

Title - Law and Sport - a Video and Role Play Exercise

Keywords - Groupwork, Employability

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Activity - Video Analysis and Mock Press Conference - relating to legal / managerial issues in the Diane Modahl doping in sport case.

Group - Level 3 Legal and Ethical module, accessed by students from five undergraduate courses. This is an elective module, which has run every year for many years.

Aim –

1. To analyse legal / procedural issues at a particular stage of this sport disciplinary process.
2. To experience through role-play, answering questions from the press, whilst appreciating legal and public relations consequences, in an ongoing dispute.
3. To develop empathy for the parties involved and the legal, procedural and structural challenges which they faced.

Context / Background - One or both of these seminar activities takes place approximately half-way through the module. The students have already completed material on natural justice principles and case law, including matters of procedure and evidence, apparent bias and appeals. Challenges facing sport governing bodies in managing disciplinary processes have been regularly highlighted. They have been introduced to doping definitions, case law and strict versus fault liability, as well as issues of structural arrangements, power relations and (lack of) harmonisation in handling doping and other cases, in the international sport arena. After covering the disciplinary and appeal processes relating to the reinstatement of Diane Modahl and the legal processes for compensation, which argued apparent bias and breach of contract, these activities are hypothetically located after the main disciplinary hearing by the British Athletic Federation Ltd (now UK Athletics) in December 1994.

These activities provide students with formative feedback, but are not formally assessed. One of the three module summative assessments (3000-word essays) is on the full Diane Modahl case, ie. the processes within the sport and the compensation case in the courts.

Example

Activity 1

The students are shown a ten-minute clip from the videotape BBC 2 'The Diane Modahl Story' On the Line Special, February 1996. This clip covers the lead up to, and the 1994 BAF hearing itself, as experienced by the Modahl team and the chair of the BAF disciplinary panel chair, with reference to the legal and sports science issues. They were set questions covering:

- The inquisitorial or adversarial nature of the proceedings
- The role of sports science: the case and the theory put forward by the Modahl Team and those presented to the BAF Panel
- The doping definition, the standard of proof and the significance of the strict liability rule
- Discussion of natural justice issues relating to procedure and evidence
- The structural arrangements and power relations between the International Association of Athletics Federations, BAF and International Olympic Committee, and the challenges facing the BAF panel
- Accurate reporting and analysis of the exact words used by the BAF Panel Chair, when reporting the decision of the panel to the media, on 15th December 1994.
- Observations of the demeanour and circumstances of Diane Modahl at the 15 December press conference, shown on the videotape.

Activity 2

At the same point in the module, the students are asked to review the module content and reading, to date, and prepare for their role-play, in a mock press conference, as a member of one of the following groups:

- The BAF Panel Chair and Chief Executive of BAF
- Diane Modahl, her legal advisor, her husband / manager.
- The tabloid 'hacks'
- An observing group analysing the questions, behaviour and responses of the parties.

The BAF and Diane Modahl parties have no warning of the questions being developed in secret by the tabloid 'hacks'. The observing group report on the quality and relevance of questions asked and responses given, in relation to legal and managerial matters. The students are given feedback from the observing group and the member of staff. They are also asked to reflect on what they have learnt from this experience in relation to module learning outcomes and session objectives.

Results / Feedback

Activity 1

The students generally do very well in the video analysis, providing valuable feedback for themselves and the member of staff. At this point in the module the students are really beginning to appreciate the complexity of the Modahl case, the broader issues of the structure and power relations of international sport and the significance of sports science in this case. They have more difficulties with the rule of strict liability, the standard of proof and the difference between proposing a theory to explain the positive doping test result, as compared to a repeated experiment, which proves the case. This highlighted the need, in sports science, for more published research on bacterial degradation of urine samples of athletes. Although quite intimidated earlier in the module, students were clearly starting to build up confidence in their knowledge of the Modahl case, as well as developing some empathy for the parties involved.

Activity 2

The standard of role-play from the tabloid 'hacks', is often, in my opinion, worthy of an audition for RADA! The sense of panic, displayed by those playing the two main parties, fielding questions from the tabloids, was palpable. It was hard for the member of staff not to intervene! Such learning experiences highlighted a lack of appreciation, by students, of the challenges of public relations, handling difficult questions from the press, without making a legal mistake, during an ongoing disciplinary or legal case. It also contributed to staff discussions on 'management' related curriculum content, locating such learning and reinforcing it, elsewhere, perhaps, within a broader theme of 'crisis management'.

After completing these exercises the students move on to the final section of the module, on socio-managerial perspectives of sport specific masculine sub-cultures. This is related to the 'normalisation' of selected violent conduct on and off the field and a critical approach to such sport communities handling their own disciplinary processes. The feedback of the students on the module is very positive. They find it hard, but recognise the vocational relevance of learning about their rights, duties, challenges, and 'real-life' contexts of any legal / managerial role they might be called on to play in the future, as a competitor, or a member of a governing body disciplinary panel.

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