

CROSSING THE BOUNDARY OF A SPORTING LIFE: OFF-FIELD INDISCRETIONS, ON-FIELD PENALTIES – A CASE OF MEDIA, MORAL EMOTIONS AND MORAL GOVERNANCE

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ABSTRACT

This case examines the consequences of a late evening / early morning pre-season, bar-room altercation between two professional athletes, which left one player with career threatening injuries. It can be used to explore issues of ethical and moral behavior at multiple levels relating to individual athletes, team management, and franchise and national body governance. It may also be used to explore issues of risk, crisis and media management.

Keywords: Ethical Behavior, Organizational Ethos, Governance, Media Management, Sport

INTRODUCTION AND CASE OVERVIEW

The case examines the handling of a situation in February 2008 by the *Western Force* Super 14 rugby union franchise - and its governing body for rugby in Western Australia, *RugbyWA* - immediately following allegations of assault by one of its young stars, the Australian international rugby player, 26 year old Matt Henjak, on a fellow team member, Haig Sare. This case may be used to examine the *Western Force's* management of a reputation-threatening crisis, and of the media/communications process using the frameworks of Sonnenfeld [1], Augustine [2]. It may also be used to examine dimensions of ethical behaviour, employing Kohlberg's model [3] of moral reasoning; Snell's adapted Kohlbergian model [4]; or Lumpkin, Stoll and Beller's framework [5] linking moral knowledge, moral values and moral reasoning.

The full case is structured in three parts, the first requiring decisions to be made by franchise management about how to respond to emerging evidence of alleged physical assault within the team that had resulted in the hospitalisation of a player with serious facial injuries; and how to respond to pressure from the media being fed by the rumour machine.

A second part requires evaluation of the actions taken by the *Western Force* franchise and *RugbyWA*; and then of media, public and governing body responses to those actions. A third part to the case, not presented here, requires the development of a media and communications plan and of a planning framework that will address issues of athlete education.

PART 1 - SUNDAY - THE ALTERCATION AT THE LEFT BANK CAFE

It was the weekend before the start of the 2008 Super 14 competition, with the *Western Force* looking forward to a flight to South Africa on Tuesday for a tough three game tour of the Republic. On the Sunday, Feb 10th 2008, *Western Force* players took part in a fund-raising charity event to support the medical fight against autism [6]. Later that day, *Force* player, Haig Sare suffered a suspected broken jaw in an alleged fight/altercation with team-mate, Matt Henjak at the *Left Bank Cafe* in Fremantle, near Perth [7] [8]. Sare required medical attention, and missed the Monday night training session conducted on the eve of the team's departure to South Africa.

As the day and night had passed, *Force* and *RugbyWA* officials had become aware of the previous night's events, the injury to Sare, but despite information from some who had been at the Left Bank, and because they had not been able to speak with Sare, who had had his jaw wired, they had not built a full picture of what had happened. However, media pressure was

building as rumours of the story had started to spread. *Force* officials realised that they needed to manage the situation effectively and to make a statement about the incident. Training had finished two hours ago, and it was nearly 11.30pm!

Background

Rugby Union is a worldwide sport played in more than a hundred countries. Rugby Union was essentially an amateur sport until 1995, when the global governing body, the International Rugby Board, decided that rugby could evolve as a professional sport. It was believed that the development of professional rugby would enhance elite player retention, generate commercial opportunities for the sport, promote “professionalism” within the sport, and generate beneficial revenue streams for the development of the grassroots, community or amateur sport. At the time, the southern hemisphere power brokers, the South Africa, New Zealand and Australian Rugby unions, (the SANZAR unions) created an international inter-provincial rugby competition involving 12 regional franchise teams from the three countries. The competition was designed not only to bridge the gap in playing standards between local provincial team competitions and international test matches, but to engage the interest of the regional and global TV broadcasters in bidding for the media rights to the competition. The media rights paid by Rupert Murdoch’s NewsCorp organisation to the New Zealand Rugby Union, for the aptly named Super 12 competition amounted to about \$US800m over 10 years, and provided a secure funding base on which to plan the development of the sport.

As the end of the ten year contract period drew closer, the Australian and South African Rugby Unions (ARU) negotiated successfully to increase their complement of teams in the competition by one each to four and five teams, respectively. The new Australian franchise was allocated to Perth in Western Australia (WA), following considerable political and financial support from the State Government, in the hope and expectation that rugby would take-off in a non-traditional rugby area. However, the latter condition meant that the majority of players for the *Western Force* franchise were drafted in from other Australian teams, or were Australians returning from the Northern hemisphere. Matt Henjak was one such player.

Henjak and the Force

Henjak had been a talented schoolboy athlete and first received national recognition as a schoolboy representative in 1999. In due course, he played in the Super 12 competition for the ACT Brumbies, and he had progressed steadily through other national teams, to become an Australian Wallaby in October 2004, by which time he had relocated to the London club, Harlequins. He was attracted back to Australia to play for the *Western Force* in the expanded Super 14 competition in February 2006.

1999	- Australian Schoolboys	2002	- Australian U21s
2003	- Australia A	2004/05	- Australian Wallabies; Australia A.

However, his on-field talent as a rugby player had been accompanied by an unfortunate reputation for off-field misdemeanours or indiscretions, one of which had resulted in him being the first player to be sent home from a Wallaby tour for forty years - in that case, from South Africa in 2005, for, ostensibly, throwing ice at a group of students at a Cape Town night club. On the same tour, three other senior national representatives, Wendell Sailor, Lote Tuqiri and Matt Dunning, were each fined and warned about their future conduct, exciting comment from ARU Chief Executive, Gary Flowers, that he was “*appalled by what happened*” adding that “*players being out until 3.30am two days before a Test is inexplicable and should not happen.*” Henjak's then coach at the ACT Brumbies Super 12 franchise, Laurie Fisher, offered a similar view on what was perceived to be Australian rugby's drink problem, stating that “*Some guys drink too much too often. ... There needs to be a better definition of what it means to be professional.*” [9].

The *Force* had also become indirectly embroiled in another affair in 2005, and had extricated Henjak from assault charges in South Africa that could have impacted on Henjak's ability to travel to the Republic. The *Force* had been reputed to have made a A\$15k payoff to a South African who had been pursuing a civil case against Henjak, for events occurring when he had been on tour with his former team, the ACT Brumbies, in 2004 [10].

Closer to home, it was also known to the *Force* that Henjak was the subject of allegations that he had assaulted, late in December 2006, a *Force* employee - the son of the then CEO, Peter O'Meara. It was reported [11] that O'Meara had wanted to terminate Henjak's contract, but had been dissuaded from doing so by his son. O'Meara resigned in mid-January 2008. There was no doubt that Henjak's prior escapades were known to the ARU and the *Force*. But Henjak was not the *Force*'s only problem. They had also to address what became known as the "quokka shocker" in the preseason period before Christmas 2007, when a group of players had been seen to be ill-treating animals, including the native furry emblematic Quokka, on an annual bonding retreat on Rottneest Island off the West Australian coast.

The media consensus was that the *Force* had an athlete behaviour problem that they were not managing very well. However, it was recognised that it was not a problem unique to the *Force* as a professional sports franchise, but had also accompanied expansion teams in the former National Soccer League (NSL), in Australian Rules Football (ARL) and the National Rugby League (NRL), that had also been located in Perth [12].

PART 1 - STUDENT DISCUSSION QUESTIONS

It is late Monday night. Team practice for the *Western Force* has finished. Two players who had been expected to train, Matt Henjak and Haig Sare, have been notable absentees. The team leaves for their three match Super 14 South African tour on Tuesday morning.

Media and Issue Management

As Acting CEO for the *Force*, Mitch Hardy, you are facing media pressure - they are aware of the rumours involving the two players. You have built up a picture of the previous day's events, and have had discussions with trusted colleagues and friends. You must act!

- 1(a) What do you plan to do from now on?
- 1(b) What would you say to the media? What would be the form of your Media Statement?
- 1(c) Indicate how the statement fits within your Media, Public Relations & Communications Plan?
- 1(d) How could such a plan be constructed in anticipation of an incident like this?
- 1(e) As *Western Force* coach John Mitchell, what would you say to the media?

Moral Governance and Ethical Behaviour

Should Henjak's selection for the South African tour be withdrawn?

