

Case summary

Law



NCAA v. TARKANIAN, 488 U. S. 179 (1988) - Case Summary of Case: NCAA v. TARKANIAN, 488 U. S. 179 (1988).

Argued October 5, 1988

Decided December 12, 1988

Parties: National Collegiate Athletic Association (NCAA) and Tarkanian

Petitioner: National Collegiate Athletic Association (NCAA)

Respondent: Tarkanian

Court: US Supreme Court

Facts: National Collegiate Athletic Association (NCAA) is an unincorporated association consisting around 960 public and private universities and colleges. NCAA frames rules with respect to the student athletes in the university/college. NCAA has a committee that investigates and monitors the functioning of the member institutions. University of Nevada, Las Vegas (UNLV) is a member of the NCAA and an investigation by the NCAA committee lead to allegations on UNLV. 38 violations were found out of which 10 were by the respondent Tarkanian. A number of sanctions were imposed on UNLV which included two year probation of the university's basket ball team. Also a show cause was requested to justify why more penalties should not be imposed if the Tarkanian was not suspended from the athletic program. Following this Tarkanian was suspended.

Issue: The main issue here is whether the NCCA was a state actor act under the color of the state law and was the procedural due process violated.

Decision: NCCA was not a state actor and was acting under the influence of the state law of Nevada but the procedural due process was violated and the initial injunction was upheld.

Rule: Following rules were used in making the decision:

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the protections of the Fourteenth Amendment do not extend to “ private conduct abridging individual rights”

“ under color of” state law; thus, liability attaches only to those wrongdoers “ who carry a badge of authority of a State and represent it in some capacity, whether they act in accordance with their authority or misuse it.”

“ Misuse of power, possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law, is action taken `under color of state law.”

Legal Reasoning: NCCA had no governmental powers during the investigation and did not have the power to impose sanctions of the employee of the members. It was UNLV’s decision to suspend Tarkanian when he had the option to retain him.

Business

College athletics has turned into a billion dollar industry with athletes generating huge revenues for the universities and other stakeholders. But the fact that athletes are not paid or financially compensated has given rise to a lot of issues. Athletes receiving money under the table has grabbed the attention of the media and there is increased pressure on the universities to pay the athletes for their participation. But before making the decision various factors have to be looked into such as the spending of the revenue generated. Not all sports generate the same revenue as that generated by basketball and football. Hence, the revenue generated by these popular sports need to be used in funding other lesser popular sports and hence balance the whole sports programs. This will help in increasing the participation in the number of Olympic sports. The athlete’s education is sponsored in return to their participation in the university sports. But as <https://assignbuster.com/case-summary/>

there is increased pressure to address the issue of payment to the athletes in order to reduce corruption, a minimal compensation to the athletes would be best under the circumstances. But it must be ensured that it is approved by NCCA and all the members follow the same in order to reduce inequality.