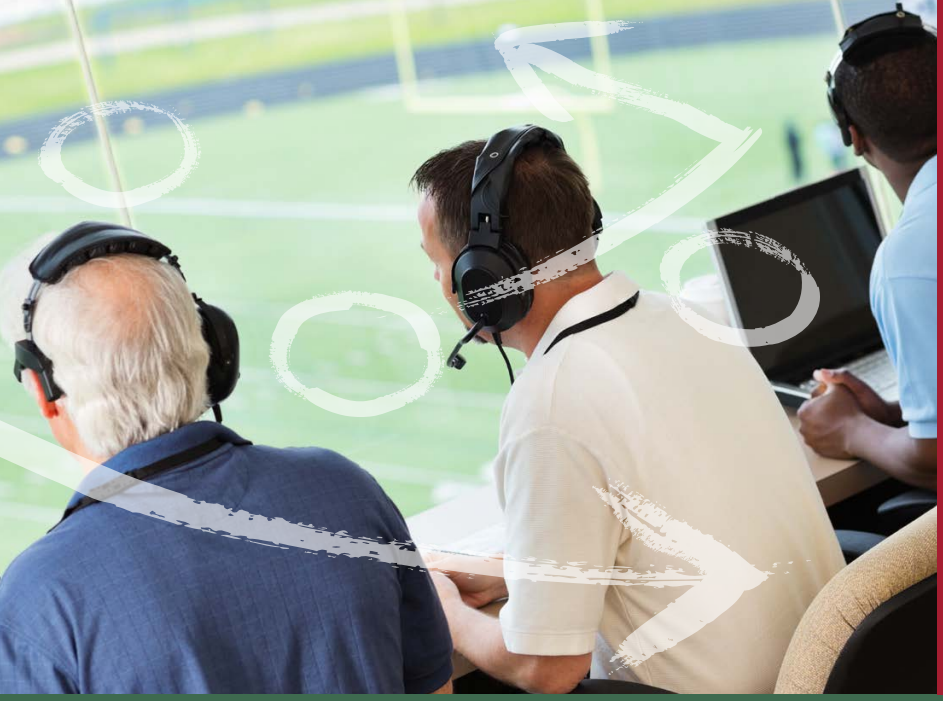

Protecting and Promoting the
Health of NFL Players:
Legal and Ethical Analysis and Recommendations

Chapter 17

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The Media[a]

Today, the media takes on many forms, including traditional print journalists in newspapers and magazines, television and radio network broadcasters and reporters, and journalists who work for Internet-based news sources, *e.g.,* "blogs." In discussing the media in this chapter, we intend for the term to include all of the aforementioned individuals who report news as a profession, *i.e.,* get paid, as well as their employers.[1,b] The NFL and the media have an important and significant relationship that, as a result, makes the media a stakeholder in player health.

a The portions of this work related to media are the result of collaboration with John Affect, Knight Chair in Sports Journalism and Society, Penn State University.

b We recognize that the line between "media" and "social media" is increasingly blurred these days. Nevertheless, we think issues related to social media are properly addressed in Chapter 18: Fans.

In order to ensure that this chapter was as accurate and valuable as possible, we invited the Professional Football Writers Association (PFWA) and the National Sports Media Association (NSMA) to review a draft version of this chapter prior to publication. Both groups declined our invitation.

(A) Background

The NFL currently has television broadcasting agreements with ESPN, NBC, CBS, FOX, NFL Network, and DirecTV. The NFL also has a radio broadcasting agreement with Westwood One and, for at least the 2016 season, a streaming agreement with Twitter.[2] In total, the broadcasting agreements bring in approximately $7 billion in annual revenue to the NFL[3]—58 percent of the NFL's approximate $12 billion in total annual revenue.[4]

The television networks pay the broadcast fees in response to consumer demand. According to The Nielsen Company, during the 2015 season, 46 out of the top 50 rated television programs, including the top 25, were NFL games.[5] In addition, more than 202 million Americans watched an NFL game in 2014—68 percent of the country.[6]

The networks also employ dozens of journalists, broadcasters, and other on-air talent to support their NFL coverage. All of the NFL's television broadcasting partners (except DirecTV) have pre-game shows consisting of various broadcasters, journalists, former players, coaches, and executives. Moreover, ESPN dedicates more than 23 hours of shows each week (not including SportsCenter) exclusively to the NFL during the season, and even created a 90,000 square foot studio exclusively for its NFL coverage.[7]

In addition to the television media, the PFWA consists of hundreds of writers who cover the NFL on a regular basis.[8] These writers consist of traditional journalists as well as those who work for online news organizations.

