The Framing of O’Bannon v. NCAA: The Institutional Work of the NCAA

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The field of intercollegiate athletics remains a fruitful context for institutional studies. Particularly, the institutional entrepreneurship of the National Collegiate Athletic Association (NCAA) has been heavily scrutinized with many critics questioning the legitimacy of the NCAA’s rendition of amateur athletics (e.g. Branch, 2011; Kaburakis, Pierce, Cianfrone, & Paule, 2012). These questions have come to the forefront of the recent legal battles over college athlete images and likenesses. Indeed, O’Bannon v. NCAA has illuminated institutional contradictions within intercollegiate athletics, resulting in many critics suggesting that the rulings from this case may be the beginning of the unraveling of the NCAA’s control and power. Considering the importance of this issue, this study examines the institutional work of the NCAA to maintain its legitimacy as the dominant voice within intercollegiate athletics. In doing so, we draw from the concepts of framing theory, specifically frames in communication, to understand the strategies employed by the NCAA to preserve its status with the institution. This research contributes to understandings of how the contested institution of intercollegiate athletics persists while also extending the institutional work literature by providing further insight into the process of institutional maintenance.

Traditionally, institutional theorists have suggested that institutions are maintained through conformity to uncontested, normative expectations of legitimate social behavior (DiMaggio & Powell, 1983; Jepperson, 1991; Meyer & Rowan, 1977). However, scholars have recognized “that maintenance is not a stable property of the institutional order and various forms of work may be necessary to ensure institutional continuity and stability” (Micelotta & Washington, 2013, p. 1138). That is, agency within an institution may be necessary in the perpetuation of institutional norms. When institutional structures are challenged, research has shown that actors work to re-establish order by re-asserting institutional norms, re-instituting power balances, reclaiming institutional leadership, and ultimately, re-institutionalizing practices (Micelotta & Washington, 2013). The institutional work framework is especially important in contested institutions with incompatible logics. As Seo and Creed (2002) theorized, the contradictions within institutions tend to produce agents who may change institutional orders. Thus, the maintenance work within an institution is especially critical.

Institutional perpetuation is accomplished through various means. Notably, the discourse within and concerning institutions may be instrumental in the process (Lawrence, Phillips, & Suddaby, 2004). Discourse refers to “the structured collections of texts embodied in the practices of talking and writing” (Grant, Hardy, Oswick, & Putnam, 2004, p. 3). Simply, the various forms of written and verbal communication may serve to further institutionalize practices or logics. An important extension of this conceptualization is the inclusion of framing theory, as it may be particularly useful for further understanding how institutions are maintained. Framing generally refers “to the process by which people develop a particular conceptualization of an issue” (Chong & Druckman, 2007, p. 104). Specifically, frames in communication would offer explanation into the process of shaping discourses that are meant to sustain institutions. Frames in communication are instrumental for organizing reality and providing meaning to events (Chong & Druckman, 2007; Gamson & Modigliani, 1987; Tuchman, 1978). As such, this research seeks to understand how the NCAA has framed its discourse in response to the case of O’Bannon v. the NCAA. The O’Bannon case represents a significant contestation to the NCAA’s model of amateur athletics and has resulted in numerous press releases containing discourse from NCAA representatives who seek to defend their model of intercollegiate athletics. Thus, this is an appropriate case for examining discursive framing as an institutional maintenance strategy.

This research follows the recommendations of Phillips, Lawrence, and Hardy (2004) and adopts a discursive approach to understanding institutional work. Primary data for this study consists of the copious press releases from various news outlets reporting on the O’Bannon v. the NCAA case. We located articles or media mentions with specific quotations from NCAA representatives. In sum, we have compiled approximately 100 pages worth of data.
Although data collection is still in progress, we have followed the recommendations of Lincoln and Guba (1985) by simultaneously analyzing and collecting data. Further, QSR International’s NVivo 10 has been used for housing and analyzing the data. Data were coded using a grounded theory approach (Corbin & Strauss, 2008). That is, we went through the process of open, axial, and selective coding to develop a theoretical framework for understanding how discursive framing serves to maintain and reinforce institutions. Lastly, steps were taken to ensure the trustworthiness of the findings. First, two coders implemented the three-step coding process, with two measures of intercoder reliability (Guetzkow’s U; Cohen’s Kappa) indicating a high degree of agreement between coders. Secondly, throughout the analytic process, we reviewed our findings with external auditors to ensure that our interpretations of the data were accurate. In this manner, we accounted for our biases as researchers. Lastly, we addressed our biases through extensive reflexivity throughout the research process. Specifically, we would continually review our interpretations and assumptions in the data with external auditors who would inform us when bias was cloudy our interpretations. Through these processes, we believe our findings and our framework are credible and transferable.

Although this research is still in progress, initial findings have suggested that the NCAA has framed its discourse of the O’Bannon case using distinct strategies to propagate its legitimacy and maintain its dominance in intercollegiate athletics. First, the NCAA has “doubled down” on the mores of its created institution through their discourses. That is, they have framed their position in the case as being the proper stance by reasserting the legitimacy of their conceptions. Secondly, the NCAA has sought to vilify the dissenters through its discourse. Routinely, the opposing narrative is framed as morally and conceptually maleficent. In doing so, the legitimacy of the challenges is undermined, as opposing the NCAA’s conceptions is considered harmful to stakeholders and the institution. Lastly, the NCAA assumes the role of an embattled victim in their discourses. Simply, they frame themselves as the preservers of pure amateurism in the face of attacks. Through these framing strategies, the NCAA has worked to maintain its legitimacy and dominance in the institution of intercollegiate athletics.

This research offers meaningful implications on multiple levels. First, this research provides greater understanding to how contested institutions are maintained. We extend the research of Lawrence (1999), Lok and de Rond (2013), and Micelotta and Washington (2013) by providing further explanation into how actors work to maintain institutional order. By invoking a framing theory perspective, we have shown how discursive framing can be implemented to re-establish legitimacy. This research also provides greater understanding into how the NCAA has maintained its position of dominance within intercollegiate athletics. As an institutional entrepreneur, the NCAA has maintained its standing through various methods including framing the discourse of its conception of amateur athletics. Lastly, this research also provides insight into how discourses in general are utilized throughout the process of institutionalization (see Phillips et al., 2004). The findings and implications of this research will be presented in greater detail.