by the industry itself. “Those who practice honorable forms of narrative and observe the ethical precepts of the tribe are deemed journalists. Those who traffic in narratives considered renegade, deficient, or false are not. Sports stories struggle with just this burden.”

This study will not attempt to define “journalism,” nor will it attempt to categorize sports journalism within a nebulous so-called definition. It will, rather, focus

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69 Wilkins and Brennen, 301.
70 Ferre, 22.
71 Ibid.
on developing a code of ethics for publishers of and reporters working for college football recruiting websites. However, it cannot be overlooked that, as the industry struggles to define itself outside of the blogosphere, ethical “shortcomings would not pose a problem except that audiences love sports stories, and news organizations unapologetically cater to their enthusiasms.” Sports journalism struggles to separate editorial and business interests because the coverage itself promotes athletes, teams, and leagues. Thus, it is ethically suspect. Media scholar Robert McChesney wrote:

Sports and the mass media enjoy a very symbiotic relationship in American society. On one hand, the staggering popularity of sport is due, to no small extent, to the enormous amount of attention provided it by the mass media. On the other hand, the media are able to generate enormous sales in both circulation and advertising based upon their extensive treatment of sport. Media attention fans the flames of interest in sport, and increased interest in sport warrants further media attention. 

Despite this challenge, “journalists have not always dismissed sportswriting as inherently trivial, culturally low, or ethically tainted, however.” The New Journalism of the 1960s introduced an acceptable hyperbolic approach to the storytelling of American culture and sports journalism got a professional boost. “The New Journalism’s encounter with sports can help us reimagine sports journalism as a serious domain of moral experience worthy of sustained discussion and critique.” Scholars Oates and Pauly conclude that the manner in which sports stories are told raises ethical questions and

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74 Oates and Pauly, 333.
75 Ibid., 338.
77 Oates and Pauly, 340.
78 Ibid., 342. The authors note the sports writing made popular by famous “New Journalists” such as Gay Talese, Tom Wolfe, Hunter S. Thompson, and George Plimpton.
presents challenges, but “that they are told is vital to our shared experience of democratic culture.”

Researchers have spent countless hours examining the relationship between a journalist and his or her source of information. According to MacFarlane in Bourgeois, “journalists must choose a course of action, either act as journalists or as public relations officers.” The course of action stands as such because the journalist’s professional integrity sits in one hand as he or she acts as a gatekeeper and an agenda setter, while the in the other hand sits a relationship built with a source – a relationship that can include intimidation, manipulation, disinformation, and/or an eagerness to please. Bourgeois writes: “Smith and Blackman . . . have suggested this relationship transforms the sports journalist into a schizoid torn between the demands of preparing a complete and objective reportage and the obligation of giving support to the sports promoter.”

The balance required in the sports journalist-source relationship is not simple. The relationships often balance fair reportage with the possibility of alienating a source by writing something that might offend. Also, because sports journalists in particular often travel with teams and see athletes and personnel on a daily basis, the perception or reality of “cozy” relationships with these people can come about, and writers can even “develop an affection for the players [or coaches] and the team as a whole, and ‘perhaps even identify with them.’”

79 Oates and Pauly, 346.
80 Bourgeois, 196.
81 Ibid.
83 Lowes, 82.
No academic studies could be found that specifically targeted media ethics and the coverage of the recruitment of high school athletes. In a 2001 *USA Today* article, Chris Jenkins notes that recruiting coverage is riddled with rumor, and former University of Southern California coach Pete Carroll described the effect of the persistence with which reporters cover recruiting: “The kids find themselves getting totally inundated by all the Internet content providers. I think they’re pretty worn out by the time the process is over.”84 Long writes that “appeasing the local market is a necessary business goal of news reporting, and college football reporting is no exception” and “almost nothing is off limits when it comes to reporting on elite recruits.”85

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84 Chris Jenkins, “Web a curse and blessing to recruiting.” *USA Today* (February 8, 2001), 6C.
85 Long, 256.
CHAPTER 4: RESEARCH QUESTIONS & METHODOLOGY

As the literature indicates, there are several significant areas to be researched for this particular study. When exploring the diverse areas of law, ethics, and social responsibility as they relate to the coverage of college football recruiting, this study relied on the ideas of John W. Creswell to develop a framework and determine proper methods.

Creswell identifies three elements central to the design of research. They are: 1.) Knowledge claims, 2.) Strategies of inquiry, and 3.) Methods of data collection.86 With these elements in mind, this study uses the social responsibility theory as the overarching framework. The social responsibility theory would suggest publishers of and writers for college football recruiting websites follow a comprehensive code of ethics. This study uses a transformational mixed-methods approach, in which the researcher uses the lens of the social responsibility theory to examine, as Creswell explained, the “overarching perspective within a design that contains both quantitative and qualitative” data.87 Based on personal and professional experience, as well as on data gathered systemically for this study, the researcher is basing knowledge claims on pragmatic grounds, or ones that are “real-world practice oriented.”88 The collection of both qualitative and quantitative data is done sequentially, or elaborating on one method with another.89

Therefore, the overarching research question is as follows: How can legal and ethical problems in the coverage of college football recruiting be identified and prevented? The following questions guided data collection and analysis:

87 Ibid., 13.
88 Ibid., 6.
89 Ibid., 16.
RQ1. Which widely accepted canons of journalism are commonly violated in the Rivals.com’s and Scout.com’s coverage of college football recruiting?

RQ2. Which issues do sports media professionals identify as ethical challenges in the coverage of college football recruiting?

RQ3. Which of those issues are the most ethically challenging, according to sports media professionals?

RQ4. What do sports media professionals, college football coaches, and college football players suggest be done to improve ethical problems identified in the coverage of college football recruiting?

To build upon the oral history and case law of previous chapters, the researcher uses three approaches to the strategy of inquiry and the collection of data. First, the study describes the process of contextual analysis of the coverage of college football recruiting. This analysis offers a purposive sampling of the coverage from college football recruiting sites in order to identify violations of the APSE’s Statement of Principles. Next, the researcher introduces a survey and details the design, procedure and participants. The survey includes open- and closed-ended questions to gather numeric and statistical information on the opinions of sports media professionals in regard to the coverage of college football recruiting. The main issues examined in this survey are sports media professionals’ participation in the coverage of recruiting, their perception of the ethics of the coverage, as well as of the evaluation of high school athletes, and their perceptions of a host of specific ethical issues. To conclude Chapter 3 is a description of a series of interviews conducted with sports media professionals, college football coaches, and college football players. This qualitative approach was used to solicit opinions on the
ethical issues present in the coverage of college football recruiting, as well as opinions on strategies for change. Readers can gain a clear understanding of how and why these methods were chosen and how they best operate to create an effective code of ethics for the coverage of college football recruiting.

Contextual Analysis

The process of contextual analysis, like qualitative research itself, is “fundamentally interpretative,” or demands that the researcher interprets the data. This analysis offers a non-systematic, purposive sampling of coverage from college football recruiting sites Rivals.com and Scout.com. The researcher purposively selected three prominent recruits from different geographic regions and analyzed stories on these recruits from both sites from February 4, 2010, which was Signing Day, until August 30, 2010, which was roughly the start of college football season. The recruits were Malcolm Brown of Cipolo, Texas; James Wilder, Jr. of Tampa, Florida; and Kasen Williams of Sammamish, Washington. All three highly ranked recruits announced their oral commitments during that span. The researcher analyzed a total of 189 articles, which included breaking-news type stories, photo galleries, video clips, lists of rankings, and updates from summer combines. The researcher searched for these stories through each athlete’s profile page on both Rivals.com and Scout.com. The profile pages provide a list of links to stories and the date of original publication. These links direct readers to stories on team-specific sites, state-specific sites (that focus more on high school sports as opposed to exclusive coverage of college teams), and Rivals.com’s and Scout.com’s national sites.

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90 Creswell, 182.
The study attempts to identify tangible violations of the ASNE’s principles. To do so, the researcher analyzes the coverage for ethical themes under the six compartmentalized canons and states what is learned. According to Creswell, this means “the researcher filters the data through a personal lens that is situated in a specific sociopolitical and historic moment. One cannot escape the personal interpretation brought to qualitative data analysis.”\textsuperscript{91} The bias the researcher brings to the study must be noted here. The researcher spent twelve years working as a sports journalist for a metropolitan daily newspaper covering high school football and college football. The researcher spent prolonged time in the field and developed a unique and in-depth understanding of the phenomenon under study.

Survey

Design/Procedure

An analytic survey was used for this study as, in Creswell’s words, it most effectively “attempts to describe and explain why situations exist” and the results “allow researchers to examine the interrelationship among variables and to develop explanatory influences.”\textsuperscript{92} The researcher designed an eighteen-question survey to determine demographics, perceived bias, and to address the research questions. After receiving approval from Ohio University’s Institutional Review Board (IRB), the survey was introduced May 13, 2010 via SurveyMonkey.com and open for ten days. See Appendix D for a copy of the IRB approval and Appendix E for a copy of the survey instrument.

\textsuperscript{91} Creswell, 182.
\textsuperscript{92} Roger D. Wimmer and Joseph R. Dominick. \textit{Mass Media Research: An Introduction}, 8\textsuperscript{th} ed. (Belmont, Calif.: Wadsworth, 2006), 179.
In order to assess perceived bias about recruiting coverage, participants were asked about the frequency with which they deal with recruits, write stories on recruiting and/or recruits, and publish stories on recruiting and/or recruits. The participants were also asked about the perceptions of the star system of evaluation employed by Rivals.com, Scout.com, and ESPN Scouts, Inc. The questions addressing the star system employed a five-point Likert scale that had participants describe their perception of the accuracy of the star system with 1 = not accurate at all and 5 = totally accurate. Participants were also asked about the ethics of such a system with 1 = not ethical at all and 5 = totally ethical. Finally, Questions 9-15 present specific situations and ask participants to rank the situations as presenting a major ethical dilemma, a minor ethical dilemma, or presenting no ethical dilemma at all.

Participants

The researcher targeted adult sports media professionals to voluntarily take the analytical survey. The researcher sought out a purposive sample of adults who work in and/or are familiar with internet coverage of college football recruiting. To access this demographic, the researcher compiled the 2009-10 membership lists of the Football Writers Association of America (FWAA) and the United States Basketball Writers Association (USBWA) thanks to assistance from FWAA executive director Steve Richardson. Both groups specialize in the coverage of college sports, not professional sports. This is important because those dealing with college athletics, as opposed to professional, are more likely to be familiar with the coverage of the recruiting of high school athletes by college football programs.
There were 348 participants that fully completed the survey, though 422 completed it in part. The response rate of 35 percent, or 422 of 1,193 sent to members of the lists, was good according to research experts Roger D. Wimmer and Joseph R. Dominick. They claim a satisfactory internet survey click-through rate, or where internet users click on a link to participate, is between 1 and 30 percent.\textsuperscript{93}

Interviews

The researcher conducted interviews with purposive subjects that included sports media professionals, college football coaches, and college football players who were highly recruited out of high school. Subjects were selected based upon their availability, as well as their understanding of and their experience with the coverage of college football recruiting. Twelve interviews were done in a variety of manners that included face-to-face, in-person, over the telephone and via email. Unstructured, open-ended interviews were conducted and either digitally recorded or notes were taken. This qualitative data was collected to solicit opinions on the ethical issues present in the coverage of college football recruiting, as well as opinions on strategies for change.

\textsuperscript{93} Wimmer and Dominick, 205.
CHAPTER 5: RESULTS

**RQ1. Which widely accepted canons of journalism are commonly violated in the coverage of college football recruiting?**

To answer this question, a purposive sampling of coverage from college football recruiting sites Rivals.com and Scout.com was analyzed along with the results of interviews with college football coaches, players, and sports media professionals to identify tangible violations of the ASNE principles. Under the overarching theme of the Social Responsibility Theory, the coverage was examined against the six ASNE principles: Responsibility, Freedom of the Press, Independence, Truth & Accuracy, Impartiality, and Fair Play.

**Responsibility**

According to the ASNE Statement of Principles, Article I is Responsibility. It states: “The primary purpose of gathering and distributing news and opinion is to serve the general welfare by informing the people and enabling them to make judgments on the issues of the time.”

Those that abuse this responsibility “for selfish motives or unworthy purposes,” according to the statement, are “faithless to that public trust,” and the purpose of the press is to scrutinize, not pander to the government.

For the purposes of this study and the coverage of college football recruiting, reporters covering the process have the job of informing college football fans of the recruiting activity surrounding their favorite teams. However, responsibility is clearly shirked when selfish motives appear – and they appear all over recruiting coverage, particularly in Rivals.com coverage. In recent coverage of college football recruiting,

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selfish motives have included blatant and subtle attempts by reporters to persuade a high school athlete to attend a particular school, particularly the school the reporter covers. Scout.com’s Iowa State site, for example, advertised for new employers by asking, “Would you like to make a living covering your favorite college sports team?” and suggesting a clearly selfish motive.\textsuperscript{95} This section analyzes published work on Rivals.com and Scout.com. Rivals.com employs a Recruiting Code of Ethics that its employees who make contact with recruits must sign. (See Rivals.com’s code of ethics at Appendix C). However, according to Ryan Pettit, a former Rivals.com publisher, the code is not in any way enforced and, in his case, it was never spoken of after he faxed it to the company’s headquarters in Brentwood, Tennessee.\textsuperscript{96} Others familiar with Rivals.com’s inner workings claim there is little to no oversight of satellite sites, which makes monitoring ethics nearly impossible. The first bulleted item of Rival.com’s Recruiting code of Ethics states:

Publisher/expert shall not act as a “fan” of any college team. This means the publisher/expert shall not “root” for the team in any public manner, either at games, on the message boards, in a chat room, or in the general public under any circumstance. Possible examples of such behavior include, but are not limited to, the following: Using “we” in the possessive sense. This includes, but is not limited to, discussions with site subscribers or other fans at games, site functions, or while online (in message boards, chat rooms, etc.) The publisher/expert must always appear impartial.\textsuperscript{97}

Despite the specific language of Rivals.com’s code, violations appear throughout the network’s sites in both subtle and blatant expressions. For example, Chris Nee is the recruiting writer for Rivals.com’s Florida State site, Warchant.com. Nee is a 2004 Florida

\textsuperscript{96} Ryan Pettit, email interview with author, May 10, 2010.
\textsuperscript{97} The Rivals.com Recruiting Code of Ethics, July 13, 2010.
State graduate and, while most of his reporting on recruiting appears to be unbiased, his “Fan Page” on the site lists his favorite team as Florida State.

Dirk Knudsen covers recruiting for Rivals.com’s WashingtonPreps.com. In August 2010, a highly-decorated wide receiver from Sammamish, Washington orally committed to attend the University of Washington. Knudsen showered the recruit with praise noting the athlete “truly is a talent” and called him a “huge addition” to Washington’s recruiting class. Knudsen concluded the article with the following sentence: “For now it is great to see a student athlete of Kasen Williams caliber stay in his home State [sic].”98

Feldman identified a writer from Scout.com who covered recruiting for the University of Southern California. Feldman wrote: “The Scout USC guy, appearing on a signing-day TV show, was crestfallen to see blue-chip WR DeSean Jackson pick Cal. ‘I really thought we [emphasis] were gonna [sic] get him,’ he said on air.”99

But playing the “homer,” or rooting for the school one may be covering, resonates with fans on their message boards as the sites’ traffic statistics suggest. Feldman wrote:

The pressure to generate this kind of traffic inevitably causes some site reporters to become part of a process they’re supposed to be observing. They push kids to say something, anything, positive about the school they cover – even if the player has already made up his mind to go somewhere else.100

Alabama coach Nick Saban deplores this in the coverage of recruiting and discussed it publicly in a The Birmingham News article in 2009: “If people are just

100 Ibid.
covering recruiting with honesty and integrity, (there’s no problem). But all those guys that work out there for (recruiting sites) are for the school. Everybody roots for a team. And they get information for a team."\(^{101}\)

Relationships between recruitment journalists and universities they cover have varied in their degree of closeness. Universities have occasionally cracked down on individuals in extreme cases because such contact with recruits can violate NCAA rules. The NCAA mandates that only “authorized institutional staff members” can contact recruits.\(^ {102}\) Member institutions, however, have no control of unaffiliated media outlets. Take the case of Brian Poe, an overzealous fan who contacted and interviewed Kentucky football recruits in the spring of 2002 for his independent recruiting website.\(^ {103}\) Poe was a season-ticket holder, but while reporting for his website, he extolled the virtues of the university and its programs to the recruits he interviewed. Because he was a season-ticket holder in addition to a fan reporter, Poe was banned from all contact with Kentucky athletics for twenty-seven years after an investigation by the university’s compliance staff revealed his coercive tactics. \textit{USA Today} reported:

UK compliance director Sandy Bell said she contacted the NCAA after finding out about Poe’s initial interviews with recruits. She said she was told “we were responsible for his action. And we had to report those violations. Those kids did nothing more than say yes to an interview. It was very upsetting for the young men.” Bell said she found out from another booster that Poe was circulating e-mails asking for help in recruiting student-athletes to Kentucky. . . . The NCAA says that fan Web sites aren’t considered media outlets, and that the school might be


\(^{102}\) NCAA, 81.

accountable if a representative contacts a recruit. Such contact might be an NCAA violation.\textsuperscript{104}

**Freedom of the Press**

Recruiting coverage may encroach upon the second principle of the ASNE statement in that “journalists must be constantly alert to see that the public’s business is conducted in public. They must be vigilant against all who would exploit the press for selfish purposes.”\textsuperscript{105} However, this encroachment cannot be specifically detailed in a contextual analysis. It may, however, be assumed through the lens of violations of other articles of the ASNE Statement of Principles. Fan journalists may argue that they are exercising their First Amendment rights in reporting on recruitment, and laws or ethics codes would infringe on this right. However, if these reporters recklessly disregard ethical standards, all sports journalists could be hurt by potential press laws, not ethics, restricting coverage. This is addressed further in Chapter 5.

**Independence**

This principle addresses the appearance of impropriety, namely in the form of conflict of interest and journalist-source relationship, or in any activity that compromises reporters’ integrity. As discussed in Chapter 3’s analysis on the relationships between sports journalists and sources – integrity often hinges on the perception of journalist-source relationships. Understanding these relationships and the careful attention the ethical journalist takes to balance them is important for this study because the depth and frequency of recruiting coverage is currently such that it is highly unlikely it is done

without the assistance of coaches on a team’s staff – something that would be a major violation of NCAA rules, as well as an ethical breach. The 2009-10 NCAA Division I Manual includes 404 pages of rules and regulations, listing seventeen overriding principles, thirty-two articles, and 350 topic headings.\textsuperscript{106} Navigating this content is not easy, thus, each member university of the NCAA Division I has at least one person in its athletic department – and more often entire staffs – dedicated to the compliance of the rules listed in the manual. Specifically concerning the recruitment of athletes is Article 13. This operating bylaw consists of sixty-two pages. The NCAA mandates that only “authorized institutional staff members” can contact recruits.\textsuperscript{107} Universities also cannot pay talent scouts to study recruits, according to the rules, though outside sources can send video.\textsuperscript{108} An entire topic heading is also devoted to publicity concerning recruits and states the university or its representatives cannot do the following: allow a media entity to be present during recruiting contact, comment in any way on the recruit (other than confirm his recruitment), evaluate or rate a recruit to the media, allow a recruit to be interviewed or appear in a radio broadcasts or shows, publicize a recruiting visit, introduce a recruit at a function that is attended by the media, photograph a recruit on a visit for publicity, or publicize a recruit’s intent to enroll until an NLI is received.\textsuperscript{109}

Chris Tormey is an assistant coach at the University of Hawaii. He is a former head coach at the University of Idaho (1995-1999) and the University of Nevada-Reno (2000 to 2003). He also served as recruiting coordinator at the University of Washington from 2004 to 2008. Tormey noted in an interview with the author that while college

\begin{footnotes}
\item[106] NCAA, 81.
\item[107] Ibid., 81.
\item[108] Ibid., 83.
\item[109] Ibid., 114-115.
\end{footnotes}
football coaches are limited in what they can do in recruiting, the reporters are not. He said this fact mandates that coaches track the recruiting websites regularly:

We’re so restricted in what we can do in terms of contacting players and these guys [reporters] have unlimited contact. The information they get can be misleading, but the kid knows who they are writing for, and we need that information. [The reporters covering recruiting] can be helping you or hurting you and there are no ethical guidelines. They can do as much negative reporting as they want and the kids can get real caught up in it. . . . [But coaches] have to read it. Whether it’s 100 percent accurate or not, you have to – especially during the dead periods when you need to have your finger on the pulse.\textsuperscript{110}

Tormey said he regularly reads recruiting websites, but said he does not reveal information to reporters that would violate NCAA rules. He described some recruiting reporters who tried to get such information as “downright surly.”\textsuperscript{111} While Tormey maintains his distance, there is soft evidence to suggest coaches and recruiting reporters do take part in mutually beneficial relationships. Why? For the reporter, he or she could break a story on an athlete receiving a scholarship offer or making an oral commitment while the coach could communicate to an athlete through the reporter during periods in which he is prohibited from contacting the athlete.

Rivals.com’s Code of Ethics does not specifically advise against such relationships with coaches, but spells out do’s and don’t’s when communicating with undecided athletes or their families. For example, the code says the “Publisher/expert shall not convey the interest level of any team to the prospective recruit” and “Publisher/expert shall not convey the values or compare the values of one school or

\textsuperscript{110} Tormey, telephone interview with author, 2010. The “dead period” is designated a time when the college coach may not have any in-person contact with the recruit or the recruit’s parents. The coach may write and telephone during this time.
\textsuperscript{111} Ibid.
another to any recruit.” But, with no enforcement mechanism at Rivals.com, and no published ethical guidelines at all at Scout.com, this ethical bar is often not met. Chris Low, who covers the Southeastern Conference for ESPN.com, suggested an even more ugly possibility when he wrote in his blog that some coaches have actually strategically placed “their own guy at a recruiting web site [sic] to help the cause,” though he had no conclusive evidence. Such a placement is an extreme violation of the principle of independence because a reporter would then be working for the coach, not the public.

Truth and Accuracy

Article IV of the ASNE Statement of Principle suggests the journalist must build trust with his or her readers. Thus, accurate and bias-free news reports are the foundation for ethical journalism, as is a fair representation. Rivals.com and Scout.com struggle with the principle of accuracy. First, there is no fixed or highlighted page for corrections. If corrections are done in stories, they are not identified. The principle plainly states that “errors of fact, as well as errors of omission, should be corrected promptly and prominently.”

As identified under the “Responsibility” subheading, the reporting is not free from bias as the examples of Nee and Knudsen reveal.

Impartiality

The principle of “Impartiality” insists that opinion and personal interpretation be separate from news reports or clearly identified as such. This is another area in which the

112 Rivals.com, Recruiting Code of Ethics.
coverage of college football recruiting struggles to meet the ethical bar. Reporters tend to heap praise upon recruits without statistical backing. Opinion blurs into news, most notably when those who do the reporting also rank high school players.

Rivals and Scout.com, as well as ESPN’s Scouts, Inc., evaluate players based on a five-star system. A five-star recruit would be considered a “can’t-miss” or “blue-chip” prospect, and no stars would equate to a player that likely will not receive any scholarship offers. According to Rivals.com national recruiting analyst Dallas Jackson, the evaluation process is just that – a process: “The process is always on-going… that is the beauty and misunderstanding of it.” ¹¹⁵ There are no specific standards for the rankings, so it is subjective.

The Associated Press conducted a review of the top 50 recruits from 2002-04 as designated by both Rivals and Scout.com. The review reveals that the annual top-ten players panned out a little more than half the time, based on whether a player started twenty games or more in college, his recognition for awards or whether he made it to the National Football League. When it got to picks 11-50, [Rivals.com and Scout.com] were “even more hit and miss.”¹¹⁶ In AP, Rivals.com co-founder Bobby Burton said, “It’s not an exact science, period. Part of the reason why is kids are 17 years old and you’re trying to predict what’s going to happen when they’re 21 years old. Who knows what’s going to happen when they do go to college and drink beer?”¹¹⁷

What Burton does not take into account is that star-rankings rise and fall depending on some inconsistent variables. Rankings can rise and fall not only because of

¹¹⁷ Ibid.
what a player does on the field, but because of which schools do or do not offer him a scholarship. Offensive line prospect Skyler Fancher of Huntington Beach, California, was a three-star recruit when he orally committed to play for the University of Washington in December 2006. By the time he signed his NLI to Washington in February 2007, Fancher saw his ranking rise to four stars even though his season had long since ended. Why the rise? Because powerhouse USC had offered him a scholarship.\footnote{Skyler Fancher, in-person interview with author, August 2008.} Mississippi State coach Dan Mullen acknowledged that his staff utilizes the rankings to spot players out of its region, but told AP, “I can tell you in the state of Mississippi, our top 25 rankings are very different than Scout’s or Rivals top 25 rankings, and [ours] are the ones we go by.”\footnote{Associated Press, “Scouting services often miss best football recruits,” \textit{NBCSports.com}, February 3, 2009. Accessed at http://nbcsports.msnbc.com/id/17973156/. (Last accessed June 1, 2010).}

While imperfect, the evaluation process is undertaken, in many cases, by the same people who contact the athletes and that write the stories about them. This is a scenario that can create a conflict of interest for the reporter as he promotes the highly-ranked athlete with more and more stories about the athlete. Legal scholar Mark Douglas Lowes calls this kind of reportage “consumption” and argues that “the sports section is the nearly exclusive promotional domain of the big-time sports business,” or as this case may be, the websites are the promotional domain for the business of recruiting.\footnote{Lowes, 99.}

Fair Play

The sixth ASNE principle maintains that journalists respect the rights of people involved in news and news gathering with special attention to pledges of confidentiality.
This is an admittedly gray area where the reporter-source relationship is ambiguous and determining the ethical course is not always a clear-cut issue.

Recruiting websites do an uncannily good job of extending coverage over the course of years while a recruit makes his decision. While top recruits consider their college decision, the 16, 17, 18-year-olds are “moving targets.”¹²¹ A review of stories on the websites show that athletes are often interviewed as early as their sophomore year in high school. The articles typically include information about the recruit’s top-five favorite schools, his official and unofficial recruiting trips to the schools, oral and written scholarship offers from schools, and how high his interest is in School A as compared to School B. This kind of coverage requires that those covering recruiting contact the undecided athlete persistently, or with such voracity that the principle of “fair play” is severely challenged.

In an ESPN The Magazine article about a high-profile recruit from Galloway, N.J. named Myron Rolle in 2005, Feldman noted that both Rivals.com and Scout.com employed about 200 reporters “whose job it is to badger prospects about their latest leanings. At one point, Myron was taking as many as a dozen calls a night.”¹²² Rolle said he began to notice how the reporters were extending the chase: “I started to realize the game . . . There’d be a call from Michigan Scout, then Michigan Rivals, then Iowa Scout, then Iowa Rivals. These guys are competing [with each other] and I’m just the guy in the middle giving them the story.”¹²³

¹²³ Ibid.
In 2005, Jake Locker was one of the nation’s most coveted high school quarterbacks. From Ferndale, Wash., Locker had scholarship offers from every team in the Pacific-10 Conference, as well as offers from powerhouse college football programs Michigan and Texas. In the fall of 2005, prior to orally committing to the University of Washington, Locker marveled at how often his phone rang. Five years later, at the beginning of his senior season at Washington, he recalled the onslaught of phone calls from people covering recruiting:

[The phone rang] all the time. It’d pick way up whenever there was a new buzz -- or something they thought was a new buzz -- came up. Any time there was anything they thought might help you make a decision, they’d call more. In my opinion, it was just way, way too much. There were a lot more internet people calling than reporters working for newspapers and stuff, too. It was just way too much. I started getting calls my sophomore year and it intensified until I made my decision. The thing is, we’re talking about 16-, 17-year-old kids who don’t really know who they are or where they fit in. There’s so much attention thrown on them and so much harassment, and you just want to please everyone.\(^\text{124}\)

Locke noted that the “new buzz” could be an event such as an official recruiting visit to a school, or something that did not even happen. An example of that, he said, would be that the reporters thought he had made a decision, or even an oral commitment to a coach, when he had not. He said he has seen reports on websites of athletes making oral commitments when, in fact, they had not. (Oral commitments are events only the athlete can confirm since the college coach cannot speak to the media until the recruits sign NLIs.) Locker also said reporters from websites were the most common, and were most persistent.

\(^{124}\) Jake Locker, in-person interview with author, August 16, 2010. Locker was a four-star quarterback prospect out of Ferndale High School in Ferndale, Washington and went on to a successful career at the University of Washington. Prior to the 2010 season, Locker, a fifth-year senior, was named to the Walter Camp Award watch list for the nation’s best player.
They were calling all the time. They were calling for three or four months trying to make a relationship with you, trying to make you think you owed them. I see that all the time being more removed from it now, too. They try to take advantage of you and use that to be the first to say where you decide. They’d be like, “Hey, I’m gonna [sic] be your buddy so you owe me this.” I didn’t agree. I didn’t think I owed them anything. I’d only known them a couple months. It wasn’t that I didn’t like anyone, but really? Six months and we’re friends and I owe you this? Then, right when you decide, the phone calls stopped. I never talked to them again. To me, that’s the most unethical thing about the whole thing is how they try to take advantage of you being young and not understanding the game. That’s the most unethical part.125

Coaches see the onslaught from a different perspective but realize the effect it has on high school athletes. According to Tormey, the persistent coverage can affect high school athletes mentally, as well as how they perform on the football field. He said:

These kids just get bombarded about where they’re going, what they’re -- especially with the inner-city kids, or in situations they might not have that much parental guidance. They’re flattered by the attention and it can be overwhelming. The kids are affected by it. They see themselves as media stars instead of as the high school football players they are. If they don’t have the guidance, it’s tough to stay on track. Generally it’s not good for the kids. The overinflated opinions they get while the writers are trying to build a relationship isn’t healthy for them. It affects the way they play and other things.126

The contextual analysis of a purposive sampling of content from Rivals.com and Scout.com, as well as interviews with sports media professionals, college football coaches, and college football players show that five of the six ASNE principles are routinely violated in the coverage of college football recruiting. The principle of Responsibility is violated in the form of coercing high school athletes to attend the reporters’ favorite team and in blatant fandom. The violation of the principle of Independence comes out in conflict of interest and inappropriate journalist-source

125 Locker, 2010.
relationships, particularly when the reporter and coach strike up a mutually beneficial relationship. Truth and Accuracy, another principle, is breached in that the websites do not have a specified place to address inaccuracies. The principle of Impartiality is violated in the rankings as it displays the reporters’ opinions of the athletes they cover. And, finally, the principle of Fair Play is violated in excessive contact with recruits, who are, in most cases, minors.

**RQ2. Which issues do sports media professionals identify as ethical challenges in the coverage of college football recruiting?**

The themes of the above findings were used to create a survey instrument to determine how sports media professionals view situations that might provoke ethical challenges.

The survey for this study first determined participants’ demographical and professional information (See Appendix E for a copy of the survey instrument). In order to assess perceived bias about recruiting coverage, participants were asked about what they cover, the frequency with which they write stories on recruiting and/or recruits, and the frequency with which they publish stories on recruiting and/or recruits.

Of the 422 participants who answered what sport and/or topic they cover, the top two answers were college football (28.4 percent) and college basketball (21.8 percent), but many cover both (See Table 1).
Table 1: Number of sports/topics primarily covered by participants

<table>
<thead>
<tr>
<th>Sport</th>
<th>Total (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>College football</td>
<td>120 (28.4%)</td>
</tr>
<tr>
<td>College men’s basketball</td>
<td>91 (21.6%)</td>
</tr>
<tr>
<td>Recruiting only</td>
<td>7 (1.7%)</td>
</tr>
<tr>
<td>All of the above</td>
<td>116 (27.5%)</td>
</tr>
<tr>
<td>College football/basketball, no recruiting</td>
<td>88 (20.9%)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>422 (100%)</strong></td>
</tr>
</tbody>
</table>

*N = 422.*

The next question specifically asked participants for what type of media outlet they worked. The top response was newspapers for which 167 (39.6 percent) work. The next-highest response was for a university, conference, or bowl game with 116 (27.5 percent). With forty-six respondents (10.9 percent) claiming to work for a website owned by a major media corporation, this category had the third-highest number of responses (See Table 2).

Table 2: Number of types of media outlets primarily employing participants

<table>
<thead>
<tr>
<th>Employer</th>
<th>Total (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Newspaper</td>
<td>167 (39.6)</td>
</tr>
<tr>
<td>Radio/TV</td>
<td>32 (7.6%)</td>
</tr>
<tr>
<td>Magazine</td>
<td>19 (4.5%)</td>
</tr>
<tr>
<td>Website owned by a major media corporation</td>
<td>46 (10.9%)</td>
</tr>
<tr>
<td>Independent website</td>
<td>42 (10.0%)</td>
</tr>
<tr>
<td>University, conference, bowl</td>
<td>116 (27.5%)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>422 (100%)</strong></td>
</tr>
</tbody>
</table>

*N = 422.*

Participants were asked how often their organization published stories on the recruitment of high school athletes per week, how many stories on the subject they specifically write for publication per week, and how many times they contact high school athletes for recruiting coverage per week. Only 8.2 percent, or thirty-two of the respondents (N=391) work for an organization that publishes ten or more recruiting
stories per week. Only ten, or 2.6 percent, write ten or more stories per week themselves. This shows that only a small percentage of the surveyed sports media professionals cover recruiting on a frequent basis (See Table 3).

Table 3: Number of recruiting stories participants publish

<table>
<thead>
<tr>
<th>Employer</th>
<th>Total (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 or more stories per week</td>
<td>10 (2.6%)</td>
</tr>
<tr>
<td>5-9 stories per week</td>
<td>11 (2.8%)</td>
</tr>
<tr>
<td>1-4 stories per week</td>
<td>42 (10.0%)</td>
</tr>
<tr>
<td>Less than one story per week</td>
<td>123 (29.1%)</td>
</tr>
<tr>
<td>None</td>
<td>139 (32.9%)</td>
</tr>
<tr>
<td>Not applicable</td>
<td>66 (15.6%)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>422 (100%)</strong></td>
</tr>
</tbody>
</table>

The survey instrument presented six circumstances that might be considered ethical dilemmas based on the themes of the contextual analysis of Rivals.com and Scout.com, as well as interviews. Some of the circumstances occurred frequently in the coverage of recruiting on the websites, and other circumstances were specifically brought up in more than one interview with sports media professionals, college football coaches, and/or college football players. Survey participants were asked of each circumstance whether it presents a “major ethical issue,” a “minor ethical issue,” or “no ethical issue.”

The circumstances presented on the survey were:

- *A publication reports and publishes that an athlete has made an oral commitment, but has yet to sign a National Letter of Intent.*

Sports media professionals who answered the question (N=351) determined that this is not an ethical issue as 290 (82.6 percent) answered that it presents no ethical issue,
while fifty-seven (16.2 percent) answered that it is a minor issue. Only four participants (1.1 percent) deemed it a major ethical issue.

Incidentally, three of those four worked for newspapers. From the chi-square statistic, it is clear that there is a statistically significant relationship between what type of organization by which the surveyed participants are employed and their ethical thermometers. That is, statistics show that sports media professionals employed by websites owned by major media corporations or independent websites find less of an ethical issue with the circumstances than those employed by traditional media outlets (See Table 4). This indicates bias.

**Table 4: Organizational bias on reporting on oral commitments**

<table>
<thead>
<tr>
<th>Organization</th>
<th>Major</th>
<th>Minor</th>
<th>None</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Newspaper</td>
<td>3(&lt;1%)</td>
<td>19(5%)</td>
<td>130(37%)</td>
<td>152(43%)</td>
</tr>
<tr>
<td>Radio/TV</td>
<td>1(&lt;1%)</td>
<td>3(&lt;1%)</td>
<td>22(6%)</td>
<td>26(7%)</td>
</tr>
<tr>
<td>Magazine</td>
<td>0(0%)</td>
<td>1(&lt;1%)</td>
<td>15(4%)</td>
<td>16(5%)</td>
</tr>
<tr>
<td>Website owned by major media corp.</td>
<td>0(0%)</td>
<td>3(&lt;1%)</td>
<td>38(11%)</td>
<td>41(12%)</td>
</tr>
<tr>
<td>Independent website</td>
<td>0(0%)</td>
<td>6(2%)</td>
<td>31(9%)</td>
<td>37(11%)</td>
</tr>
<tr>
<td>University, conference, or bowl</td>
<td>0(0%)</td>
<td>25(7%)</td>
<td>54(15%)</td>
<td>79(23%)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>4(1%)</td>
<td>57(16%)</td>
<td>290(83%)</td>
<td>351(100%)</td>
</tr>
</tbody>
</table>

$N = 351$. Chi-square = 23.635, df = 10, $p = .009$, $p < .05$ *Some percentages might not total due to rounding

- **A person with no journalism training is calling athletes, conducting interviews, and writing stories for publication.**

Participants (N=349) found this circumstance to present an issue, but were split on whether it is a major or minor ethical issue. Of those answering, 148 (42.4 percent) found it to be a major ethical breach, while 143 (41.0 percent) believed it to be minor. Fifty-eight (16.6 percent) responded that it presents no ethical issue.
Employees of websites found this to be of little ethical importance, while newspaper employees did to show another statistical bias. Whereas, twenty of seventy-eight employees of websites (both owned by major media corporations and independently-owned), or 25.6 percent found there to be no ethical issue in a person with no journalism training calling athletes, conducting interviews, and writing stories for publication. However, thirty-two of 192 employees of newspapers, radio/TV, and magazines, or 16.6 percent felt there is no ethical issue in a person with no journalism training calling athletes, conducting interviews, and writing stories for publication (see Table 5).

Table 5: Organizational bias on reporting without journalistic training

<table>
<thead>
<tr>
<th>Organization</th>
<th>Major</th>
<th>Minor</th>
<th>None</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Newspaper</td>
<td>68(19%)</td>
<td>61(17%)</td>
<td>23(7%)</td>
<td>152</td>
</tr>
<tr>
<td>Radio/TV</td>
<td>8(2%)</td>
<td>10(3%)</td>
<td>7(2%)</td>
<td>25</td>
</tr>
<tr>
<td>Magazine</td>
<td>3(1%)</td>
<td>10(3%)</td>
<td>2(&lt;1%)</td>
<td>15</td>
</tr>
<tr>
<td>Website owned by major media corp.</td>
<td>13(4%)</td>
<td>19(5%)</td>
<td>9(3%)</td>
<td>41</td>
</tr>
<tr>
<td>Independent website</td>
<td>7(2%)</td>
<td>19(5%)</td>
<td>11(3%)</td>
<td>37</td>
</tr>
<tr>
<td>University, conference, or bowl</td>
<td>49(14%)</td>
<td>24(7%)</td>
<td>6(2%)</td>
<td>79</td>
</tr>
<tr>
<td>Total</td>
<td>148(42%)</td>
<td>143(41%)</td>
<td>58(17%)</td>
<td>349</td>
</tr>
</tbody>
</table>

N = 349. Chi-square = 32.220, df = 10, p = .000, p <.05 *Some percentages might not total due to rounding

- A person covering recruiting attempts to persuade an athlete to attend a particular school.

Those surveyed overwhelming decided this is a major ethical issue in the coverage of recruiting as 333 of the 350 participants (95.1 percent) who answered the question determined it to be a major issue. Only twelve (2.8 percent) answered that it is a minor issues, while only five (1.2 percent) claiming it is not an issue at all.
- A person covering recruiting makes persistent (at least once a day) contact with an undecided recruit.

Participants (N=349) again found this circumstance to present an ethical issue with 202 (57.9 percent) selecting it as a major ethical breach and 108 (30.9 percent) determining it to be minor. Thirty-nine (11.2 percent) responded that it presents no ethical issue.

A statistical relationship again exists in these numbers as those employed by traditional media organizations find more serious the ethical issue of persistent contact than do employees of websites (see Table 6).

Table 6: Organizational bias on reporting on persistent contact of recruits

<table>
<thead>
<tr>
<th>Organization</th>
<th>Major</th>
<th>Minor</th>
<th>None</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Newspaper</td>
<td>79(23%)</td>
<td>50(14%)</td>
<td>22(6%)</td>
<td>151</td>
</tr>
<tr>
<td>Radio/TV</td>
<td>15(4%)</td>
<td>8(2%)</td>
<td>2(&lt;1%)</td>
<td>25</td>
</tr>
<tr>
<td>Magazine</td>
<td>9(3%)</td>
<td>6(2%)</td>
<td>1(&lt;1%)</td>
<td>16</td>
</tr>
<tr>
<td>Website owned by major media corp.</td>
<td>21(6%)</td>
<td>10(3%)</td>
<td>10(3%)</td>
<td>41</td>
</tr>
<tr>
<td>Independent website</td>
<td>22(6%)</td>
<td>14(4%)</td>
<td>1(&lt;1%)</td>
<td>37</td>
</tr>
<tr>
<td>University, conference, or bowl</td>
<td>56(16%)</td>
<td>20(6%)</td>
<td>3(&lt;1%)</td>
<td>79</td>
</tr>
<tr>
<td>Total</td>
<td>202(59%)</td>
<td>108(31%)</td>
<td>39(11%)</td>
<td>349</td>
</tr>
</tbody>
</table>

\(N = 349, \text{ Chi-square } = 20.641, \text{ df } = 10, p = .024, p < .05 \) *Some percentages might not total due to rounding

- A website devoted to the coverage of recruiting operates without a published code of ethics.

Of the 350 respondents, 210 (60.0 percent) indicated that a website operating without a published code of ethics presents a major ethical issue. One hundred-fourteen (32.6 percent) deemed it to be a minor issue, and twenty-six (7.4 percent) believed it to present no ethical issue. Organizational bias was again statistically relational (see Table 7).
Table 7: Organizational bias on operating without a code of ethics

<table>
<thead>
<tr>
<th>Organization</th>
<th>Major</th>
<th>Minor</th>
<th>None</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Newspaper</td>
<td>90(26%)</td>
<td>50(14%)</td>
<td>12(3%)</td>
<td>152</td>
</tr>
<tr>
<td>Radio/TV</td>
<td>18(5%)</td>
<td>7(2%)</td>
<td>1(&lt;1%)</td>
<td>26</td>
</tr>
<tr>
<td>Magazine</td>
<td>7(2%)</td>
<td>5(1%)</td>
<td>4(1%)</td>
<td>16</td>
</tr>
<tr>
<td>Website owned by major media corp.</td>
<td>22(6%)</td>
<td>13(4%)</td>
<td>5(1%)</td>
<td>40</td>
</tr>
<tr>
<td>Independent website</td>
<td>15(4%)</td>
<td>21(6%)</td>
<td>1(&lt;1%)</td>
<td>37</td>
</tr>
<tr>
<td>University, conference, or bowl</td>
<td>58(17%)</td>
<td>18(5%)</td>
<td>3(&lt;1%)</td>
<td>79</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>210(60%)</strong></td>
<td><strong>114(33%)</strong></td>
<td><strong>26(7%)</strong></td>
<td><strong>350</strong></td>
</tr>
</tbody>
</table>

\(N = 350, \text{Chi-square} = 26.240, \text{df} = 10, p = .003, p < .05\) *Some percentages might not total due to rounding

- **In general, the persistent coverage of high school athletes.**

Participants (N=348) found this circumstance to present a minor issue, but were nearly split on the other two options. Of those answering, sixty-nine (19.8 percent) found it to present a major ethical issue, 179 (51.4 percent) believed it to be minor, and 100 (28.7 percent) responded that it presents no ethical issue.

**RQ3. Which of those issues are the most ethically challenging, according to sports media professionals?**

The results of the survey show that sports media professionals find three circumstances to present major ethical dilemmas. Those circumstances are when a person covering recruiting attempts to persuade an athlete to attend a particular school, when a person covering recruiting makes persistent (at least once a day) contact with an undecided recruit, and when a website devoted to the coverage of recruiting operates without a published code of ethics. More than 50 percent of those answering selected that these circumstances presented a major ethical issue.

An addendum to the survey was sent to those who originally responded, though only twelve of the 422 returned answers. The addendum asked what other issues or circumstances, if any, present ethical dilemmas unique to the coverage of recruiting, and
what is the single most ethically troubling issue. These open-ended questions allowed respondents to expand upon answers, though these answers largely mirrored the results of the survey: Sports media professionals found the single-most ethically troubling issue in the coverage of recruiting to be a person covering recruiting attempting to persuade an athlete to attend a particular school.

One respondent wrote: “The worst ethical violation would be a ‘journalist’ becoming part of the story by trying to persuade an athlete to attend a particular school.” Another answered: “This is by far the worst. Anyone caught doing this should be considered a booster and banned from ever talking to a recruit.”

These open-ended questions also elicited strong responses about reporters working for recruiting websites without any journalistic training. One respondent summed up the feelings of several others:

I don’t believe that any profession has been more harmed by the internet than that of a journalist. Among sports fans, the desire for information has become so great that obtaining such information had become a by-any-means necessary kind of approach. Unfortunately, this can be easily seen with the proliferation of recruiting websites. Unfortunately, the internet has allowed anyone be a news gatherer or presenter without any of the professional or ethical training necessary. To make matters worse, these people don’t fully understand the boundaries between source, reporter and the public trust, and they continually blur the lines as to what is acceptable.

**RQ4. What do sports media professionals, college football coaches, and college football players suggest be done to improve ethical problems identified in the coverage of college football recruiting?**

Through twelve interviews with purposive subjects, qualitative data was collected to solicit opinions on improving the ethics in the coverage of college football recruiting,
as well as opinions on strategies for change. General themes in answers by sports media professionals included the suggestion of published codes of ethics and education for those covering college football recruiting, or no changes at all. Coaches and players, however, tended to suggest rules, regulations, and limits on access.

Hawkeye Nation publisher Jon Miller covers the University of Iowa for Scout.com. In a 2006 article in the *Birmingham News*, Miller suggested Rivals, Scout and ESPN hold a summit to discuss policing the industry together. His foremost suggestion was that each network should have only ten to fifteen people calling recruits. He said, “I feel this is a fun industry, but some people push the envelope too far.”  

Rivals.com’s Burton scoffed at Miller’s suggestion, however, because Rivals has a code of ethics. He said, “We do what we think is ethically right at Rivals.com, and we can't control what somebody else does. I’m glad that Jon wants this stuff. But maybe he needs to have a summit in his own company. For him to assume everybody needs to be policed makes me think he’s an idiot.”

Tom Lemming, one of the pioneers of recruiting coverage, said the websites’ tactics to obtain information from recruits is “just hounding,” but that he does not believe it will change. He said, “The internet stretches out these kids all year. Fans want to know where they’re going, so it’s paid content. . . . There’s nothing wrong with that if

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128 Ibid.
129 Lemming, telephone interview, 2010.
fans are willing to pay. As soon as they commit, they’re forgotten. For the internet, that’s how they make their money.”\textsuperscript{130}

A respondent of the open-ended questions from the survey said the coverage is part of a cultural shift and that

\begin{quote}
there is no way we’ll ever be able to turn the coverage. What we need to do is ban recruiting of anyone younger than high school students in their second semester of their junior year. I wouldn’t mind seeing enforceable restrictions placed on media contact/interviewing these kids that is lock-step with such a recruiting restriction. It would go a long way toward letting these kids focus on their studies and enjoying high school.
\end{quote}

Tormey believes regulation could help, too.

\begin{quote}
It’s a can of worms. In an ideal world, reporters would be sensitive and try to do things in the best interest of the kid, but how do you regulate that and how do you enforce it? The NCAA has no control over it. Is it a legal thing? Do you get certified? Is it just unmanageable? You can try to regulate it, but [fans] don’t care where the information comes. They don’t even care if it’s true. You can just make it up and they love rumors.”\textsuperscript{131}
\end{quote}

Locker feels a limitation of the press would be the best way to solve ethical problems in the coverage of recruiting. He said:

\begin{quote}
My stance is that high school juniors, seniors, and college freshmen should be off limits to the media unless you’re talking about what happens on Friday night [during games]. There should be nothing to do about where you go to college, or recruiting. . . . You know, the teams now have their own sites about this stuff and the fans should know when they read it it’s going to have a bias. But there should be rules about the unlimited calls and the harassment.\textsuperscript{132}
\end{quote}

From his own experience as a highly recruited football player, Locker said there was a noticeable difference from people employed by traditional media and those employed by websites. This idea coupled with the statistical evidence displayed above,

\textsuperscript{130} Lemming, telephone interview, 2010.
\textsuperscript{131} Tormey, telephone interview, 2010.
\textsuperscript{132} Locker, in-person interview, 2010.
could prompt further study on comparisons of the ethical values of traditional journalists and those employed by websites.
CHAPTER 6: DISCUSSION & CONCLUSIONS

In January 2010, the National Broadcast Company (NBC) and ESPN aired their respective annual high school all-star football games. One of the games was sponsored by the U.S. Army, the other by athletic apparel company Under Armour. These games are not simply talent showcases, but opportunities for Rivals.com, Scout.com, and ESPN Scouts, Inc. to promote their sites and coverage. These internet networks annually arrange for athletes to make their oral commitments on air and refer the viewing audience to the sites for video clips and more information. The athletes themselves act like rock stars announcing dates for an upcoming tour. To build suspense, the players choose a cap with the logo of the team to which they commit from among other caps with logos of teams that are also courting them. Some athletes have even taken to hosting their own news conferences complete with limousine arrivals and other forms of pomp and circumstance to make their commitments, as described in the Jimmy Clausen event in this study’s introduction. Scholastic sports has rocketed into mainstream coverage and some experts even ascribe a start date to the ascent at 2002 – or basketball phenom LeBron James’s junior and senior year.133 James, who unsuccessfully petitioned for the 2002 NBA Draft after his junior year of high school, was on the cover of ESPN The Magazine, Sports Illustrated and SLAM Magazine that year. During his senior year at St. Vincent-St. Mary High School in Akron, Ohio, the team was forced to move practices to a larger gym to accommodate media, and games were televised both nationally and regionally. These phenomena indicated a shift in how high school athletics are treated and covered, as well as the expectations of both the athletes and the audience.

133 Hardin and Corrigan, 89.
The demand for coverage of high school sports and, subsequently, recruiting is a big business. The demand, though, seems to have made publishers, editors, and reporters forget that they are dealing with minors inexperienced in media savvy and immature because of their years.

Despite that, results from this study revealed that some content analyzed from Rivals.com and Scout.com displayed ethical shortcomings under five of six of the ASNE Statement of Principles. Further, college football coaches, players, and sports media professionals largely perceive ethical shortcomings in reporting tactics and biased content from Rivals.com and Scout.com. The study revealed that a disproportionate number of sports media professionals who work for recruiting websites are less ethically concerned with issues such as formal journalism training, persistent contact of undecided recruits, and operating without a code of ethics. Interviews revealed that there is almost no ethical oversight, and no ramifications for ethical missteps. Athletes who are the subject of the content have even expressed concern about reporters’ tactics.

Thus, internet networks that specifically cover the recruitment of high school football players, such as Rivals.com and Scout.com, are doing so in a manner that is at least ethically suspect and, at worst, absent of many ethical standards. The recent decision rendered in Wilson v. The Daily Gazette Co. further frustrates this notion for such networks since high school athletes were determined to be private figures and may only need to prove the lesser burden of negligence in potential libel suits as opposed to actual malice.

Though delivered in a state court, the 2003 West Virginia Court of Appeals’ decision is the lone precedent for libel cases involving high school athletes and therefore
likely to provide guidance for all courts in the country. As of early 2010, Rivals.com and Scout.com have not faced a libel suit (as far as this researcher could surmise through multiple internet searches and questions to Rivals.com employees). But, it is not a stretch to assume it is only a matter of time before such a libel suit gets filed, given the exposure of recruiting coverage and the deep pockets of the parent companies. When this happens, what face will the web networks put on before a jury? Will it be the face of a mega media conglomerate that exploits high school athletes for huge profits? Or will it be the face of a socially responsible media organization committed to informing rabid fans with an established and documented history of acting in a journalistically professional and ethical manner?

Publishers of recruiting sites and fan-journalists may argue that an industry-wide code of ethics and independent oversight could infringe upon their First Amendment rights to report on recruitment. However, if these publishers and reporters continue to recklessly disregard ethical standards, all sports journalists could be hurt by potential press laws, rather than ethics, that restrict coverage. Imagine state laws that limit the coverage of high school athletics to games only, or a repeal of media credentials to reporters covering only recruiting, for example. Further, the parent companies of recruiting networks could suffer significant financial losses defending themselves against libel suits that could be avoided by showing a commitment to journalism ethics and due diligence toward consistently producing socially responsible content. Responsibility to amend ethical shortcomings falls squarely on the web networks. Despite Burton’s dismissal of the idea of a summit, an industry-wide gathering of executives and publishers from the parent companies and networks of Rivals.com, Scout.com, ESPN
Scouts Inc., MaxPreps, and independently owned and/or published websites indeed need to be the first step that occurs. This summit must produce an independent board in the design of the Hutchins Commission to review content and serve as an ethics oversight group. It must also produce a code of ethics and a well-defined, streamlined evaluation process. All three must be implemented and recognized industry-wide to ensure a fair and competitive balance in the free market.

The Ethics Oversight Group

The summit should first appoint a group of sports media professionals, former college and high school coaches, former athletes, former talent evaluators and/or internet sports media experts, along with an NCAA rules expert and a media law scholar or media lawyer to form the “Ethics Oversight Group,” a recruiting coverage watchdog committee. This ethically transformative movement would assess how sites are performing in upholding a code of ethics, which is introduced on Page 63, and to shine the light of publicity on violators. The group’s primary purpose would be to pinpoint which sites uphold the code, which fail to do so, and to determine ethical issues in the coverage and circumstances as a result of the coverage that need further study. Once these issues are pinpointed, the group must inform site subscribers, the NCAA, college and high school coaches, as well as recruits and their parents and/or guardians with bi-annual announcements. Websites’ home pages must also link to these announcements, which will detail complaints and specific ethical violations to which the websites’ publishers may have a chance to answer on their sites.

The group would operate similarly to the now-defunct National News Council. The Council consisted of fifteen members (nine members of the general public and six
journalists). It was established in 1973 and funded by the 20th Century Fund despite resistance from news organizations like *The New York Times* and *The Washington Post*. The National News Council lasted only ten years primarily because of a lack of enthusiasm from reporters and editors, as well as their insistence they could police themselves. However, Mike Wallace of CBS News’s *60 Minutes* called for the Council’s revival in 1995. He described the group as “reasonable, qualified people sitting down and considering whether or not they perceive a given piece of reporting warrants holding it up to public scrutiny as flawed, as dishonest. And if it is, then let the public know about it.”¹³⁴

While an ombudsman works within a media organization and solely represents the reader, the Ethics Oversight Group for the coverage of recruiting would be autonomous and would also consider the complaints of not only readers, but story subjects and NCAA rules. The group’s only punitive power would be the hot glare of the spotlight cast upon violators for subscribers to see.

Given Rivals.com’s and Scout.com’s lack of self-policing, the Ethics Oversight Group would police the sites (and independent sites that desired the group’s stamp of approval) in an attempt to bring ethical credibility to the coverage and to avoid libel suits.

**Education/Training**

According to those interviewed for this study, sports media professionals were unaware of any journalistic training required for employment by a recruiting website. While that should not be mandated, employees of recruiting sites should be required to

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take and pass courses in media ethics and communication law before contacting recruits and publishing stories. This action would serve as a preventative measure when it comes to avoiding libel suits as well as establishing a perception that the parent company cares about media ethics and social responsibility. The Ethics Oversight Group would run this training program and ensure websites comply. As detailed below, compliance would be in the web sites’ self-interest, a fact that would be emphasized in efforts to create a self-policing system of rules for news coverage of recruiting high school athletes.

The Code

Based in the pursuit of truth, the ASNE’s Statement of Principles, and the Social Responsibility Theory, the code of ethics specific to the recruitment of high school athletes must promote critical thinking while addressing the issues revealed in this study. After the Society of Professional Journalists revised its code in 1996, the authors wrote in *Quill*:

> Carefully written codes highlight and anticipate ethical dilemmas so we don’t all have to reinvent a decision-making process each time we face a new dilemma; they inspire us about our unique roles and responsibilities; they make each of us custodians of our profession’s values and behaviors, and inspire us to emulate the best of our profession; they promote front end, proactive decision-making, before our decisions ‘go public.’

Rivals.com’s Recruiting Code of Ethics addresses many of the very issues highlighted in this study, but with little to no oversight or any suggestion of enforcement, it is for naught. The proposed Recruiting Reporters Code of Ethics gleans directly from the ASNE’s Statement of Principles, as well as Rivals.com’s code and from other

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published guidelines from newspapers and websites.\textsuperscript{136} It attempts to take a positive and broad tone, being specific only when absolutely necessary. It reads as follows:

**PREAMBLE.** *These guidelines have been developed and adopted to meet the responsibility that recruiting journalists have to the publics they serve. They are intended as standards that staff members can use when they face decisions or situations that affect their professional integrity, the integrity of the recruiting websites and their networks. The guidelines also are intended to inform the public of the standards by which the networks gather and publish information. Under this principle, the public has a right to expect reporting free from fandom and other influences, as well as the appearance of such influences. The guidelines represent a pledge by the networks and their employees to maintain and cultivate public confidence.*

**ARTICLE I – RESPONSIBILITY.** *The primary purpose of gathering and publishing news and opinion is to serve the general welfare and provide useful information. Reporters and publishers who abuse the power of their profession for selfish motives are faithless to the public trust. Therefore, responsible reporters and publishers separate reporting from fandom in action, words, innuendo, and opinion. Responsible reporters and publisher conduct interviews and conversations in the absolute highest integrity and avoid becoming part of the recruiting process through the dispensing of advice, gifts or inducements, or by acting on behalf of a coach.*

**ARTICLE II – FREEDOM OF THE PRESS.** *Reporters and publishers must be alert to conduct the public’s business in public and must be vigilant against all who would exploit the websites and the network for selfish purposes. It is the obligation of*

staff members to bring any violation of this code to the attention of the supervisor or the publisher because it is the duty of reporters and publishers to police themselves and keep the press free from state-mandated restrictions.

ARTICLE III – INDEPENDENCE. Reporters and publishers must avoid impropriety and the appearance of impropriety, as well as any conflict of interest or the appearance of conflict. Reporters and publishers will not convey the values of or compare the values of one school to another with recruits. Reporters and publishers will maintain a professional relationship with recruits and coaches as sources only.

ARTICLE IV – TRUTH AND ACCURACY. Every effort will be made to ensure that content is accurate, free from bias, and in context, and that all sides are presented fairly. Errors of fact and of omission will be corrected promptly. Corrections will be noted in the originally published story with a note that an error was made in the original. A corrections page, which lists stories with errors, will be linked to prominently on each networks’ home page.

ARTICLE V – IMPARTIALITY. Opinion and personal interpretation will be labeled distinctively from news reports. Talent evaluators and reporters will perform wholly separate duties and will be identified as such in content and in interviews with recruits. Both evaluators and reporters will refrain from posting on network message boards, from conducting online chat sessions with recruits, and shall not knowingly allow family members of recruits to participate on message boards.

ARTICLE VI – FAIR PLAY. Reporters and publishers should respect the rights of people involved in the recruiting process, observe common decency and stand accountable to the public. To avoid excessive contact and potential harassment, contacts
with undecided recruits must be limited to a reasonable number per week and must be conducted by rotating pool reporters.\textsuperscript{137}

Evaluation Process

The evaluation system must primarily separate reporters from evaluators as noted in Article V. Evaluators should be able to write columns and articles based on their observations and rankings, but creating relationships with and interviewing athletes they evaluate is unethical and should be avoided.

Oversight

Rivals.com has a detailed Recruiting Code of Ethics that reads like a list of do’s and don’t’s, but the problem is a complete lack of oversight as the network consists of nearly 300 independently published sites. At Scout.com, the only thing binding the team sites to the media conglomerate is a content agreement and technical support; the team sites are completely autonomous. The parent companies simply have to take more responsibility. The only way this can happen is with a corporate reorganization that, at minimum, puts in place regional editorial boards to oversee the gathering and publishing of news and, at most, installs an editor in the offices of each independent site. Since most of these sites are run from people’s homes, this is a highly unlikely option.

The coverage of college football recruiting is a large and profitable business, as discussed in Chapter 1. A seamless transformation toward a higher standard of ethics is unlikely given the magnitude of the task and the success of the current business model.

\textsuperscript{137} Pool reporters will serve rotating weekly shifts, represent an athletic conference for each web network, and disseminate quotes to the other sites in the conference. How many pool reporters there are per week depend on how many teams are in the conference. For example, three pool reporters representing Rivals.com’s Big Ten sites will interview recruits and share the quotes will all twelve sites. The networks will create the pools with guidance from the Ethics Oversight Group and be policed by the groups. Further, the Ethics Oversight Group will field complaints from high school athletes that feel they are being harassed.
But, for web networks devoted to the coverage of recruiting, scrutiny and special care would go a long way toward building credibility, toward operating in a socially responsible and ethical manner, toward easing burdens on university compliance staffs, coaches, and recruits. Further, it would help protect the networks themselves from libel suits and serious financial repercussion.
APPENDICES

Appendix A: The search page for Rivals.com’s recruiting database

Appendix B: Example of an athlete profile on Scout.com
Appendix C: Rivals.com's Code of Ethics

Rivals.com Recruiting Code of Ethics

Dear Publishers/Experts,

Please read the following note very carefully.

We believe that it is important for the integrity of the entire Rivals.com network and all of its publishers/experts and writers/reporters that a Code of Ethics be agreed to and upheld by every member of the network, particularly when dealing with the topic of college football and basketball recruiting.

In that vein, below is the Rivals.com Recruiting Code of Ethics for those of you that contact or will be contacting football and basketball recruits (as well as the recruits of any other varsity-sanctioned sport) within the Rivals.com network.

All site publishers and experts must sign this agreement if they contact recruits for any site. You can not contract outside help of people to contact recruits on behalf of your site unless that person has also signed the Code of Ethics.

Every person who contacts recruits in the Rivals.com network is being asked to sign this document and must sign this document to continue writing recruiting articles on the network.

We ask that all of you acknowledge this Rivals.com Recruiting Code of Ethics by signing, dating and returning the enclosed document within the next 30 days. Please fax the entire agreement to 615-507-1005.

Thanks for your attention to this matter as the Rivals.com network and its publishers continue to set the standard for college football and basketball recruiting coverage.

Sincerely,

Bobby Burton
Rivals.com, Editor
The Rivals.com Recruiting Code of Ethics

Publisher/expert agrees to all of the following in all parts:

- Publisher/expert shall not act as a "fan" of any college team. This means the publisher/expert shall not "root" for the team in any public manner, either at games, on the message boards, in a chat room, or in the general public, under any circumstance.
  - Possible examples of such behavior include, but are not limited to, the following:
    - Using "we" in the possessive sense. This includes, but is not limited to, discussions with site subscribers or other fans at games, site functions, or while online (in message boards, chat rooms, etc.). The publisher/expert must always appear impartial.
    - Cheering for the team at any game/event.
  - Publisher/expert shall not contribute, either financially or otherwise, to any university cause, "booster" club organization or related concern.
  - Publisher/expert shall conduct any interview or conversation with a recruit with the absolute highest integrity.
  - At no time shall the publisher/expert become part of the recruiting process or advise the recruit or his family on the recruiting process.
  - Publisher/expert shall avoid conducting online chat sessions on a team site with a recruit, as these are not appropriate interview situations and can lead to improper contact.
  - Publisher/expert shall not provide any prospects with gifts or inducements, and shall avoid any potential improper situations or contact with prospects. This includes, but is not limited to, providing transportation to and from campus for visits or camps, lodging, or otherwise enabling a prospect to visit the school he or she covers.
  - Publisher/expert shall not convey the interest level of any team to the prospective recruit.
  - Publisher/expert shall not convey the values or compare the values of one school or another to any recruit.
  - Publisher/expert shall not convey the depth chart or compare the depth chart of one school or another to any recruit.
  - Publisher/expert shall not mislead recruit in any form or fashion, including the name of the company the publisher/expert represents or his or her position in that organization.
  - Publisher/expert shall not answer any questions from a prospect or a prospect’s family member about the school, program or team that your publication covers or that of an opposing team. If a prospect or his family asks such questions, refer them to the school’s assistant coach that is recruiting them for answers. This includes questions about depth charts, academic standards, personalities of coaches, other players that are being recruited, etc.
  - Publisher/expert shall never discuss with recruits, either in writing (articles, message boards, chat rooms, etc.) or verbally, NCAA sanctions, possible NCAA sanctions of any school or discuss any issues on this topic on message boards.

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• Publisher/expert shall use his real name on message boards and in chat rooms. Publisher/expert shall not use a nickname on message boards or in chat rooms that conveys favoritism to any particular school.

• Publisher/expert shall not make false statements against ("libel") coaches, athletic administration, current players, recruits or the family of a recruit.

• Publisher/expert shall not allow a recruit or the family member of a recruit to knowingly participate on message boards. If publisher/expert learns of this participation, he or she must delete the post and inform the family member not to participate in the message board forums because of NCAA rules.

• As previously addressed in this Code of Ethics, no disparaging comments about players are allowed on the message boards by any publisher/expert — this includes comments made by any staff member. Additionally, all disparaging comments about players by any message board member shall be immediately deleted. Please notify any message board member when this rule is broken. "Disparaging" includes anything that could be construed as libelous of a recruit.

Publisher/expert also agrees that from time-to-time Rivals.com, in what is deemed as the best interest of every site member of the network, may amend this document and publisher/expert must abide by the amendments. The most recent Rivals.com Recruiting Code of Ethics may always be found on the http://pbs.rivals.com website.

I, the undersigned, agree to abide by the Rivals.com Recruiting Code of Ethics.

________________________  ________________
Name                                      Date

________________________
Signature

________________________
Website Name

Release of Confidential Information
• When requested, publisher/expert can submit this Rivals.com Recruiting Code of Ethics document to a university or representative of University’s sports information department.
Appendix D: IRB approval

A determination has been made that the following research study is exempt from IRB review because it involves:

Category 2. research involving the use of educational tests, survey procedures, interview procedures or observation of public behavior

Project Title: The Ethics of the Media's Coverage of College Football & Basketball Recruiting

Primary Investigator: Molly Yanity

Co-Investigator(s):

Advisor: Bernhard Debatin

Department: Journalism

Rebecca Cale, AAB, CIP
Office of Research Compliance

The approval remains in effect provided the study is conducted exactly as described in your application for review. Any additions or modifications to the project must be approved (as an amendment) prior to implementation.

5/13/10 Date
Appendix E: Survey instrument

**ETHICS AND THE COVERAGE OF FOOTBALL AND BASKETBALL**

**1. Introduction**

This is a voluntary survey, administered by a student researcher, of sports writers who cover college football and basketball.

The survey is part of a study researching the ethics of the coverage of the recruitment of high school athletes to play college football and college basketball.

Completion of this survey will take about 10 minutes. All data collected will be kept strictly confidential.

Participants must be 18 years of age or older to participate in this study. Completion of this survey is voluntary and you can end your participation at any time.

No data collected will link your responses to your email address. Results will be reported only as aggregate data. Results will be used to complete a paper for a graduate journalism class at Ohio University, and possibly in a graduate thesis.

If there are any questions, please contact researcher Molly Yanity at CollegeSportsSurvey@gmail.com. You may also contact instructor Dr. Bernhard Debatin at 740-593-9809 or debatin@ohio.edu. Ohio University’s Office of Research Compliance Associate Director Beckie Cale can also be reached at cale@ohio.edu.

**1. What do you primarily cover (or did you cover if unemployed or retired)?**

- College football
- Men’s college basketball
- Recruiting only
- All of the above
- College football and basketball, but no recruiting

Other (please specify)

**2. What type of organization is your primary employer?**

- Newspaper
- Radio/TV
- Magazine
- Web site owned by a major media corporation (like Rivals/Yahoo!, Scout/Fox, MaxPreps/CBS, RISE/ESPN, Fanhouse.com/AOL Sports, etc.)
- Independent Web site
- University, conference, or bowl

Other (please specify)

**2. You and recruiting coverage**
**ETHICS AND THE COVERAGE OF FOOTBALL AND BASKETBALL**

3. About how many stories on the recruitment of high-school athletes does your publication publish per week?

- [ ] 10 or more stories per week
- [ ] 5-9 stories per week
- [ ] 1-4 stories per week
- [ ] less than one story a week
- [ ] none
- [ ] not applicable

4. About how many stories on the recruitment of high-school athletes do you write for publication per week?

- [ ] 10 or more stories per week
- [ ] 5-9 stories per week
- [ ] 1-4 stories per week
- [ ] less than one story a week
- [ ] none
- [ ] not applicable

5. About how many times per week do you contact high-school athletes for recruiting coverage?

- [ ] 10 or more times per week
- [ ] 5-9 times per week
- [ ] 1-4 times per week
- [ ] less than once a week
- [ ] never
- [ ] not applicable

3. The "star system" of evaluation

Several Web sites devoted to the coverage of recruiting use a "star" system to evaluate athletes. A five-star athlete, for example, would be a blue-chip, All-American kind of recruit, while a one-star would be an athlete with few – if any – Division I scholarship offers. The following questions are about this star system of evaluation.
ETHICS AND THE COVERAGE OF FOOTBALL AND BASKETBALL

6. How accurate do you feel the star system is in describing an athlete’s talent with 1 being not accurate at all and 5 being totally accurate?

7. How ethical do you feel referring to a high-school athlete’s talent in terms of stars is with 1 being not ethical at all and 5 being totally ethical?

8. How ethical do you feel it is when an organization evaluates and covers an athlete with 1 being not ethical at all and 5 being totally ethical?

4. Recruiting coverage

The following issues and/or circumstances might be considered ethical dilemmas. Please offer your opinion on such issues and/or circumstances.

9. A publication reports and publishes that an athlete has made an oral commitment, but has yet to sign a National Letter of Intent.

- Presents a major ethical issue
- Presents a minor ethical issue
- Presents no ethical issue

10. A person with no journalism training is calling athletes, conducting interviews, and writing stories for publication.

- Presents a major ethical issue
- Presents a minor ethical issue
- Presents no ethical issue

11. A person covering recruiting attempts to persuade an athlete to attend a particular school.

- Presents a major ethical issue
- Presents a minor ethical issue
- Presents no ethical issue

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# ETHICS AND THE COVERAGE OF FOOTBALL AND BASKETBALL

12. A person covering recruiting makes persistent (at least once a day) contact with an undecided athlete.
   - Presents a major ethical issue
   - Presents a minor ethical issue
   - Presents no ethical issue

13. A Web site devoted to the coverage of recruiting operates without a published code of ethics.
   - Presents a major ethical issue
   - Presents a minor ethical issue
   - Presents no ethical issue

14. In general, the persistent coverage of high-school athletes.
   - Presents a major ethical issue
   - Presents a minor ethical issue
   - Presents no ethical issue

## 5. Participant demographics

The following questions are demographical questions about you, the voluntary survey participant.

15. Your sex? (select one)
   - Female
   - Male

16. Your age? (select one)
   - 18-35
   - 36-50
   - 51-64
   - 65+
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17. Which athletic conference do/did you primarily cover or with which conference are you primarily affiliated? (select one)
   - Big East
   - Big Ten
   - Atlantic Coast
   - Southeastern
   - Big 12
   - Pac-10
   - Other (please specify)

18. In which time zone do you primarily reside? (select one)
   - Eastern
   - Central
   - Mountain
   - Pacific
   - Hawaii
   - Other

6. Conclusion

19. Thank you for completing the survey.

If voluntary survey participants are interested in receiving a copy of the report associated with this survey, please provide an email address in the textbox:
Appendix F: Survey addendum

Addendum to previous survey

In May, you completed a survey I conducted entitled "ETHICS AND THE COVERAGE OF FOOTBALL AND BASKETBALL RECRUITING." I will be using the results of that survey and from other methods to complete my thesis at Ohio University, thus extending the reach of my research.

To accomplish that, I need to ask one more favor of you -- for you to answer two more questions and return the answers to me as soon as possible. As was the case in the survey, your name will be not connected to your answers, and your participation kept confidential. I sincerely appreciate your time in this and, if you asked for my results, they will be coming to you soon. Thank you again. -- Molly

In the survey, I presented six issues and/or circumstances that could be considered ethical dilemmas in the coverage of recruiting and asked you to rate them. They were:

* A publication reports and publishes that an athlete has made an oral commitment, but has yet to sign a National Letter of Intent.
* A person with no journalism training is calling athletes, conducting interviews, and writing stories for publication.
* A person covering recruiting attempts to persuade an athlete to attend a particular school.
* A person covering recruiting makes persistent (at least once a day) contact with an undecided athlete.
* A Web site devoted to the coverage of recruiting operates without a published code of ethics.
* In general, the persistent coverage of high-school athletes.

The follow-up questions are these:
1.) What other issues or circumstances, if any, present ethical dilemmas unique to the coverage of recruiting?

As you did in the survey, choose one of the following descriptors regarding each dilemma you identify:

___ Presents a major ethical issue OR
___ Presents a minor ethical issue

2.) What is the single most ethically troubling issue when it comes to the coverage of recruiting? (choose from the six above, as well as an issue/s you identified) If none, please write "None."