To assist the media's coverage, the NFL has a robust Media Relations Policy requiring players and coaches to make themselves available to the media and for practices to generally be open to the media.[9] Players diagnosed with concussions are excused from speaking with the media until they have cleared the Concussion Protocol (*see* Appendix A).[10] Players nonetheless do not always cooperate with the Media Relations Policy. In 2014, Seattle Seahawks running back Marshawn Lynch was fined $100,000 for refusing to speak to the media.[11] When he did speak, Lynch repeated the same non-responsive phrases over and over, such as "thanks for asking"[12] or "I'm just here so I won't get fined."[13]

Below, we discuss the media and its historical treatment of player health matters before moving to a discussion of the NFL's Injury Reporting Policy.

1) THE MEDIA AND ITS HISTORICAL TREATMENT OF PLAYER HEALTH

Media have been reporting on injuries since the NFL's inception. At the same time, reporters have also been praising players who played through injuries for just as long. The *Chicago Daily Tribune's* coverage of the NFL champion 1940 Chicago Bears provides some descriptive examples. In the account of a key victory that season, the Bears' 14–7 win over the Green Bay Packers, writer George Strickler declared "the story of the game is written in the second half, when [the Bears' George] Swisher leaped from the bench incased (sic) in tape that protected his recently fractured ribs and brought the breath out of a record-breaking crowd of 45,434[.]"[14] The article went on to praise Packers fullback Clark Hinkle, "who played a good share of the contest with a back injury that would have kept him out of any game except one with the Bears."[15] About a month later, Strickler's preview of the championship matchup between the Bears and the Washington football club devoted a paragraph to Swisher, who had an injured heel but was declared set to play, and to two injured Washington players.[16]

The converse of this praise is that members of the media have also been willing to criticize those players they believe lack toughness,[17] not an uncommon occurrence.

The introduction of television created a powerful new way for fans, through the media, to experience NFL football. For example, in 1960, CBS created a documentary called *The Violent World of Sam Huff*, a New York Giants linebacker. Huff wore a microphone during a game for the documentary, which was narrated by Walter Cronkite.[18]

Perhaps one of the most important events in the media's coverage of the NFL occurred with the creation by Ed Sabol of a small film company that would later become NFL Films, an NFL-controlled corporation. NFL Films created widely acclaimed highlight films using dramatic music, slow motion, and live microphone recordings of players and coaches. In addition, NFL Films excelled at glorifying the violence of the game and toughness of the players.[19] Former NFL Films President Steve Sabol once described NFL Films' work as "movie making perfectly matched to the grace and the beauty and the violence of pro football."[20]

Beginning in 2003,[21] ESPN introduced a segment called "Jacked Up" which also glorified the violence of the game. The segment aired prior to Monday Night Football each week with former player and broadcaster Tom Jackson replaying the weekend's biggest and most ferocious hits while all of the announcers yelled in unison that the player receiving the hit had "got JACKED UP!"[22] The segment was discontinued after the 2008 season[23] after criticism from both the media[24] and fans.[25]

2) THE NFL'S INJURY REPORTING POLICY

A key component of the media's relationship to player health is the NFL's "Personnel (Injury) Report Policy" ("Injury Reporting Policy"). The Injury Reporting Policy requires each club to report information on injured players to both the NFL and the media each game week ("Injury Report").[26] The stated purpose of this reporting is "to provide a full and complete rendering of player availability" to all parties involved, including the opposing team, the media, and the general public. According to the NFL, the policy is of "paramount importance in maintaining the integrity of the NFL,"[27] *i.e.,* preventing gambling on inside information concerning player injuries.[c]

The Injury Report is a list of injured players, each injured player's type or location of injury, and the injured player's status for the upcoming game. Each injury must be described "with a reasonable degree of specificity,"[28] *e.g.*, ankle, ribs, hand or concussion. For a quarterback's arm injury or a kicker's or punter's leg injury, the description must designate left or right. Historically, the player's status for the upcoming game was classified into four categories: Out (definitely will not play); Doubtful (at least 75 percent chance will not play); Questionable (50-50 chance will not play); and, Probable (virtual certainty player will be available for normal duty).[29]

In 2016, the NFL changed the classifications for player injuries by: (1) eliminating the probable designation; (2) changing the definition of "questionable" to "uncertain as to whether the player will play in the game"; (3) changing the definition of "doubtful" to "unlikely the player will participate"; and, (4) only using the "out" designation two days before a game.[30] The Injury Report also indicates whether a player had full, limited, or no participation in practice, whether due to injury or any other cause (*e.g.*, team discipline, family matter, etc.).[31]

Clubs must issue an Injury Report after practice each Wednesday, Thursday, and Friday of game week. If there are any additional injuries after the Friday deadline, the club must report these injuries to the NFL, the club's opponent, the televising network, and the local media on Saturday and Sunday.[32]

The Injury Reporting Policy dictates that all injury reports be "credible, accurate, and specific within the guidelines of this policy." In "unusual situations," clubs are requested to contact the League's Public Relations Office, and when in doubt, clubs should include a player in the Injury Report. Clubs and coaches that violate the policy are subject to disciplinary action. If a player with a game status of "Doubtful" plays, the club must provide a written explanation to the NFL within 48 hours.[33]

Despite the enforcement system and disciplinary action for abuse (typically fines of $5,000 to $25,000[34]), many in the media along with coaches and players have questioned the Injury Report's accuracy and value. A 2007 *USA Today* analysis of two-and-a-half seasons of Injury Reports found a high variance in the number of injuries reported by teams, with 527 reported by the Indianapolis Colts versus just 103 by the Dallas Cowboys; interviews with coaches suggested that the different philosophies of coaches to report even minor injuries versus only major injuries accounted for this variance.[35] In the same article, former Pittsburgh Steelers coach Bill Cowher was quoted as saying that he deliberately changed the location of injuries (*e.g.,* reporting hip instead of knee) to protect his players from having their injuries targeted by opponents.[36] Baltimore Ravens head coach Jim Harbaugh, after being fined for not listing an injured player in 2012, told the media that "[t]here's no credence on the injury report now. . . . It doesn't mean anything. It has no value."[37] In March 2014, two former players on the New England Patriots stated that head coach Bill Belichick filed inaccurate and false injury reports.[38] Many in the media have referred to the Injury Report as a "game" or "joke."[39] Finally, some believed that the 2016 changes to the injury reporting policy allowed for even more gamesmanship.[40] Possibly due to the potential for fines for misreporting injuries on the Injury Report, many clubs have policies prohibiting players from speaking to the media about injuries.[41]

c For more information on gambling and the NFL *see* Chapter 18: Fans.

(B) Current Legal Obligations[d]

Traditionally, the media's main legal obligations toward the individuals it covers are explained in terms of defamation law. Defamation is "[t]he act of harming the reputation of another by making a false statement to a third person."[42] Slander is the spoken form of defamation while libel is the written form.[43] A public figure, which would likely include any NFL player,[44] must prove that the reporter alleged to have committed defamation acted with "actual malice."[45] Actual malice is generally established where the reporter knew the statement was false or acted with reckless disregard of whether the statement was false or not.[46] Thus, media members generally have a legal obligation to work diligently to ensure the accuracy of their reports concerning public figures, including NFL players. Beyond these generalized obligations, there do not appear to be any specific relevant legal obligations that the media has as to NFL players.

