



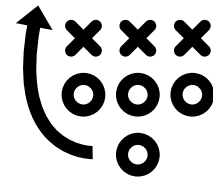
Protecting and Promoting the Health of NFL Players: Legal and Ethical Analysis and Recommendations

Chapter 9

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SUMMARY: Coaches



This document is a summary of the full chapter on Coaches in the Report *Protecting and Promoting the Health of NFL Players: Legal and Ethical Analysis and Recommendations*. The full chapter includes the following sections: (A) Background; (B) Current Legal Obligations; (C) Current Ethical Codes; (D) Current Practices; (E) Enforcement of Legal and Ethical Obligations; and, (F) Recommendations. Here, we provide our Recommendations, with only the minimum necessary background information. For more information and analysis of the role and responsibilities of Coaches, including relevant citations, please see the full chapter. Also as explained in the full chapter, the NFL denied our request to interview coaches.

Of all of the stakeholders considered in this Report, coaches have the most authority over players, and impose the most direct physical and psychological demands on them. Coaches can help players maximize their potential, but in some cases, may also contribute to the degradation of a player's health. For these reasons and those discussed below, coaches are important stakeholders in player health.

The importance of NFL coaches to a player's career is obvious but cannot be understated. Head coaches are the individuals ultimately most responsible for the club's performance on the field and thus take on an immense stature and presence within the organization; indeed, some head coaches are the final decision-makers on player personnel decisions. Considering the size of NFL rosters and the scope of a head coach's duties, most players communicate principally with their position coaches. Coaches determine the club's culture, dictate the pace and physicality of practice and workouts, and decide who plays, a decision often borne out by intense physical competition. Moreover, coaches must be successful in order to retain their jobs and

face pressure to win. That pressure no doubt affects their relationship with their players and in some cases is felt by the players.

NFL coaches might be members of one, both, or neither of two relevant professional associations: the American Football Coaches Association (AFCA) and the National Football League Coaches Association (NFLCA). The AFCA is a voluntary organization of over 11,000 high school, college, and professional football coaches, although it is largely directed towards college coaches. The NFLCA is more loosely organized than the AFCA. The NFLCA, in its own language, "is a voluntary non-union association that represents the over 600 coaches and assistant coaches currently employed by the thirty-two individual National Football League clubs, as well as many retired coaches formerly employed by the NFL teams." The NFLCA has no website, does not negotiate the terms and conditions of coaches' employment and rarely makes any positions known (to the extent it has any).

Recommendations Concerning Coaches

Coaches have tremendous influence over a player's career and can make decisions or dictate policies or culture that have a substantial impact on a player's health. Many coaches develop close relationships with players – or are former players themselves – and are thus sensitive to protecting player health. Nevertheless, the inherent pressures of coaching may sometimes cause coaches to make decisions or create pressures that are not in the best interests of player health. Unfortunately, when things go wrong, there are currently few, if any, fruitful avenues for players to pursue complaints against coaches related to their health. While we were unable to interview current coaches to gauge their viewpoints, we make the below recommendations to help improve the role of coaches in player health.

Goal 1: To hold coaches accountable for their role in player health.

Recommendation 9:1-A: The NFLCA should adopt and enforce a Code of Ethics that recognizes that coaches share responsibility for player health.

Codes of ethics provide important guidelines and instructions for a wide variety of professionals to ensure that they are conducting themselves in an appropriate and ethical manner. Currently, there is no code of ethics actively governing NFL coaches, which can allow for serious lapses concerning player health. To resolve the ethical void for NFL coaches, there are three options.

First, the AFCA could take a more active role in NFL coaching matters, including enforcing its code of ethics against NFL coaches who are members of the AFCA. However, the AFCA's focus on college coaches and issues seems appropriate and it would likely be better if there were an organization solely focused on NFL coaches.

Recommendations Concerning Coaches – continued

Second, if the AFCA is not well-suited to regulate NFL coaches, the NFLCA should be. The NFLCA seemingly has minimal resources and employees and engages in limited work. This seems to be a missed opportunity not only to advance the interests of NFL coaches but, also for our concerns here, to ensure the proper involvement of coaches in the lives and health of their players. Thus our recommended solution is that the NFLCA evolve into a more robust and active organization, including the self-regulation of its coaches.

Third, in addition to self-regulation, if the NFLCA is unable or unwilling to take on the role of enforcing the ethical obligations of its coaches, the next best option is likely for such obligations to be included in the CBA. It would be preferable if coaches and the NFLCA voluntarily undertook to recognize and clarify their responsibilities, but if they do not, the NFLPA should seek to have such responsibilities outlined in the CBA – a change the NFL should appreciate and willingly accept.

A code of ethics for NFL coaches should cover at least the following topics: coaches' obligations to players, including to help support players in preparation for post-football life; coaches' obligations to other players; communications with medical staff; use of player medical information; and, handling conflicts of interest, including winning and player health. Below, we elaborate on some of these issues.

- Coaches should establish a locker room culture in which players and their health and safety are respected.
- Coaches should orient communications with players about their health so as not to create undue pressure on the player where it may be detrimental to player health.
- Coaches should consider, respect and care about players' post-career lives while the player is playing for that coach.
- Coaches should not encourage in any way the injury of opposing players.
- Coaches should ensure that the medical staff acts independently and does not feel pressured to act in any way other than in the player's best interests.
- Coaches' interests in winning should not supersede player health.

In order for the recommended NFLCA Code of Ethics to be effective, all NFL coaches must be members of the NFLCA. While it is unclear whether or not all coaches currently are members, it might be necessary for the CBA to require that all coaches be members or otherwise be bound by the proposed Code of Ethics.

Finally, enforcement is essential. Violations of a professional code of ethics should include meaningful punishments, ranging from warnings and censures to fines and suspensions. Again, in order to be effective, the enforcement and disciplinary schemes might need to be included in the CBA.

Recommendation 9:1-B: The most important ethical principles concerning coaches' practices concerning player health should be incorporated into the CBA.

As discussed above, professional self-regulation is important and useful. However, professional codes often fail to be sufficiently enforced. Additionally, player health and coaches' obligations towards player health are too important to leave in the hands of coaches alone. In particular, it currently seems unlikely that the NFLCA has the resources to adopt and enforce a meaningful code of ethics. Consequently, incorporating at least some of the ethical concepts described in this Report, particularly those concerning player health primacy, into the CBA is likely necessary, along with appropriate enforcement mechanisms.

Recommendations Concerning Coaches – continued

Recommendation 9:1-C: Coaches should consider innovative ideas and methods that might improve player health.

NFL coaches and players should consider whether new practice drills and other approaches can be implemented that might improve player health. Additionally, it would likely be helpful if coaches had a forum in which to share innovative ideas and methods that might improve player health, although we acknowledge that coaches are likely to have concerns about sharing information they might regard as a competitive advantage with other clubs.