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Assessing University Responses to Public Records Requests about Stadium Playing Space Access Policies

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Communicating public safety policies is an integral component of spectator sport risk management planning. University sporting events, particularly NCAA FBS college football, attract large crowds to their stadiums and require policies to keep unauthorized playing surface entries from occurring including mass field invasions when fans rush the field in celebration. Communicating these policies can be an integral part of the risk communication process and the existence of these policies are important decisions for university administrations and athletic departments. This study assesses official public records requests to FBS institutions subject to public records laws, regarding their willingness to disclose football stadium field invasion policies. A majority of respondents shared their policies, and a minority had mass invasion policies. Freedom of Information Act (FOIA) standing, membership in a conference with institutional fines, and football team ranking were non-significant influencers of all measures of policy communication, while likelihood of sharing a policy in general and a mass invasion policy slightly decreased, as stadium capacity increased. This study shows that structural factors like stadium attributes may have more influence on policy communication than policy factors, meriting additional research exploration.

Keywords: intercollegiate athletics, public records requests, field invasions, risk communication, stadium policy

The sports industry continues to expand at a rapid pace, with revenues set to eclipse over \$76 billion by 2020 in North America alone (Gough, 2019). In an effort to continue generating revenue, as well as to fight for customers' and fans' attention in an increasingly cluttered marketplace, sport managers must consider new and innovative methods to better connect with fans. Some of these efforts develop individuals' connections to the team or organization, thereby creating a more loyal consumer (*see* Duru, 2019). As loyal consumers, sports fans often engage in ritualistic or tribal practices that serve to identify their affiliation and show their attachment to the team (Dunning, 1999). From a business perspective, linking that person's self-concept to the sports organization would then increase the likelihood of buying behavior, thus increasing team revenue (Funk & James, 2001). However, sometimes the behavior of a fan may cross the line (Novelo, 2011).

One behavior that sport managers across the world have become accustomed to witnessing is playing space invasions, defined in this manuscript as an unauthorized individual entering a playing surface. For instance, in college football, it is common for playing space invasions to occur toward the end of a college football and basketball game once an upset occurs (Winneker & Ehrlich, 2017). This phenomenon is also called "rushing the field." Playing space invasions occur in various forms and are known by different colloquial names. Although this occurrence is usually celebratory, some playing space invasions can turn violent. However, given the uncertain nature of this behavior, it is unclear whether the college sport industry has developed policies that account for the threat that playing space invasions embody as a whole.

Thus, if sport managers have a reasonable belief that fans may act aggressively, for example an unauthorized attempt to enter the playing space, it is incumbent upon decision-makers to take appropriate steps to protect against reasonably foreseeable risks of harm, and communicate these risks to the public (Maloy, 1991; 1993; Reynolds & Seeger, 2005).

The approach to fan invasions of playing spaces has received little treatment in sport management research. In college athletics, a number of conferences have policies that impose fines ranging from \$100,000 to \$250,000, while others have no identified policies (Winneker & Ehrlich, 2017). This is problematic because failure to develop a policy targeting playing space invasions invites university liability (Misinec, 2005). Playing space invasions such as mass field storming and fans entering the field of play without authorization have become increasingly commonplace to the point that it is difficult to distinguish between whether perpetrators engage in this conduct intending the behavior as a harmless celebration or as a dangerous situation (Renfrow et al., 2016). To that end, law enforcement and security may not identify such acts as wrongful, especially when it is tantamount to tradition as opposed to taboo (LaVetter & Choi, 2010). Therefore, sport managers must prioritize creating clear and effective policies to demystify any confusion, keeping with such a duty of care (Restatement (Second) of Torts, § 282, 1965). While previous studies have commented on the presence of conference playing space invasion rules, less is known about the existence and communication of university-specific policies.

Purpose

There is a dearth of literature on the communication of stadium policies. Since little research has focused on communication of policies intended to curb behavior leading to field

invasions at college athletic facilities, the present study considers whether state universities within the National Collegiate Athletic Association (NCAA) Football Bowl Subdivision (FBS) college athletics programs in Power Five conferences, also referred to as Autonomy Five (SEC, 2019), communicate the policies in place for playing space invasion. The authors define the responses as communicating a policy in general (policy), a mass invasion policy, such as storming the field (mass invasion), or one individual entering unlawfully (field access). This study examines how institutions communicate the policies concerning playing space invasions for the public Power Five institutions. Although the top athletic subdivision in NCAA Division athletics includes 130 programs, the authors selected schools belonging to the Power Five conferences due to their autonomous status in the NCAA. Thus, the authors set out to determine the type of information the universities portray when they respond to Freedom of Information Act (FOIA) requests.

Literature Review

Public Policies

The creation of sport specific public policies to deter unwanted fan behavior is not novel. Multiple pieces of sport-specific legislation have their genesis in Europe (Coenen et al., 2016). Great Britain serves as an exemplar of this issue. In the United Kingdom, a 1978 report regarding public disorder displayed at sporting events highlighted four laws that allowed police to intervene. Those statutes include: (1) the Public Order Act of 1936, curbing abusive or threatening behavior occurring in a public place, (2) the Prevention of Crime Act of 1953, prohibiting weapons within a public place without reasonable cause, (3) the Police Act of 1964, criminalizing obstructing a constable during execution of his duty, and (4) the Criminal Law Act of 1977, which increased the penalty for assaults and resisting of arrest (Jewell et al., 2014). However, lawmakers were not finished creating these laws to reduce bad fan behavior.

In 1985, the UK created the Sporting Events Act of 1985 to reduce hooliganism, a person looking to instigate violent confrontations with others at sporting events (Rookwood & Pearson, 2010). This law sought to regulate and control alcohol. The law prohibited alcohol consumption on certain mass transit vehicles traveling to the stadium (Jewell et al., 2014). Escalating anti-hooliganism efforts, spurred on by high profile incidents, the Football Spectators Act of 1989 granted courts the ability to ban fans from stadiums (Veuthey & Freeburn, 2015). Furthermore, the Football Offences Act of 1991 prohibited individuals from unlawfully entering the playing area or an adjacent to playing space, during a match (Football (Offenses) Act, 1991). The UK has implemented subsequent laws in attempts to curb hooliganism, known as the English model for addressing hooliganism (Veuthey & Freeburn, 2015). Furthermore, various strategies devised by football associations and police departments rely heavily on preventing disorderly acts through increased surveillance and enhance policing techniques (Jewell et al., 2014).

In the United States, efforts to develop fan-specific public policies has been muted (*see* Duru, 2019). For example, Gubar (2015) recounted efforts by Los Angeles politicians to pass a bill that heightened punishments for perpetrators of fan violence in the wake of the Bryan Stow incident (*see* Associated Press, 2014). The proposed law also required local sports teams to promote text-based systems to communicate with security, that organizations allocate money to pay for tips about violent fans, and the creation of a banned list for repeat offenders. However, these ideas were never passed into law. Instead, the state legislator passed a limited version of

the bill, which required pro sports facilities to display notices that contained information for how to contact security in the event of a violent act (Gubar, 2015). The lack of regional or national fan-specific laws in the United States may stem from a cultural deficit, meaning that hooliganism is not engrained in North America. Instead of a uniform national law, the legal system provides oversight in the event of a criminal or civil incident.

Playing Space Risk Management

With federal, state, and local public entities yet to pass significant sport-specific protections through legislation, non-governmental entities in some sports have voluntarily occupied this space. For example, Miller (2014) reviewed venue manager readiness in crowds rushing college basketball courts and found (1) most venues had risk management plans in place for those incidents, and (2) concluded that venues should provide reasonably a safe premises for their patrons. In another study focusing on court storming, Winneker and Ehrlich (2017) examined college athletic conference policies to understand strategies to reduce liability for fan incursions. The authors found different approaches when it came to financial penalties for institutions that allow fans to enter the playing surface. Winneker and Ehrlich (2017) noted the SEC and PAC-12 established policies with maximum fines for court storming. While established policies for the SEC and PAC-12 meted out maximum fines of \$250,000 and \$100,000, respectively, the Big Ten, Big 12, and Atlantic Coast Conference have not codified specific policies and punishments for such crowd behavior. Conference policies missing language with financial deterrents may invite liability, as Misinec (2005) posits that universities face legal exposure due to field-rushing injuries that often occur in their football stadiums. Therefore, approaches in this space vary.

Legal Considerations. Whether or not an athletic program or sports facility faces legal risk or exposure regarding personal injury is still a question of fact and law to be decided under common law. Common law liability, when considering injuries that may result from fan playing space invasions, may occur as a result of negligence. In short, negligence is an act or omission that fails a legal duty of care established to protect an individual from unreasonable risks of harm (Restatement (Second) of Torts, § 282, 1965). A common law negligence prima facie case requires a plaintiff to prove that “the defendant owed the plaintiff some sort of duty, a breach of that duty occurred, there was a causal connection between the plaintiff’s injury and the defendant’s breach, and that the plaintiff indeed suffered a provable injury” (Levine et al., 2019, p. 102). Liability is based on whether the facility and/or its agents failed to act appropriately according to minimal standards of care established by law, including factors such as for sanitation, suitability and safety (Maloy, 1991). Facility managers must act reasonably and prudently when confronting risk. Since risk cannot be completely eliminated unless managers avoid the activity, in this case staging a sporting event with fans in the stands, risk management strategy, planning, and tactics must be developed.

Curbing playing space invasions such as field storming also faces cultural challenges, Renfrow et al. (2016) suggest students who rush the field are choosing between viewing it as an act reflecting a harmless celebration or a tradition versus participating in a dangerous situation. This ambiguity is also complicated by police and security, whose response often focuses on prioritizing protecting property during a field incursion instead of public safety. Therefore, law

enforcement and security may not serve as an effective deterrent to prevent these issues, especially when tradition legitimizes the behavior of field storming (LaVetter & Choi, 2010).

Risk Management Policy Formulation. Sport venue managers often struggle with determining the various probable levels of threatening actions. Mitigating threats posed by spectators is a matter of risk management. Risk management strategy, while not a panacea to address all issues, can uncover foreseeable risks of harm through examining and classifying various potential risks (Miller et al., 2010; Miller & Wendt, 2012). Spengler et al. (2006) defined risk management in sport as the process of decreasing or eliminating the risk of injury and possible subsequent legal liability that is part of staging a sporting event. This often causes teams, venues, and leagues to develop, implement, and revise policies to protect against an assorted number of probable incidents from occurring related to a variety of incidents, including playing space invasions (Miller et al., 2010). Multiple incidents may occur at facilities simultaneously; therefore, it is prudent for managers to stay in contact with local, state and federal law enforcement authorities concerning these probable incidents and threats (Hurst et al., 2002).

Sport venue managers are responsible for continuously pursuing and reducing probable risks of harm at their facilities. While risk is not able to be completely eradicated, it can at least be managed with thorough prudent planning (Hall et al., 2008). Miller et al. (2010) recommends managers follow a four-step planning process to protect against foreseeable risks: (1) identify risks, (2) assess identified risks for likelihood and magnitude of impact, (3) deliberate how to address the risk, and (4) implement a plan based on the organization's risk tolerance. Facility managers who undergo this planning process will likely identify fan playing space invasions as one of these foreseeable risks.

Spectator aggression is an identified issue within the United States, particularly in collegiate athletics (Rudd, 2017). In 2008, former NCAA President Myles Brand (2008) viewed fan aggression as such a significant issue that he published an article in the Huffington Post, characterizing bad fan behavior as "a threat to the integrity of intercollegiate athletics" (para. 18). Brand (2008) declared that the NCAA ought to crack down on bad fan behavior through, distinguishing between expressing passion as a "true fan" versus one who crosses the line: "[c]ampus increasingly have student sections in football and basketball that have taken on the role of ensuring a home court advantage with zealous enthusiasm that sometimes moves from rowdy support to over-the-top vulgarity and violent action" (para. 15). Brand (2008) advocated a return to sportsmanship so as fans can demonstrate their commitment to its inherent values.

As Brand (2008) suggested, sportsmanship is expected of not only the athletes, but also fans. Some athletes participate in a "win-at-all cost" model in that they do anything it takes to win (Arnold, 1984). This behavior is not limited to field incursions, and takes various forms. Some fans partake in actions such as physical harm, trash talking and cheating (Lumpkin et al., 2003). Certain individuals follow the same model in that they partake in harmful and rowdy behavior that contradicts the concept of sportsmanship (Rudd, 2019). Thus, keeping in line with prudent risk management strategy as a means to limit or mitigate liability, sport managers must develop appropriate policies while working with relevant stakeholders so that the policies have appropriate legal force, and can be communicated externally as appropriate.

Risk Communication as Part of Risk Management Strategy. A significant element of such a risk management policy mitigating the likelihood and severity of playing space

invasions involves developing a risk communication component. Risk communication is “the exchange of information among interested parties about the nature, magnitude, significance, or control of a risk” (Covello, 1992, p. 359). Risk communication involves weighing the risk(s) of an activity, and how tolerable it may be when compared with the potential consequences (Heath, 1994). Risk communication is based on the belief that the public should know about risks and hazards (Reynolds & Seeger, 2005). By communicating information about risk, the public is able to make informed decisions (Reynolds & Seeger, 2005). To that end, a risk communication strategy is part of an organization’s culture regarding its risk management strategy (Jardine et al., 2003; Lundgren, 1994). A biased or ineffective risk communication strategy may diminish an organization’s ability to change undesirable behavior that a risk management system is intended to prevent (Miller & Wendt, 2012).

Sport facility managers must integrate risk communication into an organization’s overall risk management strategy pursuant to its duty of care under negligence. As Miller and Wendt (2012) illustrated through a case study of an elite FINA event, the lack of a risk assessment coupled with a missing risk communication strategy contributed to a competitor’s death from a foreseeable risk. Miller and Wendt posited that risk communication and risk management decisions must be created and put into operation concurrently. By functioning together, such a risk management plan and risk communication strategy bridges the gap between assessment and communication, which effectively informs the public about a foreseeable danger to their person, property, or community (Reynolds & Seeger, 2005). This communications strategy also comports with an organization’s legal obligation.

Sport venue managers must act reasonably and prudently to protect patrons from foreseeable risks of harm. Furthermore, organizations possess a legal obligation to communicate the risks associated with the facility to spectators by placing information or warnings with respect to the safe utilization of the facility, (*see* Restatement (Second) of Torts § 282, 1965). An effective risk communications strategy therefore transfers materially objective information to an intended group of people about the chances that some harm may occur as well as how this risk of injury can be avoided or lessened (Reynolds & Seeger, 2005). Thus, risk communication should be a central component of a risk management strategy among facility managers so as to proactively communicate identified foreseeable risks as well as ways in which the intended target of the information can reduce the risk.

Effective risk communication allows the public to make their own informed choices about risk (Reynolds & Seeger, 2005). In addition to supporting a facility’s legal duty of care to spectators, it also creates a more informed public (Miller & Wendt, 2012). This approach is also good public messaging so that risks are shared (Reynolds & Seeger, 2005). Although a successful risk communication strategy effectively informs the public about a foreseeable danger and what behavioral change may alleviate that threat, (Reynolds & Seeger, 2005), it is also important to understand that risk is innately personal (Miller & Wendt, 2012). Some stakeholders may perceive the communicated risk as such while others, such as a dysfunctional fan, may not view it the same or may be invigorated by such a prospect.

Those attending a sporting event rely on the facility manager to protect them from foreseeable risks of harm in myriad ways. Thus, messaging ought to be presented in a simple and clear to understandable manner so the intended audience can learn the existence of and can appreciate the risk and offer reasonable solutions to identified issues (Reynolds & Seeger, 2005). For instance, when spectators arrive at a facility, they rely on messaging and direction for traffic movement, parking location, entrances, seating section, restroom and concessions locations

(Maloy, 1991). Risk communication may be ongoing throughout the duration an individual is on the facility premise. Communicating these directions and instructions play a major role in an effective risk management plan and policy for the facility (Maloy, 1991).

Although intercollegiate athletics events throughout the United States have not attracted fan behavior in line with the hooliganism culture popular throughout European soccer, negative fan conduct is becoming an issue for collegiate athletics. This phenomenon may be due to, in part, the marketing efforts organizations undertake to stimulate fan passion as part of attracting, recruiting, and retaining new revenue streams (Duru, 2019). Therefore, prudent college facility managers are under a legal obligation to develop risk management and communication policies intended to balance its marketing and fan engagement goals with decreasing the likelihood of destructive fan behavior such as playing space invasions, whose occurrence may lead to liability. The importance of policy, instruction, guidelines and warning cannot be overestimated (Maloy, 1991). The logical question becomes whether college athletic departments enact policies to protect against foreseeable risks of harm in this age of hyper-commercialization and, whether or not these policies are effectively communicated to relevant stakeholders.

FOIA and Public Records

Access to information is protected through various freedom of information and open access laws throughout the world (Birkinshaw, 2010). Freedom of information (FOI) statutes empower citizens of that jurisdiction with the entitlement, after making a written request, to receive information from governmental entities (Worthy, 2017). Although Sweden passed its Freedom of the Press Act in 1766 (Walby & Larsen, 2012), the United States is generally credited as the originator of such laws – informally known at the time as “sunshine laws” (Clifton-Sprigg et al., 2020; McLendon & Hearn, 2010). McLendon and Hearn (2006) trace the history of sunshine laws to as early as 1898, beginning with the Florida legislature. The modern sunshine movement in the U.S. began in response to the public’s concerns over potential suppression of news information by government during the 1950s, culminating with state open-meetings laws coming into being during the 1960s and 70s (McLendon & Hearn, 2010). Other legislatures throughout the world introduced similar laws after the U.S. passed a federal open records statute in 1966 (Greenberg, 2016). New Zealand, Canada, and Australia introduced similar laws in 1982, and several other nations followed suit in the late 1990’s (Hazell & Worthy, 2010). Today enacted laws supporting the open access movement is commonplace throughout much of the world, including nontraditional governmental actors such as China (Xiao, 2010).

Open access laws are a standard practice for public actors. Within the U.S., all states have enacted laws intended to ensure fairness and accountability for state educational institutions. (McLendon & Hearn, 2010). However, FOI laws vary in scope and exemptions, often providing loopholes making full disclosure not guaranteed (Luscombe et al., 2017). As Walby and Yaremko (2020, p. 23) stated, this translates to government, at times, “not complying with the letter of FOI law.” Furthermore, responses to FOI requests may be impacted by the language used in the request (Savage & Hyde, 2014). Additional issues may arise at the governmental level that undercut an agency’s ability to respond timely or with optimal data; requestors may also lack the expertise to negotiate or navigate past any issues that arise with a FOI coordinator responding to the request (Roberts, 2006). Thus, these issues of consistency when using FOI

requests as a data collection method (Monaghan, 2015) may make FOI outcomes unpredictable (Luscombe et al., 2017).

Public Records as Data Collection Method

Despite these drawbacks, FOI requests are increasingly being used as a data collection tool for research in a range of disciplines (Walby & Yaremko, 2020). Greenberg (2016) argued that FOI requests ought to be adopted as a routine method to enhance research in social sciences, suggesting it could be part of the data triangulation process. Doucet and Lee (2015) integrated public records data unearthed by FOI into a study on crime and gender inequality that also relied on newspaper reports about homicide in New Orleans. Furthermore, Walby (2009) utilized public records requests into a mixed-methods study on policing and homosexuality. Luscombe et al. (2017) argued that FOI requests facilitate access by way of gaining access to information that is restricted by gatekeepers. Walby and Luscombe (2017) argued the merits of designing research studies using FOI requests as part of qualitative inquiry. However, the appropriateness of FOI as a research tool may ebb and flow as elected leadership changes (Halstuk & Chamberlin, 2006; Snell, 2000), as well as the government representative charged with complying with the request. This may undercut efforts to utilize FOI as a methodological or data collection approach when it comes to validity and reliability (Tracy, 2010).

Although FOI laws are intended to enhance disclosure and solicit information from government (Worthy, 2017), the process may facilitate differing result. One barrier involves failures to respond or disclose information. Some public actors may obfuscate disclosure through privilege, exemption, or confidentiality, thus illustrating that one's act of filing a FOIA request will not always result in data disclosure (Luscombe & Walby, 2017). Government actors may go to great lengths in order to avoid disclosing embarrassing or unlawful practices (Bail, 2015). In the event a FOI request is fulfilled, it still may have limited value if the responsive data contains redactions or limitations (Lessig, 2009). As the foregoing illustrates, the inherent complexities of the FOI process "are akin to a Pandora's box insofar as FOI involves creatively handling unexpected barriers and setbacks" (Luscombe & Walby, 2017, p. 379) that may lead to limitations and roadblocks (Greenberg, 2016).

Few studies have explored the effectiveness of FOI for public records requests. Additionally, little literature exists concerning university athletic departments' responses to FOI requests. Furthermore, few studies in sport management have utilized FOI requests as part of a methodological and data collection technique. The present study makes an effort to fill that gap.

Research Questions

The following research questions guide this inquiry into our overarching question of whether college athletic programs possess field invasion policies and, if so, whether athletic programs communicate their field invasion policies:

RQ 1: How do FBS Power Five schools respond to FOIA requests about field invasion policies?

RQ 2: Do the institutions communicate their policies regarding field access violations and mass invasion?

RQ 3: Does membership in a conference with fines for playing space mass invasions have a bearing on the policies communicated by the schools to the researchers?

RQ 4: Does stadium capacity of university football venue influence communication of policies?

RQ 5: Does football team ranking influence communication of policies?

Method

Procedure

Public universities in the FBS Power Five conferences subject to public records laws (52) were sent FOIA requests (public records disclosure requests) regarding current policies in place by athletic departments intended to prevent and/or respond to playing space trespassing or invasions at athletic department facilities. Requests were sent beginning in summer 2019 with all but one response received by spring 2020. The final response received in November 2020 (*see* appendix for FOIA request letter). Responses were received from 41 of the 52 programs (response rate = 78.8%) representing all of the conferences in the NCAA's so-called Power Five. The decision was made by the researchers to keep the conference membership of each respondent anonymous in the study. An analysis to determine the nature of the content of the furnished records by respondent universities was conducted. