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Gambling and Collegiate Athletics

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Gambling and Collegiate Athletics

by Adam Epstein and Bridget Niland

Introduction
As collegiate athletics has become a major part of the American sports scene, concerns over internal and external gambling influences have led to private rules and public laws that attempt to regulate such activity. College sport, similar to its professional counterpart, must constantly work to control egregious actions by those involved in sports gambling that could influence the outcome of the game. Anti-gambling rules and governmental laws are designed to curtail various types of cheating, especially those linked to sports gambling in collegiate athletics.

The National Collegiate Athletic Association (NCAA) governs most of the intercollegiate sports in the United States and has responded to numerous gambling scandals over the years by enacting rules (i.e., bylaws) designed to punish violators who fall under its jurisdiction. Additionally, there have been numerous state and federal laws that have been enacted to curtail gamblers influencing the outcome of collegiate sports events. If the NCAA did not address and aggressively pursue individuals or groups who surreptitiously yet effectively influence who wins or who loses a sporting event, the public-at-large would lose faith in the college sports product. Fans, alumni, and others, would not know whether the game at-hand is played on an even field, or whether it is played in favor of one team over the other. This would simply ruin the integrity of college sports.

This contribution explores the intercollegiate sports gambling landscape. Section One introduces the popularity of gambling in the United States and specifically addresses the rise in sports gambling and the role college sports play in this new phenomena. Section Two focuses on the NCAA; more specifically, its governance structure, regulatory culture, anti-sports gambling regulations and the enforcement of those regulations. Section Three provides a summary of notable college sports gambling cases and the NCAA sanctions that resulted. Finally, Sections Five and Six discuss other policies and regulations that have attempted to curtail gambling on collegiate sports, including federal and state legislation.

1. Collegiate Sports Gambling
Gambling in general, including sports gambling, is a popular form of recreation in the United States and an increasingly popular pastime for youth and college-age adults. Revenue from all forms of gambling in the United States topped $34 billion in 2006 (American Gaming Association, 2006). Because of the tremendous revenue that gambling generates, governments at all levels within the United States have relaxed laws that once outlawed such wagering. For example, in the decade between 1985 and 1995, 48 of 50 states revised laws that prohibited gambling to allow limited legalized gaming, including regular casino-style games and state-run lotteries (Dunstan, 1997; Eastington, 1996). As of 2007, Hawaii and Utah were the only states that prohibit any form of gambling within their borders (Frash, 2007).

Although gambling on sports (professional or amateur) remains illegal in all states but Nevada and Oregon, an estimated $80 to $80

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billion is illegally bet on sporting events in the United States each year (Kindt & Amsar, 2002; Weinberg, 2003). Gambling on collegiate or amateur sports is permitted only in Nevada, where it is estimated that $2.5 billion is wagered each year. Student-athletes are also vulnerable to gambling problems. Further evidence as to the pervasiveness of collegiate sports gambling is the "Late Line" (i.e., the latest point spread on college basketball and football contests), which is published in daily newspapers throughout the United States and on the Internet (Glenny & Clement, 2002). Despite its popularity, the NCAA's position on sports gambling is quite clear: anyone involved in intercollegiate athletics is prohibited from participating in virtually all forms of sports gambling regardless of its legality (NCAA, 2004, p.5).

2. The NCAA

The Indianapolis, Indiana based NCAA is a tax-exempt, voluntary amateur athletic association composed of 1,063 members. Its membership includes four-year collegiate institutions and athletic conferences located throughout the United States (NCAA, n.d.). The NCAA has approximately 18,000 student-athletes who participate in the NCAA's three divisions of competition (Divisions I, II, III) (NCAA, n.d.). The NCAA includes intercollegiate sports with approximately 18,000 student-athletes compete in these championships each year (NCAA, n.d.). The NCAA has a multi-tiered, federated governance structure with more than 225 committees, both association-wide and division-specific (NCAA, n.d.). Association-wide committees are composed of representatives from member schools and conferences in each of the NCAA's three divisions (NCAA, n.d.). Committees are responsible for addressing a variety of issues ranging from eligibility requirements, drug-testing policies and procedures, recruiting rules and other competitive health and safety rules to ensure a fair contest against sports gambling (also referred to as sports wagering or gaming) (Swayer, Bodey & Judge, 2008).

Each NCAA Division also has its own governance structure with its own committees that have adopted regulatory rules known as "Bylaws," which are codified in the respective Division's annual publication known as the NCAA Manual. NCAA Division I includes the most prominent schools and conferences. Division II is separated into three sub-divisions based on football sponsorship. The Football Bowl Subdivision, formerly known as Division I-A, includes approximately 120 Division II schools that sponsor the most publicized football programs and offer the largest number of athletic scholarships (NCAA, n.d.). The remaining Division I schools either sponsor lesser funded football programs that compete in the Football Championship Subdivision (formerly known as Division I-AA) or do not sponsor football as an intercollegiate sport. Divisions II and III fund intercollegiate athletics programs at an even lesser amount than Division I schools (NCAA, n.d.).

Although sponsorship of a football program is optional, all Division I schools sponsor a men's basketball program (NCAA, n.d.; Bylaw 20.9.4). The NCAA's annual "March Madness" basketball tournament is one of the most celebrated and well-organized athletics events in the United States. "March Madness" has evolved into an American passion that engulfs students of all ages, student-athletes, alumni, fans and general media-spread to employees throughout the United States. The media coverage and other gambling sheets grab significant attention of millions of people, and no other NCAA event draws as much interest, as bet players on the outcome of the tournament bracket appear in almost every major newspaper in the United States ("NCAA's Gambling Madness," 2000).

The lucrative and speculative nature of sports competition and the need to maintain its voluntary, non-profit status require the NCAA to take a hard stance toward influences that could unfairly taint the outcomes of its events or the integrity of its sports programs (Ban on Amateur Sports Gambling, 2001). Specifically, incidents of gambling, game-fixing (i.e., "point shaving") and sports bribery led the NCAA to adopt regulations prohibiting any form of sports wagering connected to its events or the athletes and administrators who fall under its jurisdiction (Byers, 1998). The following section traces the creation of these regulations and present-day application.

3. NCAA Sports Gambling Regulations

The NCAA first discussed the perils of sports gambling at its 1939 convention when it created its unethical conduct legislation, now known as Bylaw 10 of the Division I manual (NCAA, 1983). Express NCAA legislation on this issue was not adopted until 1983 with subsequent modifications added in 1997, 2000 and 2006. The 1983 legislation codified a long-standing rule interpretation that gambling on intercollegiate athletic events by student-athletes, coaches, and athletics administrators, constitutes unethical conduct (NCAA, 1998, Proposal No. 134). In 1995, the NCAA expanded its prohibition on sports gambling to include wagers made on professional sports (NCAA, 1996, Proposal No. 15). Then, in 2006, language was added to address the concern over Internet gambling and to clarify the scope of individuals considered to be included in the athletics department staff (NCAA, n.d., Proposal No. 2006.7-7-A).


Below are the relevant portions of Bylaw 10 as published in the 2007-08 Division I NCAA Manual. Identical legislation exists in NCAA Divisions II and III. These provisions can be found in the latest version of the NCAA Manual which can be accessed online on the NCAA's website, at http://www.ncaal.org within the "Legislation & Governance" area under "Rules and Bylaws."

Provisions from NCAA Bylaw, Article 10: Ethical Conduct

10.02 Definitions and Applications

10.02.1 Sports Wagering. Sports wagering includes placing, accepting or soliciting a wager (on a staff member's or student-athlete's own behalf or on the behalf of others) of any type with any individual or organization on any intercollegiate, amateur or professional team or contest. Examples of sports wagering include, but are not limited to, the use of a bookmaker or pay parlor, Internet sports wagering, auctions in which bids are placed on teams, individuals or contests, and pools or fantasy leagues in which an entry fee is required and there is an opportunity to win a prize.

10.02.2 Wager. A wager is any agreement in which an individual or entity agrees to give up an item of value (e.g., cash, shirt, dinner) in exchange for the possibility of gaining another item of value.

10.3 Sports Wagering Activities

The following individuals shall not knowingly participate in sports wagering activities or provide information to individuals involved in or associated with any type of sports wagering activities concerning intercollegiate, amateur or professional athletics competition:

(a) Staff members of an institution's athletics department;
(b) Nonathletes department staff members who have responsibilities within or over the athletics department (e.g., chancellor or president, faculty athletics representative, individual to whom athletics reports);
(c) Staff members of a conference office; and
(d) Student-athletes.

10.3.2 Scope of Application

The prohibition against sports wagering applies to any institutional practice or any competition (intercollegiate, amateur or professional) in a sport in which the Association conducts championship competition, in bowl subdivision football and in emerging sports for women.

10.3.3 Exception

The provisions of Bylaw 10.3 are not applicable to traditional wagers between institutions (e.g., traditional rivalry) or in conjunction with particular contests (e.g., bowl games).
10.3.2. Sanctions. The following sanctions for violations of Bylaw 10.3 shall apply:
(a) A student-athlete who engages in activities designed to influence the outcome of an intercollegiate contest or in an effort to affect win-loss margins ("point shaving") or who participates in any sports wagering activity involving the student-athlete's institution shall permanently lose all remaining regular-season and postseason eligibility in all sports.
(b) A student-athlete who participates in any sports wagering activity through the Internet, a bookmaker or a pay-by-card shall be ineligible for all regular-season and postseason competition for a minimum of a period of one year from the date of the institution's determination that a violation occurred and shall be charged with the loss of a minimum of one season of eligibility. If the student-athlete is determined to have been involved in a later violation of any portion of Bylaw 10.3, the student-athlete shall permanently lose all remaining regular-season and postseason eligibility in all sports.

10.4. Disciplinary Action

Prospective or enrolled student-athletes found in violation of the provisions of this regulation shall be ineligible for further intercollegiate competition, subject to appeal to the Committee on Student-Athlete Reinstatement for restoration of eligibility. (See Bylaw 10.3.2 for sanctions of student-athletes involved in violations of 10.3.) Institutional staff members found in violation of the provisions of this regulation shall be subject to disciplinary or corrective action as set forth in Bylaw 19.2.2.2 of the NCAA enforcement procedures, whether such violations occurred at the certifying institution or during the individual's previous employment at another member institution.

Applied collectively, these relatively recent NCAA bylaws prohibit college and university staff members affiliated with athletic departments from wagering on professional and amateur sports gambling. In sum, the current NCAA rules render it impermissible to: (a) provide information to individuals who are involved in organized gambling activities; (b) solicit a bet on any intercollegiate team or to accept a bet on any team representing the school; (c) accept or solicit a bet on an intercollegiate competition through any method utilized by organized gambling (NCAA, n.d.c., Bylaw 10.3).

Bylaw 10.0.9 and its subparts define "wagering" and the NCAA has interpreted the provision to prohibit activities such as bets among friends who wager a non-material item (e.g., dinner, clothing), and the resale of ticket options to college or professional sports contents (NCAA, n.d.f.). However, the provision does not apply to wagers on sports not sponsored by the NCAA such as horseracing, nor does it universally apply to fantasy leagues or bracket pools (NCAA, n.d.c., Proposel No. 2006-13-B). In the case of fantasy leagues or bracket pools, a 10.01 violation only occurs in instances in which both an entry fee is required and a prize is awarded (NCAA, n.d.f.).

Bylaw 10.3 re-enforces the wagering prohibition and also makes it an NCAA rules violation to aid any individual involved in such sports wagering by providing them with information or performing actions that further their gambling efforts. This portion of the bylaw was adopted to address incidences such as point-shaving. Bylaw 10.3.1 and 10.02.1 and other provisions regulating gambling conduct also apply to membership conference staff, coaches and, of course, student-athletes. Interestingly, they also apply to the chancellor or president of an NCAA institution and faculty members associated with the athletics department (NCAA, n.d.c., Bylaw 10.02.1).

Prior to 1999, the penalties for violating provisions such as 10.3.1 were applied haphazardly and did not appear to be deterring student-athletes from gambling on college or professional sports. Accordingly, the NCAA tightened the penalties for sports gambling by adopting Bylaw 10.4, which adds specific penalties for student-athletes found in violation of the rules (NCAA, n.d.d.). Most notable is that a student-athlete will lose NCAA eligibility permanently if they are involved in a point-shaving scheme of any sort. Those who are found to have bet or accepted bets generally on intercollegiate or professional athletics by utilizing organized gambling methods are ineligible for intercollegiate competition for a minimum of one year and lose one season of competition. Bylaw 10.4 reiterates the penalties against student-athletes for unethical conduct (including gambling) and clarifies that campus administrators found in violation of the gambling regulations are subject to the penalties listed in Bylaw 19.5.2.3, which includes public censure, institutional probation and even termination of employment (NCAA, n.d.c.).

The NCAA bylaws discussed above have little meaning without a mechanism through which they can be enforced. This mechanism was established in 1973, with the creation of the NCAA's enforcement program (NCAA, n.d.h.). The following section explains the current NCAA enforcement process and its role in the Association's handling of allegations of sports gambling on member campuses.

3.2. NCAA Enforcement Process

The initial rationale behind the enforcement program was to create cooperative undertakings involving member institutions and conferences working together through the NCAA for an improved administration of intercollegiate athletics (NCAA, n.d.h.). The NCAA Enforcement staff seeks and processes information related to "major" and "secondary" violations of NCAA legislation (Rogers & Ryan, 2007).

According to NCAA Bylaw 19.02.2.1, secondary violations are actions that are "hedged or inadvertent in nature" and at best provide "only a minimal recruiting, competitive or other advantage and does include any significant recruiting inducement or extra benefits" (NCAA, n.d.c.). Individuals or institutions found to have committed a secondary violation will receive only minor penalties as determined by committee composed of individuals from the membership and assisted by NCAA staff (NCAA, n.d.h.).

An example of a secondary sports gambling violation is the 2005 case involving five men's track and field student-athletes at Tulane University (NCAA, n.d.j.). According to NCAA reports, the student-athletes agreed to participate in a professional football pool during the 2004-05 academic year in violation of Article 10 (NCAA, n.d.j.); NCAA, n.d.c.). The pool was run by a non-student-athlete. Tulane officials discovered the violation after a track and field coach saw one of the betting sheets. The institution's investigation revealed that although each of the five student-athletes had prepared a betting sheet, no money had exchanged hands and that the student-athletes were unaware that the NCAA's anti-sports gambling rules included both professional and college sports. Because of the one-time occurrence, limited nature of the gambling, and apparent lack of knowledge of the NCAA anti-gambling rules, NCAA staff determined that the violations were secondary. As a result, neither was deemed permanently ineligible, the student-athletes were eventually reinstated for competition after performing community service (NCAA, n.d.j.).

Had the investigation revealed that large amounts of money had been exchanged, or that there were significant numbers of student-athletes participating in the pool, the NCAA would have likely deemed the violations "major" (NCAA, n.d.h.).

As defined in NCAA Bylaw 19.02.2.2, major violations are generally defined as all other violations, but specifically include "violations that provide an extensive recruiting or competitive advantage" (NCAA, n.d.c.). Investigations of alleged major violations commence upon the NCAA's receipt of credible information that a rule infractions has taken place. Sources of information vary from formal letters to anonymous phone calls (Rogers & Ryan, 2007). Once the veracity of the source is confirmed, the NCAA forwards a notice of inquiry to the institution alerting the school that it is under investigation. If it has not already done so, the institution begins its own investigation into the allegations. Information from all investigations is evaluated by the NCAA enforcement staff and if the staff believes a major viola-
lation has occurred it will issue a notice of allegations to the institution. The notice of allegations notifies all involved parties of the violations of NCAA legislation that the enforcement staff believes occurred. The institution and others named in the document may respond to the enforcement staff's allegations. Once all parties have responded, a hearing date is set before the Committee on Infractions (NCAA, n.d.b).

A notable example of a major violation in the NCAA sports gambling context is the infractions case involving University of Washington (UW) football coach Rick Neuheisel. In April 2002, a confidential source contacted the NCAA enforcement staff and reported that Neuheisel, a former college quarterback at the University of California at Los Angeles (UCLA), bet close to $15,000 in a "March Madness" basketball gambling pool (Merron, 2006). The NCAA enforcement staff investigated the allegations by interviewing the confidential source, Neuheisel, and other athletics department staff at UW. A notice of inquiry was issued and the institution and conference also conducted investigations. Based on the findings of those initial investigations, Neuheisel was suspended and officially relieved of his duties as head coach. In February 2004, the NCAA sent a notice of allegations to Neuheisel. Upon receipt of the notice of allegation UW terminated Neuheisel's lucrative contract citing that his violation of NCAA Bylaw 10-1.1 gave it cause to do so. The case was sent to the Committee on Infractions for adjudication (NCAA, n.d.g.). The next section discusses the authority and procedures of that NCAA Committee.

3.3. NCAA Committee on Infractions

As noted above, after a notice of allegations is issued to an NCAA member institution, the matter is forwarded to the NCAA Committee on Infractions (COI) for adjudication which may include the finding of penalties against the institution and the student-athletes or staff members involved (Connell, Green-Harris & Leibbett, 2009). NCAA Division I Bylaw 19.1.1 details the structure and duties of the NCAA Division I COI (NCAA, n.d.d.). The COI is composed of ten individuals from member institutions appointed by the Division I Management Council. Two to three COI members must come from the public and have some legal experience. The COI reviews cases both on the written record and through a formal hearing process, which includes hearing testimony from the parties involved. After the hearing, the COI deliberates and then issues factual findings and if necessary imposes penalties against any of the entities or individuals it finds were involved in the infractions (Rogers & Ryan, 2007).

In coach Rick Neuheisel's case, the COI ultimately agreed with UW and held that he violated existing NCAA gambling regulations by participating in the gambling pool (Suggs, 2005). In its issued opinion, however, the COI stated that although the former head coach did violate NCAA gambling rules through his participation in a gambling pool, it did not find that he knowingly violated NCAA gambling legislation (NCAA, n.d.g.). The COI made this finding based on information indicating that an athletics department staff member had sent Neuheisel an email with erroneous information regarding the permissible participating in college basketball pools. The COI believed Neuheisel's testimony that he was misled and that his participation in the pool was, in fact, permissible under NCAA rules based upon the erroneous email. Neuheisel filed a lawsuit against UW for wrongful termination of his employment agreement and argued that his termination was unwarranted (Suggs, 2005). In the end, Neuheisel settled his claim for $4.5 million (Suggs; NCAA, n.d.g.).

4. Notable NCAA Gambling Incidents

The Tatiana University and Rick Neuheisel cases above are just two of a litany of examples of student-athletes and coaches gambling on sport. The following list represents some of the more notable gambling incidents that occurred at colleges and universities around the United States and were the impetus for the NCAA's present day policies related to sports gambling. In considering these incidents it is important to note that the NCAA did not adopt specific regulations prohibiting sports gambling or involvement in sports gambling until 1983. Prior to that date gambling on college sports was treated as a violation of the Association's general Unethical Conduct provision (NCAA, 1983).

4.1. Brooklyn College (1942)

Although rumors of gambling on college sports date back to an 1876 regatta, the first known case occurred in 1942 when two Brooklyn College basketball student-athletes admitted that they accepted over $1,000 to intentionally throw a game against the University of Akron (Crowley, 2006; Thechin, 1996). The two student-athletes were never arrested but eventually their testimony implicated three other teammates and led to the convictions of two men who had solicited their participation in the scheme. The game between Brooklyn and Akron was never played (Udovic, 1998). Shortly before the trial concluded, the New York State Legislature adopted legislation that made participating in a scheme to limit a team's margin of victory (point-shaving) a crime and expanded the application of illegal sports gambling to include amateur basketball (Goldstein, 2003).

4.2. New York City Sports Wagering (1951)

Heralded as one of the biggest betting scandals in college basketball history, the City College of New York (CUNY) and others in the area including Manhattan College, Long Island University and Bradley University (Peoria, Illinois) were implicated in a point-fixing ring involving six other schools, more than 30 players and members of organized crime. It began when a former Manhattan College player attempted to bribe a then current player to exceed the point margin with St. Francis College of Brooklyn (Goldstein, 2003). The player reported the incident to his coach who then went to the President of Manhattan College with the details. A sting was set-up and the former Manhattan College player and another were arrested for gambling activity that included both the 1949-50 and 1950-51 seasons (Rosen, 1999).

The problem grew more pervasive a few weeks later when three City College of New York (CCNY) student-athletes were arrested for taking bribes and fixing the point spread in a game against Temple University (Philadelphia). A few days later basketball players from Long Island University (LIU) were also arrested for taking similar actions. In July of that year, the scandal moved out of the New York City region with the arrest of five players from Bradley University who admitted to taking bribes to "hold down the scores against St. Joseph's University and Oregon State University" (Goldstein, 2003). It was not until October of that year, however, that the national scope of the gambling problem was revealed with the implication of point fixing at the University of Kentucky, which at that time was one of the nation's most prominent and successful basketball programs. As for the New York City schools, CCNY, LIU and Manhattan College all had their basketball programs disbanded. Both were re-established but never returned to the successes of the 1940's era (Rosen, 1999).

4.3. University of Kentucky (1992)

In 1995, the University of Kentucky (UK) won the NCAA basketball championship. One year later, the same district attorney who prosecuted the New York City gambling incidents uncovered a point-shaving scheme that had been in operation since the late 1980's (Kentucky basketball, n.d.). The UK scheme involved three members of the men's basketball team who were paid cash by a former UK football student-athlete and some of his associates to exceed the point spread in various contests. The scheme evolved with new UK players taking the place of those who had graduated and gone on to careers in professional basketball. The NCAA reacted by canceling the school's 1995-96 season, the first time the rather novice athletic association took such an extreme action (Merron, 2006).

4.4. The 1961 Scandals

Another far reaching point-fixing scandal was exposed in 1961, once again by the New York City District Attorney's office. This one would
eventually implicate 476 basketball student-athletes at 17 schools between the years 1977 and 1991. Orchestrate mostly by organized crime members in New York City with the help of college players who had grown up in the area, this scheme included bribes and attempted bribes to both college basketball and football players. Although it led to convictions of some organized crime members, it caused St. Joseph University (Pennsylvania) to relinquish its third place finish at the previous NCAA tournament, and it negatively impacted the professional careers of over a dozen prominent college players (Goldstein, 2002a).

4.5. Boston College (1978)
More than a decade passed before another gambling scandal erupted in college athletics. This time it was at Boston College, an NCAA institution that had escaped involvement in previous sports gambling incidents (Goldstein, 2003a). During the 1978-79 season, a Boston College basketball student-athlete was approached by a New York City crime family to fix nine games through point-shaving (McCarty, 2007b). The student-athlete, who solicited help from two other Boston College basketball student-athlete teammates, assisted the perpetrators in earning between $75,000 and $80,000 (Goldstein; McCarty, 2007b). Each of the student-athletes reportedly earned $10,000 for their involvement (McCarty, 2007b). The scheme was eventually discovered and the Boston College student-athlete who orchestrated the point-fixing received a ten-year prison sentence for his involvement, but investigators did pursue charges against the other student-athletes (Grady & Clement, 2009). The NCAA did not impose sanctions on Boston College or its men’s basketball program (NCAA, n.d.g.).

4.6. Tulane University (1985)
In 1985, four Tulane basketball student-athletes were arrested and indicted on five criminal counts involving point-shaving (NCAA, n.d.g.). According to the indictment, at least one of the student-athletes accepted up to $8,550 for manipulating point spreads and a total of five players were implicated in the scheme (Goldstein, 2003a). Charges were later dropped against the one student-athlete whose case made it to trial, but Tulane was subject to an NCAA investigation that included allegations of violations of Bylaw 10.3. Tulane eventually chose to take its own corrective action by terminating its men’s basketball program for four years rather than risk even harsher institutional penalties from the COI (NCAA, n.d.g.).

Two Southeastern Conference schools had to address student-athlete gambling in 1989. In both separate cases, four University of Florida football student-athletes and several University of Arkansas student-athletes were caught betting on football games and were suspended from participation in intercollegiate athletics (Zimbatis, 1999). Neither case resulted in criminal charges or major NCAA sanctions; however, the NCAA determined that the student-athletes had violated Bylaw 10.3 and each was rendered ineligible to compete for the remainder of the 1989-90 academic year (NCAA, n.d.c.).

In 1992, the University of Maine suspended 19 athletes from the football and basketball teams for operating a professional and college sports gambling ring that reportedly involved bets from $25.00 to $130,000 (NCAA, n.d.c.). Thirteen members of the school’s baseball team were also involved in sports gambling activities. Around the same time, another Maine college was implicated in a sports gambling scandal. Division II Bryant College suspended five basketball players who had built up $14,000 in gambling debts, and a former player and student were arrested and charged with bookmaking (Rhoden, 1992). The NCAA deemed all the infractions as “secondary” violations of Bylaw 10.3 and the student-athletes were eventually reinstated for competition (NCAA, n.d.c.).

In 1995, three Northwestern basketball players were accused of accepting money from a former University of Notre Dame football player to affect the outcome of the game involving Penn State University, the University of Wisconsin, and the University of Michigan (Berkow, 1998). The former Notre Dame student-athlete and two of the three Northwestern players were indicted and convicted. The heavies jail sentence of two months in prison was handed to a former player from Notre Dame who had been involved in other instances of illegal gambling (Barletta & Steele, 2000). Two of the Northwestern student-athletes were sentenced to one month in federal prison and both were suspended from the team (NCAA, 2004). It was the second suspension for one of those players who, along with a Northwestern football student-athlete, had admitted gambling on college football games the previous fall. The NCAA did not impose any major sanctions on the school, but it deemed the student-athletes ineligible to compete for violating Bylaw 10.3 (NCAA, n.d.c.).

Another gambling incident involving this Chicago-area university involved two Northwestern football student-athletes who pled guilty to a federal perjury charge stemming from the fixing of football games (NCAA, n.d.b.). One student-athlete admitted that he had funneled intentionally in a game against the University of Iowa to win a bet of $400 and had won $500 on an Ohio State game in which he had played. The student-athlete admitted to betting on a total of five games and was subsequently penalized per NCAA rules (Slavin, 2002).

Five football players and one basketball player were suspended after the six bet on college sports (NCAA, n.d.j.). One of the five was the starting quarterback on the school’s football team who allegedly bragged to others that he had won $8,000 on the 1993 NCAA basketball tournament. The NCAA determined that all five had violated Bylaw 10.3 and NCAA rules required that four of the football players be withheld from one regularly scheduled game. The fifth football student-athlete was given an eight-game suspension (Maisel, 1995). The lone basketball student-athlete had to forfeit playing in the first 20 games of the 1995-96 season, but no formal NCAA investigation of the Maryland athletics program resulted (NCAA, n.d.d.).

Three Boston College football players bet against their team, and ten others were allegedly involved in betting on both professional and college football and baseball contests (“Organized crime,” 1997). The team’s head football coach reported the gambling activity to the appropriate university officials after he heard that some of his players may have bet against their own team when it played against Syracuse University (Merrin, 2005). In all, 13 players were suspended and six were permanently removed from the team. The NCAA determined that seven of the student-athletes violated Bylaw 10.3, but no other NCAA sanctions resulted from the incident (NCAA, n.d.c.).

This gambling incident was revealed when bookmakers in Nevada discovered an odd betting pattern and alerted the Federal Bureau of Investigation (FBI) (NCAA, n.d.f.). FBI surveillance discovered that more than $1 million dollars in bets were being wagered on Arizona State University (ASU) games (McCallum & Herbst, 1997). An investigation revealed that the starting point-guard at ASU, who was in debt to a student bookee for other gambling debts, enlisted a teammate to help in a point-shaving plan (NCAA, 2004). The complete federal investigation of Arizona State University’s 1993-1994 basketball season led to the two student-athletes admitting that they took money for their role in the scheme and both pled guilty to charges of conspiracy to commit sports bribery. One of the student-athletes was sentenced to two months in jail, levied an $8,000 fine, three years of probation, and six months of home detention. The second student-athlete was also sentenced but received lesser sentences (NCAA, 2004).
led that a star University of Florida basketball student-athlete was linked to gambling on college sports. Several witnesses, including UF basketball players, told state investigators that the former "Mr. Basketball" (the honor bestowed to the best high school player) for the state of Florida had openly discussed his sports gambling (Jones & Handel, 2003). The student-athlete was declared ineligible, admitted that he violated NCAA rules and voluntarily left the team, though he would later retract his admissions (Guiffre, 2003).

In 2001, a former Florida State University quarterback was accused of gambling on college and professional games (Drape, 2002). The player was eventually charged with one misdemeanor count of gambling. Two other people involved in the scheme, including a student equipment manager, were charged with one felony count of bookmaking. The quarterback was removed from the team and later plead no contest to gambling and unrelated theft charges and was sentenced to probation. He did not return to college athletics but did play professional football for several teams in the National Football League and Arena Football League (Maske, 2002).

4.15. Ohio University (2007)
In 2007, Ohio University (OU) officials discovered that five baseball student-athletes had violated various elements of NCAA Bylaw 10.3. First, a senior pitcher was charged with accepting professional sports wagers. Later, two unnamed players suspected of placing bets were suspended from the team. A fourth student-athlete (who was no longer on the team) was charged with bookmaking. None of the student-athletes were alleged to have placed wagers on OU sports, the Bobcats' basketball team or other student-athletes, nor was there any evidence of efforts to shave points or otherwise improperly influence the outcome of OU games. The three players were declared ineligible by the NCAA (Ashley, 2008).

4.16. University of Toledo (2007)
Suspicious betting patterns and unusual gambling wagers related to the University of Toledo football caused Las Vegas Sports Consultants, Inc. to alert state authorities to potential gambling activities at the school (Gillispie, 2007). Subsequent investigations revealed that a Toledo football player and a gambler from the Detroit, Michigan area had schemed to point-shave in several games during the 2005 season (McCarthy, 2007b). The Toledo player was removed from the team for his involvement and did not return to college athletics. He was charged criminally as well, though the case was later dropped by investigators (Gillispie, 2007). The NCAA visited the Toledo campus but declined to pursue a formal investigation into the gambling activity (NCAA n.d.d.).

4.17. Others
The cases noted above are those that received at least minor coverage in the news media. A common theme among these cases is that offenders were student-athletes in the sports of men's basketball or football. A review of NCAA data demonstrates that gambling activity is by no means limited to those two revenue producing sports or to NCAA student-athletes. Between the years 2003 and 2008, there were 27 other reported cases of NCAA rule violations by student-athletes, coaches and administrators who had gambled on college or professional sports. Student-athletes in such sports as soccer, track and field, tennis, golf and hockey have been involved in violation of NCAA gambling rules as well. Other gamblers held positions from head coach to video coordinator to athletics director. Wagers by both student-athletes and administrators ranged from as little as $5.00 to the $1.00 range. NCAA officials frequently cite this depth and variety in violations when they adopt additional anti-sports gambling regulations or push for stricter legislation on sports wagering by the federal government (NCAA, n.d.i.).

5. Additional Considerations
In 2005, the NCAA released data from a 2004 study that surveyed over 11,000 male and female student-athletes among its three divisions (NCAA, 2005). The data revealed that 69% of male student-athletes reported participating in gambling activities and 33% reported participating in gambling activities that directly violated NCAA rules (Huang, Jacobs, Derevensky, Gupta & Palinkas, 2007). A second NCAA study on the issue was commissioned in 2009 and its results are pending (NCAA, n.d.i.). A 2000 University of Michigan study presented similar findings regarding the gambling habits of college athletic officials. In that study, 40% of those surveyed reported gambling on sports (Vollane & Gregg, 2000).

In light of the 2004 study and that the stricter legislation was not in and of itself curbing illegal sports gambling among its members, the NCAA created additional non-legislative policies that restrict activities associated with gambling (NCAA, n.d.i.). For example, the NCAA Division I Men’s Basketball Championship may not be conducted in states where sports gambling is permitted. This includes the states of Nevada and Oregon, although Oregon permits only limited gambling on professional sports. NCAA policy further prohibits its committees from conducting meetings or formal social activities in casinos and the NCAA site that its corporate sponsors do not engage in promotions connected to the outcome of sporting competitions. The NCAA also performs background checks on the officials it hires to referee the "March Madness" tournament and requires gambling to be addressed as part of its training of those referees (Timanus, 2007; Ban on Amateur Sports Gambling, 2008).

The NCAA also has created staff positions at the national level to combat college sports gambling. For example, the NCAA established a government relations office based in Washington, D.C., to monitor Congressional bills and to influence legislation related to many intercollegiate athletics issues, including gambling on NCAA sports (Scholes, Dittmore & Bramoulis, 2006). In addition, the NCAA has created a site, multi-faceted unit which is called the "Agents, Amateurism and Gambling" department within its Indianapolis headquarters. The department was created to insure that the NCAA addressed its biggest concerns (sports agents, amateurism and gambling) in one since it believes that sports agents and sports gambling pose two of the greatest threats to the integrity of the NCAA product: amateur college sport. The NCAA maintains that even the slightest infiltration of gambling influences, both external and internal, could damage the purity of its college sports. This department is headed by one director who oversees a staff of five individuals, and the staff investigates allegations of sports gambling at NCAA member institutions. The NCAA also sponsors educational programs that provide assistance to college campus administrators to conduct sports wagering workshops, broadcast anti-sports wagering public service announcements during the championship games aired by broadcast and cable television. It produces a booklet in partnership with the National Endowment for Financial Education entitled "Don't Bet On It," aimed at educating students about the dangers of sports wagering engages in research in the area of youth gambling and campus gambling (NCAA, 2004). Additionally, a recent educational endeavor entitled "When Gambling Takes Control of the Game" was aimed at educating high school student-athletes of the addictriveness and dangers involved in sports gambling (Funderburk, 2007).

5.1. Exceptions to NCAA Rules/Bylaws
There are a few notable exceptions to the NCAA gambling provisions. First, as noted above the NCAA Bylaws do not apply to horse-racing since there is no corresponding NCAA sport. Also, the rules do not apply to non-monetary wagers made between teams in light of tradition in the sport (e.g., losers give-up jerseys in rowing), or to "friendly wagers" made during the course of purely recreational sports.

5.2. Governmental Regulation
Although the NCAA has taken a proactive position regarding the prohibition of sports wagering within its membership, the federal and state governments have also attempted to legislate anti-gambling prohibitions nationwide. Sports gambling regulation (and gambling in general) falls under the government's ability to protect the health, safety and welfare of its citizens under its "police power." Additionally,
regulation of gambling activities, can generate millions of dollars in revenue for individual states that may use these revenues improve and fund road rehabilitation projects, the educational system, and so on. Though federal laws such as the Wire Communications Act of 1961 (18 U.S.C. §928, 1968), the Racketeer Influenced and Corrupt Organizations Act of 1970 (RICO) (18 U.S.C. §961, et seq., 2008), and the Bribery and Sporting Contests Act of 1977 (18 U.S.C. §224, 2008) emerged in the last several decades, newer attempts to regulate sports gambling related to NCAA, high school and Olympic sports have modified the sports wagering landscape to a certain degree. The following sections outline a few attempts (some successful, some not) to regulate gambling directly or indirectly related to intercollegiate athletics. The NCAA has fully supported much of the legislation.

5.2.1. Professional and Amateur Sports Protection Act (PASPA)

In 1992, President George H. W. Bush signed the Professional and Amateur Sports Protection Act of 1992 (PASPA) into law (28 U.S.C. §3709, et. seq., 2008) in order to "stop the spread of state-authored gambling and to protect the integrity of sporting events" (Robert, 1997). Nevada, the only state at that time that had legalized sports gambling, was granted immunity from the Act, which makes it unlawful for a governmental entity, or a person acting pursuant to the law of such an entity, to operate, sponsor, advertise, promote, license, or authorize a lottery, sweepstakes, or other betting, gambling, or wagering scheme based, directly or indirectly, on one or more competitive game in which amateur, Olympic or professional athletes participate. The states of Delaware, Montana, and Oregon are also exempt from the Act but only Nevada and Oregon actually operate sports betting. The Act also exempts pari-mutual betting (horse racing) and jai alai games.

5.2.2. Student Athlete Protection Act

In 2000, the Student Athlete Protection Act was introduced as a bill which attempted to prohibit high school and college sports gambling in all states including states where such gambling was permitted prior to 1991 (H.R. 3575, 2000). This Act, if signed into law, would have removed the exemption that Nevada received under PASPA related to high school and college games, including the Olympics. Although sponsored by Representative Thomas Osborne (Nebraska), who prior to being elected to Congress served as the head football coach at the University of Nebraska, this bill never became law as Congress failed to vote on it prior to its session expiring.

5.2.3. Amateur Sports Integrity Act

Another attempt to close the "Nevada Loophole," with support from the NCAA, was known as the Amateur Sports Integrity Act (S. 3002, 2003). The Act served many purposes, but one of the most significant was to modify the impact of PASPA by preventing any state (including Nevada) from allowing legal wagers on high school or college sports. Senator John McCain (Arizona) sponsored this bill and it received substantial coverage by the media, but similar to the Student-Athlete Protection Act, the bill never became law as it failed to be voted on before the legislative session expired.

5.3. Internet Issues

Sports wagering has expanded, of course, to the Internet. Concerns over sports gambling on the Internet continue to be addressed at the state and federal levels. For example, in 2006 Washington state made online gambling a class C felony (RCW §9.96.320, 2006; Skenisk & Ho, 2006). The NCAA has expressed considerable concern over the integrity of its college sports product in this regard although regulation, enforcement or prohibition of Internet gambling may prove to be a struggle and unmanageable (Wezner, 2008).

5.3.1. Unlawful Internet Gambling Enforcement Act (2006)

In October 2006, President George W. Bush signed a bill into law which made it much more difficult to send money to Internet gambling websites. This law now prevents credit card companies from processing online and illegal gambling activities. The Unlawful Internet Gambling Enforcement Act (31 U.S.C. §§ 5365-5367, 2008) was actually included in the SAFE Port Act, which is designed to assist in the prevention of terrorist attacks on the United States related to shipping containers that enter U.S. ports (Pub.L. 109-147, 2006). The SAFE Port Act attempts to prevent online gamblers from using credit cards, check and other electronic funds transfers in order to gamble. Any internet casino that attempts to accept credit card payments, Internet bank transfers or any other illegal gambling payments should be blocked from doing so under this law. The Act places substantial roadblocks in the path of people who have become accustomed to easy access to online sports books.

As technology advances at a record pace, regulation of Internet gambling and enforcement of prohibitions will likely remain problematic for state and federal governments and NCAA officials.

6. Conclusion

As the largest and most influential amateur sports organization in the United States, the NCAA has a legitimate interest in protecting its college sports product from unscrupulous influences. One of the most important issues related to protecting the integrity of college sports is to prevent or to prevent participants from affecting the outcome of a sports contest in order to increase or decrease the odds of a successful gambling wager. The NCAA has had to address numerous gambling scandals throughout its first century and, as a direct result, the organization has imposed serious sanctions for violations of its Bylaws found in the NCAA Manual. Though it is impossible to prevent all forms of gambling on college sports, particularly with the advent of the Internet, the NCAA has worked with federal and state governments to enact, modify or influence legislation which protects the honesty of the sports contests which fall under its purview. In the end, the NCAA's position is quite clear that betting on college sports is unacceptable for any student-athlete, coach or administrator affiliated with its intercollegiate membership.

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Gambling and Professional Athletics

by Anita Mooreson

Introduction
The relationship between gambling and professional sports in the United States can be traced back to the Black Sox scandal of 1919 after eight Chicago White Sox baseball players were indicted for fixing the 1919 World Series (Udovicic, 1998). While none of the players were convicted of the game fixing allegations, they were all banned from Major League Baseball (MLB). Consequently, Major League Baseball became the first professional sports league to prohibit gambling in some form. Other sports experienced similar scandals.

"War is Declared on Golf Gamblers," was the headline in the New York Times on May 9, 1920. In response to rampant gambling on golf tournaments that led the United States Golf Association to condemn pool-selling, bookmaking, and individual wagering on tournaments as against the best interests of the game. "War is declared," 1920.

Eventually, almost every major professional sports league would confront gambling scandals (Standen, 2006) and even aggressively lobby for legislation prohibiting sports betting in any form (McKevney, 2004). Major League Baseball, the National Basketball Association (NBA), and the National Football League (NFL) collectively pay millions of dollars to lobbying firms which specialize in issues involving internet gambling and/or sports betting (King, 2006). However, despite these efforts, gambling scandals continue to emerge in professional sport.

During 2007, gambling scandals involving National Basketball Association referee, Tim Donaghy ("Donaghy set on games," 2008) and alleged match fixing by the fourth ranked men's professional tennis player, Nikolay Davydenko (Assael, 2008; Clary, 2007) have once again intensivsed efforts by governing bodies to monitor and prevent gambling activities.

Most professional sports leagues have endured gambling scandals and thereafter experienced a common evolution. First, the awakening phase - where the league becomes aware of the existence of gambling in the sport due to a scandal and the perceived threat gambling poses to the integrity and credibility of the sport. Second, the prohibition phase, when the league decides all things related to gambling and wagering, and invests league commissioners or professional associations with broad powers to prohibit all forms of gambling and wagering. And third, the partnership phase, when the leagues recognize that gambling industries are growing, accepted, and perhaps impossible to regulate, thus the leagues relax some rules to attempt to balance the shift in attitudes about gambling with the threats still posed by business relationships with gambling enterprises.

The presence of gambling in sport is most commonly depicted as a threat to the integrity of sport (Furneaux, 2003; Osttrang, 1992). Fueled by the fact that historically almost all forms of gambling were illegal and also viewed as immoral, gambling that was occurring was being driven by organized crime or other criminal interests. As the amount of money being wagered on sports gambling continued to rise, so did fears that corrupting influences would try to affect the outcomes of sports contests thereby damaging the reputation and integrity of the sport. It is estimated that Americans illegally wager between $80-180 billion annually on sporting events (Levinson, 2006).

Professional sports leagues have vehemently opposed any form of gambling connected to the outcome of a sports contest, even state lotteries tied to sports contests. In 1977, the National Football League sued the State of Delaware to prevent the state from conducting an NFL themed sports lottery. The NFL's suit alleged trademark infringement by the state lottery. However, the federal district court held that the lottery could continue so long as the lottery tickets and other promotional materials contained sufficient disclaimers that made it clear the NFL had no affiliation with the lottery (NFL v. Delaware, 1977).

More recently, as Congress considered passage of the Professional and Amateur Sports Protection Act of 1992 (PASPA), commissioners from three of the four major professional sports leagues in the United States testified about the threat gambling posed to the integrity of their respective sports and urged Congress to impose a federal ban on sports betting of any kind. MLB Commissioner Fay Vincent testified "I remember that the Office of the Commissioner of Baseball was created in direct response to the 1919 Black Sox Scandal. Protecting the unique impact revenues of each sport and its fans from the various forms of gambling that would demean the integrity of sport."
This is the first EU-wide study of this subject and, as its sub-title 'Security and Civil Liberties in the Balance' implies, the author draws attention to the erosion of civil liberties in the interests of public order and security in the fight against football hooliganism throughout Europe at the European (that is, actions by the Council of Europe and UEFA, the European Governing Body of Football) and National levels.

The study is also wide-ranging - both in terms of topics and geographical reach - and is based on research from the fields of law, criminology, the sociology of deviance and of policing and social control, political sociology and international relations. The study also draws on more than 70 interviews with security professionals from Belgium, France, Greece, Italy, the Netherlands and the UK. It is thus comparative in nature and this is one of its particular attractions.

Although, as already mentioned, the coverage is wide-ranging, the author does not claim to offer '...an exhaustive analysis of all aspects of domestic counter-hooliganism policies.' Nevertheless, the study is a compelling and fascinating one and should be welcomed and read by all those interested and involved in fighting football hooliganism, not least the World, European and National Football Governing Bodies, who must bear their fair share of responsibility for creating a safe and controlled environment for all those fans of the 'beautiful game' who wish to enjoy peaceably their football and do not set out gratuitously and intentionally to cause trouble at matches. However, in the opinion of your reviewer, as long as we have football and all the passion that it generates, sad to say, like the poor, football hooligans will always be with us!

Ian Blackshaw
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