(C) Current Ethical Codes

The principal source of media ethical obligations comes from the Society of Professional Journalists (SPJ), a voluntary organization of nearly 10,000 members.[47] The SPJ Code of Ethics includes 35 specific obligations, separated into the following categories: Seek Truth and Report It; Minimize Harm; Act Independently; and, Be Accountable and Transparent.[48] The principles most relevant to NFL players include:

> Ethical journalism treats sources, subjects, colleagues and members of the public as human beings deserving of respect.
>
> * * *
>
> Balance the public's need for information against potential harm or discomfort.
>
> * * *
>
> Weigh the consequences of publishing or broadcasting personal information.

The PFWA does not have a Code of Ethics but does include as one of its stated purposes "[t]o practice and advance the concepts of professional journalism while using verifiable facts, proper attribution and an objective, appropriate perspective in order to inform and enlighten the public in a credible manner."[49]

(D) Current Practices

Media attention and interest concerning player health and safety has certainly increased in recent years. On the one hand, numerous news articles discussed and cited in this Report brought important attention to player health issues and increased scrutiny of current practices. At the same time, the media's interest in player injury information for reasons unrelated to player health has increased dramatically.

Perhaps the biggest contributing factor to increased media attention to player injuries is fantasy football. As is discussed in more detail in Chapter 18: Fans, tens of millions of NFL fans play fantasy football with billions of dollars at stake. An essential component of fantasy football success is the health of the players on the fan's fantasy football roster. Media companies have responded with a variety of items to assist fans. For example, ESPN has a website called "Injury Central" which tracks injuries to key fantasy players,[50] and CBS Sports partnered with a web application called "Sports Injury Predictor" which is supposed to help fans determine whether a player is likely to get injured.[51] Additionally, every Sunday morning during the season, ESPN broadcasts a two-hour fantasy football show called "Fantasy Football Now." The program includes live updates from reporters on players' health statuses while also debating which players will "benefit" from the injury to another player.[52] Another frequent topic of debate among fantasy football media is whether fans can "trust" a player and his health.[53] Finally, ESPN employs Stephania Bell, "a physical therapist who is a board-certified orthopedic clinical specialist" to provide analysis of player injuries, specifically as they relate to fantasy football.[54]

As is discussed in more detail in Chapter 18: Fans, Section D: Current Practices, some have argued that fantasy football commoditizes and depersonalizes the players.[55] The reason is that media and fan focus is not on the health of players as human beings, but the health of the player as a replaceable unit in a gambling game. For example, when Carolina Panthers quarterback Cam Newton was in a major car crash during the 2014 season, fans quickly took to social media asking what the car crash meant for their fantasy football team.[56]

Another important factor in the media's coverage of players and their health is the increasingly intense 24/7 news cycle. With the rapid demand for and consumption of news, journalists may not have sufficient time to verify the details of a

d The legal obligations described herein are not an exhaustive list but are those we believe are most relevant to player health.

story. If they do, they risk being scooped by competing news outlets. Moreover, news is no longer delivered by a predictable group of traditional news outlets. A large number of websites and Twitter users pass along rumors and other stories about players, many of which make it into the mainstream media as "news." Additionally, several top sports media organizations have websites specifically devoted to "rumors," including ESPN,[57] FOX Sports' Yardbarker,[58] and NBC Sports' ProFootballTalk.[59] National Football Post, another well-read NFL-specific website, includes a column called "The Training Room," written by former San Diego Chargers Club doctor Dr. David Chao.[60] On a weekly basis, Chao speculates on the diagnosis, prognosis, and treatment of player injuries. Of note, Chao resigned as the Chargers Club doctor in 2013 after a series of negative incidents, including a complaint by the NFLPA (*see* Chapter 2: Club Doctors).

An example of the intense interest in player health information occurred during the 2015 offseason when Giants defensive end Jason Pierre-Paul suffered a hand injury that resulted in the amputation of one of his fingers. While Pierre-Paul was in the hospital and the status of his hand still uncertain, ESPN reporter Adam Schefter Tweeted a photo of a hospital surgical record showing that Pierre-Paul's finger was to be amputated.[61] Despite criticism for posting the picture of Pierre-Paul's medical records, ESPN and Schefter defended the Tweet as part of the normal reporting of player injuries.[62] In February 2016, Pierre-Paul sued ESPN and Schefter, alleging they had violated Florida medical confidentiality and privacy laws. In August 2016, the United States District Court for the Southern District of Florida denied ESPN and Schefter's motion to dismiss, finding that Pierre-Paul had properly pled a claim for invasion of privacy.[63] The case is ongoing as of the date of this publication.

Prior to the 2014 season, Green Bay Packers star quarterback Aaron Rodgers lamented the intense interest in player injuries and its effect on players:

> *TMI. There's too much information out there[.] There's too much exposure and, at times, undue pressure on players and coaching staffs to play now, win now. Just too much access.*[64,e]

Players we interviewed echoed these concerns:[f]

- **Current Player 4:** *"I think at times [the media's coverage of player health issues] could be pretty hurtful . . . . Their job is to get as much information as possible and you, as a player, don't necessarily want all your business being published in an article."*
- **Current Player 5:** *"I think for the most part the media usually doesn't know what they're talking about. In sports reporting, I think there's a very low bar for accuracy. So I think in general that they don't do a very good job of drawing attention to player safety or reporting the facts."*
- **Former Player 2:** *"I don't know how accurate [the club is] giving proper information to the media . . . , so I wouldn't say [the media is] that accurate . . . . I would say 60 percent confidence that anything the media reports on injuries is true."*[g]

Clubs and the NFL have also placed considerable pressure on the way the media covers the NFL. The NFL and the clubs have websites that employ writers to cover the clubs. Not surprisingly, these writers receive greater access to the clubs, the League, coaches and players than unaffiliated writers, and often write stories favorable to the clubs or League. Additionally, NFL clubs often have public relations staff that monitors or shadows the media during interviews and news conferences. If a journalist writes articles unfavorable to the club, the club might reduce that journalist's access to the club, its coaches, and players.[65] Similarly, when reporter Albert Breer left NFL Network in 2016, he explained that, while with NFL Network, he was prevented or discouraged from reporting on stories problematic for the NFL.[66]

With the rapid demand for and consumption of news, journalists may not have sufficient time to verify the details of a story. If they do, they risk being scooped by competing news outlets.

e Perhaps as further support for Rodgers' complaint, in July 2014, the satirical news organization *The Onion* ran a story with the following headline: "Report: Majority of Football Fans Better Informed On Health of NFL Players Than Parents." *Report: Majority of Football Fans Better Informed on Health of NFL Players Than Parents,* The Onion (July 29, 2014), http://www.theonion.com/article/report-majority-of-football-fans-better-informed-o-36565, *archived at* http://perma.cc/GJY6-AX2F.

f We reiterate that our interviews were intended to be informational but not representative of all players' views and should be read with that limitation in mind.

g Former Player 2 also believed that "the media definitely does" put pressure on players concerning their health.

Despite the increased attention to player health issues, it is still common for journalists to question a player's toughness. For example, when Chicago Bears quarterback Jay Cutler was removed from a 2011 playoff game due to a knee injury, numerous news articles questioned the severity of Cutler's injury and his inability to return to the game.[67] Sometimes the criticism is more implicit. For example, during a 2015 playoff game against the Green Bay Packers, Dallas Cowboys linebacker Rolando McClain left the game after suffering a head injury.[68] McClain had been diagnosed with a concussion earlier in the week after suffering a head injury in the prior week's game against the Detroit Lions.[69] Nevertheless, when McClain was taken out of the Packers game, a Dallas-based ESPN reporter Tweeted: "Rolando McClain to Cowboys locker room. Nobody frustrates training staff more[.]"[70]

Conversely, if the media glorifies players for playing with injuries,[71] it creates pressure on other players to do the same.

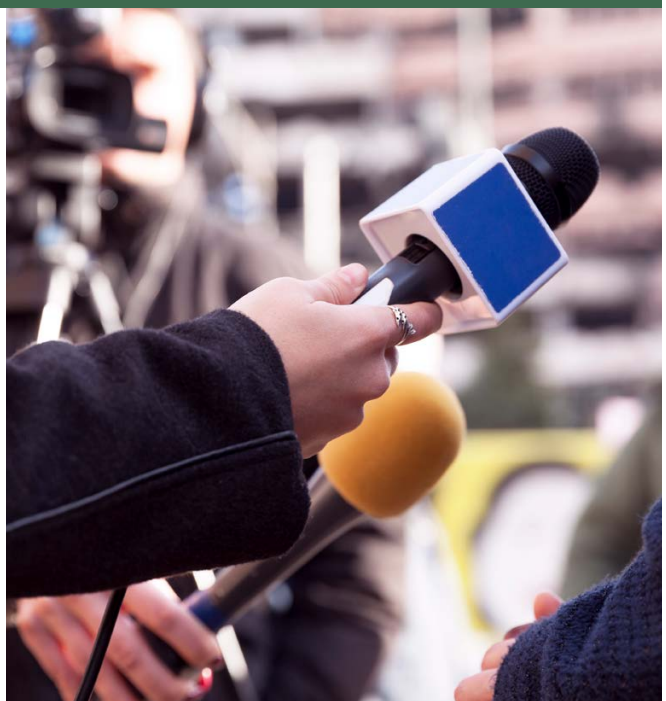
The media's portrayal of players can have a powerful influence on the public. In a 2014 article in *Communication & Sport*,[72] researchers reviewed 177 newspaper articles concerning two injury situations: Cutler's, as discussed above, and Washington quarterback Robert Griffin III's efforts to play with a knee injury during a 2013 playoff game against the Seattle Seahawks.[73] Of note, the researchers found that the leading theme from the articles discussing Griffin's injury shifted the blame to the Washington football club (40.67 percent of articles). Meanwhile, 49.24 percent of articles supported Cutler's decision to stop playing while 44.22 percent of articles blamed Cutler in some way, downplayed the severity of his injury or called him a "sissy" in some way. The authors, citing other studies, reasoned that "[t]he notion that a player who needs to sit out or miss playing time due to an injury is a 'sissy' or less of a 'man' can have extremely unfortunate consequences."[74] Finally, the authors suggested that "[a]s sports journalists take more of an advocacy role and support athletes who make their health a priority, attitudes towards injuries and the players who sustain them may gradually begin to change."[75]

The media's coverage of player health issues has been mixed. Beginning in January 2007, Alan Schwarz of *The New York Times* was one of the leading journalists to report on health problems among former NFL players and problems with the NFL's approach to player health issues, including its Mild Traumatic Brain Injury (MTBI) Committee.[76] Schwarz appropriately received numerous accolades for this work. Mark Fainaru-Wada and Steve Fainaru of ESPN and authors of *League of Denial* similarly exposed problems in the way player health is or has been addressed, and the resulting problems suffered by current and former players. Reporters from all over the country and world have taken the lead from this work and contributed their own stories of problems concerning player health. Without this work, many of the improvements concerning player health that have been made in the last 5 to 10 years may never have happened.[h]

Despite the important work the media has done reporting on player health, there are also concerns. First, the media regularly reports on the perils and drawbacks of football,

h Indeed, Current Player 9 believes the media has done a good job of covering player health "because they've done a good job of bringing awareness."

The media may not always have adequate space or time to convey the implications, and more importantly the limitations, of studies concerning player health.



whether children should be allowed to play,[77] and whether fans should continue to engage with the sport.[78] While these may be legitimate and important aspects to cover, some of this coverage shows a tendency to ignore important benefits to players (including those offered by the NFL and NFLPA) and others, and other positive aspects of the game.[i] In other words, balance in coverage in some instances appears to be lacking.

Another problem relates to accuracy. There have been many important scientific studies concerning the injuries, particularly concussions, suffered by football players. However, the media may not always have adequate space or time to convey the implications, and more importantly the limitations, of these studies.[j,79] The media may not always have adequate space or time to convey the implications, and more importantly the limitations, of studies concerning player health. Similarly, the media has not always accurately reported on player health litigation. For example, on September 12, 2014, the NFL filed an expert report in support of its position that the Concussion Litigation settlement would adequately compensate the plaintiffs.[80] The NFL's experts, using "conservative assumptions," assumed 28 percent of former players would be eligible for benefits under the settlement to demonstrate that the settlement was adequate.[81] The same day, the *New York Times* published a story entitled "Brain Trauma to Affect One in Three Players, N.F.L. Agrees."[82] The *Times'* headline ignored that the number was used by an actuarial firm as a conservative estimate meant to demonstrate the adequacy of the settlement—as opposed to medical data—and misstated 28 percent as "one in three," when it is actually closer to one in four.[k] The scientific and legal nuances are difficult to understand, which makes accurate reporting on them critically important.

(E) Enforcement of Legal and Ethical Obligations

A player's most likely available legal recourse against a member of the media is a civil lawsuit alleging defamation. As discussed above, lawsuits against journalists must overcome the high burden of proving that the journalist acted with actual malice, which should only arise in the rare event a journalist fails to abide by any of the sourcing or fact-checking requirements of the industry. Importantly, statements of opinion cannot be defamatory[83] and truth is an absolute defense to defamation claims.[84] While there are a few instances of sports figures suing journalists or publications for defamation,[85] there are no known cases of an NFL player suing a journalist.

In addition, as demonstrated by the Pierre-Paul case, it is possible more players will look to assert health privacy-related claims against media members.

The PFWA has a "Grievance Committee" that is charged with hearing any complaints about its members but its sanctioning authority as to the media is unclear. Similarly, while the SPJ has an Ethics Committee, it has no mechanism for investigating or enforcing violations of its Code of Ethics.[86] Instead, the SPJ believes the best enforcement of journalism ethics comes from the scrutiny of the public and other journalists.[87]

i Former Player 3: "There's thousands, tens of thousands, of former players . . . doing great, physically, mentally, financially, spiritually doing great. So those stories are not told."

j For example, in January 2015, *The New York Times* reported on a study done at the Boston University School of Medicine which, based on tests given to 42 former NFL players, purported to find "that those who began playing tackle football when they were younger than 12 years old had a higher risk of developing memory and thinking problems later in life." Ken Belson, *Study of Retirees Links Youth Football to Brain Problems*, N.Y. Times, Jan. 28, 2015, http://www.nytimes.com/2015/01/29/sports/football/study-points-to-cognitive-dangers-of-tackle-football-before-age-12.html, *archived at* https://perma.cc/G7MC-KGE8?type=pdf. However, the *New York Times* article did not include any responses to the study, including criticism from highly respected neurologist Julian Bailes, which was included in ESPN's coverage of the study. *See* Tom Farrey, *Study Cites Youth Football for Issues,* ESPN (Jan. 29, 2015, 4:04 PM), http://espn.go.com/espn/otl/story/_/id/12243012/ex-nfl-players-played-tackle-football-youth-more-likely-thinking-memory-problems, *archived at* http://perma.cc/V3Y5-EQJH (Bailes told ESPN "that the sample is too small to draw any conclusions from, and that the results of NFL players cannot be compared to that of athletes who never made it to that level.").

k Similarly, in a lengthy article praising the attorney who filed the first concussion-related lawsuit against the NFL, the *New York Times* wrongly asserted that if the NFL had won its motion to dismiss prior to the settlement, the case would have proceeded in "mediation or arbitration." Michael Sokolove, *How One Lawyer's Crusade Could Change Football Forever*, N.Y. Times (Magazine), Nov. 6, 2014, http://www.nytimes.com/2014/11/09/magazine/how-one-lawyers-crusade-could-change-football-forever.html, *archived at* https://perma.cc/4DJ6-XMQV?type=pdf. In reality, dismissal likely would have been the end of the players' claims. *See* Michael McCann, *Retired Players Who Opt Out of NFL Concussion Settlement Taking Big Risk*, Sports Illustrated (Jan. 26, 2015), http://www.si.com/nfl/2015/01/26/nfl-concussion-lawsuit-settlement-retired-players-opt-out, *archived at* http://perma.cc/ZD66-EJ67. *See also* In re Nat'l Hockey League Players' Concussion Injury Litigation, 14-md-2551, 2016 WL 2901736, *22 (D. Minn. May 18, 2016) ("Plaintiffs, as retire[d] [hockey players], would likely be unable to access the arbitration forum and would not have another forum in which to seek relief").

(F) Recommendations Concerning the Media

The media has a powerful and unique voice to shape the way player health issues are perceived and addressed. Below we make recommendations to improve the relationship between the media and the players they cover.

Goal 1: To recognize the media's responsibility in encouraging a culture of health for NFL players.

Principles Advanced: Respect; Health Primacy; Collaboration and Engagement; and, Justice.

Recommendation 17:1-A: The media's reporting on players should take care not to dehumanize them.

The media can both help and hurt players. While many reporters are increasingly taking into consideration players' health, there are still many reporters who are willing to criticize and question the toughness of players who suffer injuries or who do not play with injuries. Such reports impossibly and improperly assume to understand the pain the player may be in or the medical consequences of the player's playing with the injury. Moreover, such reports fail to take into consideration the player's best interests, *e.g.*, the player's short- and long-term health.

Similarly, the fantasy football-related discussions, websites, and applications take on a disturbing tone in some instances. At their worst, they do not acknowledge the players as human beings with medical conditions that could, and in many cases will, affect the quality and length of their lives. Instead, in some instances there is a dehumanization of the player and only a concern for how the player's injury that will affect fantasy football rosters which, relative to player health, is meaningless.[88] While many in the media work hard to avoid dehumanizing players, those media members who participate in and perpetuate such discussions should reconsider the tone and context of their reports and debates. We recognize that this is an aspirational goal and not one that can be readily monitored or enforced, but it is important to acknowledge this behavior as a problem and the role it plays in player health.

Through taking care in its reporting of player injuries and treating players with dignity, the media has the power to draw greater public emphasis to player health and also reduce pressure on players to play while injured.

Recommendation 17:1-B: The media should engage appropriate experts, including doctors, scientists and lawyers, to ensure that its reporting on player health matters is accurate, balanced, and comprehensive.

The media's coverage of player health issues, while excellent at times, also has been occasionally misleading or not entirely accurate. Inaccurate news reports will only undermine the credibility of the serious issues facing NFL players. The medical, scientific and legal issues concerning player health are extremely complicated, which demands that the media take care to avoid making assertions that are not supported or that do not account for the intricacies and nuance of medicine, science, and the law. While we understand the pressures faced by members of the media trying to complete work on tight deadlines, we also emphasize the importance of engaging appropriate experts who can help the media understand these complex issues.

Endnotes

1 *See also* "Media", Oxford Dictionaries, 2015, http://www.oxforddictionaries.com/us/definition/american_english/media (last visited Aug. 7, 2015), *archived at* http://perma.cc/6FGD-CQP7 (defining "media" as "[t]he main means of mass communication (especially television, radio, newspapers, and the Internet) regarded collectively); "Journalist", Oxford Dictionaries, 2015, http://www.oxforddictionaries.com/us/definition/american_english/journalist (last visited Aug. 7, 2015), *archived at* http://perma.cc/37MC-9PZX (defining "journalist" as "[a] person who writes for newspapers or magazines or prepares news to be broadcast"); "Press" Black's Law Dictionary (9th ed. 2009) (defining "press" as "[t]he news media; print and broadcast news organizations collectively").

2 *National Football League and Twitter Announce Streaming Partnership for Thursday Night Football*, NFL (Apr. 5, 2016), https://nflcommunications.com/Documents/2016%20Releases/NFL%20TWTR%20TNF.pdf, *archived at* https://perma.cc/F5SN-AVRL.

3 Kurt Badenhausen, *The NFL Signs TV Deals Worth $27 Billion,* Forbes (Feb. 14, 2011, 6:13PM), http://www.forbes.com/sites/kurtbadenhausen/2011/12/14/the-nfl-signs-tv-deals-worth-26-billion/, *archived at* https://perma.cc/B64R-2GHV?type=pdf.

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