- 2(a) Would you still want Henjak in the team to travel to South Africa, that is, would his alleged involvement in the assault on Haig Sare impact on your decision to support or withdraw selection for the tour?
- 2(b) Outline the nature of moral emotions that might impact on your decision whether to support or not support Henjak's continued involvement with the team.
- 2(c) Consider whether:
 - (i) the *Force* should select athletes who are subject to investigation for assault;
 - (ii) the *Force* and the ARU should contract athletes or select athletes who have been convicted for criminal offences;
 - (iii) selection criteria should consider only sporting matters.

PART 2 - MONDAY - THE INITIAL STATEMENT FROM THE FORCE

At 11.38pm on the Monday night, *RugbyWA*, in its capacity as the governing body for rugby in Western Australia, issued a media release indicating that it had become aware of an altercation involving two players, that it had began an investigation and that it was treating it as an "internal but serious matter". The statement concluded that following the

investigation, it was likely the matter would “*be referred to a serious misconduct committee.*” However, the players involved were not named, and no comment was offered about the availability of the players for the South African trip, other than that a further press conference would be convened on Tuesday morning before the team’s flight [13].

RugbyWA Statement on Player Altercation - Monday, 11 February 2008 11:38pm
“*RugbyWA has been made aware of an altercation between two Emirates Western Force players in Perth yesterday.*
The altercation has left one player requiring medical attention for a suspected broken jaw.
It has been confirmed that no member of the public was involved in the incident.
RugbyWA views the incident as an internal but serious matter and an investigation has been commenced. Following the investigation it is likely the matter will be referred to a serious misconduct committee.”

Earlier in the evening, RugbyWA had contacted the governing body, the Australian Rugby Union (ARU), to give them a “*heads up*” and to inform them of the incident. At that time, the *Western Force* were advised by the ARU “*not to include Matt Henjak in the touring squad to South Africa*” [14]. The parties had no further contact before the *Force* made their second media statement on the following day.

Tuesday - The Second Statement from the Force

At the Tuesday morning conference, acting *Force* CEO Mitch Hardy identified the players involved in the incident, and said that it been decided that Henjak would tour, but that a disciplinary process would be undertaken in South Africa, with both players being told their careers at the *Force* were at risk.

RugbyWA Investigation into Player Altercation - Tuesday, 12 February 2008 6:26pm
“*RugbyWA is investigating an incident that occurred last Sunday involving Emirates Western Force players Matt Henjak and Haig Sare.*
*The matter is being progressed as quickly as possible, and as soon as the investigation is complete the matter **WILL** be referred to the Serious Misconduct Tribunal.*
As the investigation is not complete, it has not been possible to convene the Serious Misconduct Tribunal before the team’s departure for South Africa today. In particular, it will be some days before Haig Sare is available to be interviewed regarding the incident.
Accordingly, it has been decided that Henjak will be permitted to travel with the team.
However, it should be emphasised that the Tribunal will progress as soon as the investigation is complete, and this will happen whilst the team is in South Africa.
Any disciplinary actions determined by the Tribunal will not be compromised by the fact that the team is in South Africa. RugbyWA must ensure that due process and natural justice is afforded to the players involved, while recognising that the players’ responsibilities to the team, the brand, the members and all other stakeholders is paramount.
Further details regarding the Tribunal will be advised in due course.”

Hardy said that “*Matt will go with the team ... at this point in time we are comfortable that we have carried (out) sufficient interviews and investigation*” but confirmed that a disciplinary hearing would be convened at some time during the first two weeks of the tour, as soon as enough evidence could be gathered from players who were at the bar”. He suggested that the matter needed to be resolved because of its seriousness and because “*you have got two players’ careers that are on the line*” and ... “*until that point in time Matt will be permitted to travel with the team*” [15].

Coach John Mitchell confirmed that Henjak would tour and play in South Africa and that “*he deserves his selection. The team has put an enormous amount of work in the season into this first fixture. It would be totally unfair on everyone in the organisation and the team if weren't to select the best players to go on the field*” [16] [17].

The Response of the Media

The local Perth newspaper, *The West Australian*, initially reported the matter in a matter of fact manner, but encouraged readers who were aware of more incidents involving Henjak or other *Force* players to contact them [18]. The request appeared to pay off, as over the next few days, further stories came to light, and were reported throughout the media. The *Sydney Morning Herald* (SMH) published allegations involving Henjak that had not yet then surfaced in public, of Henjak's involvement in an incident where Liam O'Meara, son of the recently departed *Force* chief executive Peter O'Meara, was injured at a 2006 Christmas party. O'Meara had resigned just three weeks earlier in January 2008 [11]. Other newspapers replayed stories involving misdemeanours by the *Force* or its players including the “*quokka shocker*” incident [19] – the quokka being a small, cuddly, native marsupial! In addition, SMH readers were reminded that the *Force* had been fined A\$150k by the Australian Rugby Union (ARU) in 2007 for breaching ARU protocols for making \$300k in secret payments to lure players to Perth. Then came the revelation that A\$15k was paid to a South African man to enable Henjak to play Super 14 matches in South Africa – the payment ensuring that a civil claim and charges against him stemming from an alleged nightclub incident were dropped. There were also revelations that two *Force* players assaulted a former *Force* employee in a Sydney bar in 2007 [20]; claims of unruly behaviour by Henjak during the Prime Minister's tour to Japan in 2006; and allegations that Henjak bit and hit lower-grade Randwick player Michael Girvan in 2005 at the farewell function of his then Brumbies team mate, Owen Finegan. The SMH stated that “*the police were called and statements taken, but the matter was dropped when Henjak agreed to contribute \$5000 to charity*” [21].

However these stories almost took second place to media coverage of the ARU reaction to the decisions made by the *Force* allowing Henjak to travel and play in South Africa [20].

The Response of the Australian Rugby Union (ARU)

The ARU learned of the decision by the *Force* - that Henjak would be allowed to tour and play – from media reports. It was reported that ARU CEO, John O'Neill, was furious, and that the ARU had written to the *Force*, expressing “*serious disappointment*”, requesting that a disciplinary process be expedited, and seeking a “*firm undertaking that this matter will be dealt with as soon as possible, even before the team's opening match in South Africa if possible.*” O'Neill said that “*The game is bigger than individuals. Disciplinary matters need to be taken seriously and dealt with accordingly, and in isolation, regardless of the team dynamics ...*” [20].

Whilst O'Neill acknowledged that the ARU did not have the power to prevent Henjak from playing in South Africa, he offered an opinion that “*there was potential for the national body to intervene if the issue was not resolved quickly*” and that under the code of conduct, the ARU had “*the authority to intervene if it believes an incident of a sufficiently serious nature has occurred and a province does not take appropriate action to resolve the situation. If that was the case, we could serve notice on a province that the ARU will take over the matter and convene a hearing before a three-man ARU tribunal.*”

Whilst O'Neill's belief was that Henjak should have been stood down while such a serious matter was investigated, acting *Force* CEO Hardy indicated that “*we were not prepared to assume Matt Henjak guilty until we had all the evidence in front of us.*” He said that “*information ... will be sent to our legal counsel, and then we will set a date and a time for the hearing.*” Hardy also indicated that senior players including captain Nathan Sharpe and vice captain Matt Giteau had backed the decision to take Henjak on tour, and that “*... it was unanimous around the table that they would support the decision to take Matt.*” Hardy further justified his decision by saying that “*If those guys had objected to the decision, then it would have been taken on board*” [22].

The Response of the Rugby Community

Phil Mooney, coach of the Queensland Reds Super 14 franchise, agreed with O'Neill that Henjak should have been stood down – “*dumped from the side*” – over allegations that he had broken a team-mate’s jaw, but, with some equivocation, accepted “*that's something for the Force to deal with. The circumstances would be different if it was in Queensland*” [23] [20].

By contrast, former Wallaby legend, David Campese, was firm in his firm that Henjak should not have gone on tour. He offered an opinion that Coach John Mitchell’s view that “it punishes the team to suspend him” was “*absolute crap*” [24].

Campese’s comments related to the *Force*. “*The joint is only two years old but they seem to have a player in the press every second week for all the wrong reasons*”.

He suggested that what was happening may damage the game: “*The image off the field is more important than on the field. No individual is bigger than the game. In the old days, when we went on tour for Australia, you were an ambassador for your country. Off the field people judge you and who you represent.*”

Campese also offered comment that one of the biggest problems is that: “*... a lot of these young guys have no life, they're only rugby players. They get so bored and get themselves into situations where this sort of thing happens. Henjak has been in trouble before ... There was the fact he was sent home from a Wallabies tour and there are other alleged incidents that have been hushed up. It's amazing that he came out and said: "I've been to see special people about my problems and I'm happy now." Then he goes and breaks a team mate's jaw.*”

The views of former Wallaby, author and media personality, Peter FitzSimons, were couched in similar terms, but expressed as rhetorical questions. “*Let me ask you this, John Mitchell: If breaking a team mate's jaw at the end of a drinking session on the eve of the eve of departure to play the first game of the season is not enough to be instantly suspended, if not dismissed, precisely what would it take? And while I have your attention, could you also tell us in how many other jobs around this country do you think one could break the jaw of a fellow employee, and then turn up for work the next day and be accepted?*

This is madness, demonstrable madness. The role of the ARU is to administer rugby in this country in a manner that will make it grow. If it does not have the power to pull a rogue franchise into line on a matter as crucial as this, it should work out a way to get that power, and then exercise it” [25].

Former Wallaby coach, John Connolly, was more equivocal. “*The public will feel little sympathy for Henjak. He has had a number of opportunities, and the demand these days is to be squeaky clean ... I feel sorry for him in some ways. From a football perspective, he's a courageous young player, but in this day and age that's only half the battle. Behaviour and image are paramount. I'm a great believer in the second chance, but Matt has had second, third and fourth chances. But part of me is hoping he stays in the game, albeit with a massive fine and lengthy suspension*” [26].

The Response of the Western Force Players

Henjak’s close friend in the *Western Force* team, national representative Matt Giteau, offered a different perspective on events. “*As a side, you support the team through anything and personally I support Matty through anything. As a side, if anything, it's brought us closer together. Our whole focus has been on the game. Obviously it has had a minor disruption to the side, but if anything it has brought us closer together. He's a great mate of mine. This (match) will be good for him, get his mind off it a little bit. It was unfortunate what happened, but from a player's point of view we're just worried about the game ... Matt has a lot of experience, he drives the forwards really well, he organises them well ... He's got a great pass.*” [27]

PART 2 - STUDENT DISCUSSION QUESTIONS

1 Why has the case attracted such attention? Introductory or Summary Question

2 Outline the major “players” in the affair and describe their roles and responsibilities.

- 2(a) Identify at least six main actors in the case. Describe their roles.
- 2(b) Identify at least six stakeholders likely to be affected by the selection of Henjak as a *Force* player for the games in South Africa. Outline their roles in society and the sport.
- 2(c) Use Badaracco’s framework to discuss and clarify to whom the main actors are responsible, whom they are responsible for, and with whom they share responsibilities.
- 2(d) What moral emotions may be at play with the different actors?

3 Moral Governance and Ethical Behaviour

- 3(a) Indicate the values underpinning the responsibilities of decision-making actors.
At what level of reasoning do these values tend to be manifested in behaviour
- 3(b) How may the moral emotions of different actors impact on their moral judgements, and how may they be confounded with moral reasoning?
- 3(c) Outline the nature and level of moral reasoning / behaviour that might impact on the various actors responsible for, or commenting on, the continued selection of Henjak for the SA tour.

4 Risk Management.

- 4(a) Identify the broad constituency of stakeholders likely to be affected by the selection or otherwise of Henjak.
Identify stakeholders that appear to be taking responsibility for selection and its consequences
- 4(b) Identify the wider role of those stakeholders in society and in sport
- 4(c) Outline the economic, political and personal risks associated with such high profile situations.

5 General

- 5(a) Should coaches, managers or other team officials admit that their players have committed violent acts, or acts of foul play, on or off the field - and therefore pre-empt the processes of natural justice?
- 5(b) Should coaches, managers or team officials admit when they or their players have broken the professional codes of behaviour?
- 5(c) Should the governing body intervene – and demand that selection be denied to those whose unacceptable behaviour or violent acts may damage the reputation of the sport and its governing body?

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A full set of References and Teaching Guide is available upon request from the author by emailing john.davies@vuw.ac.nz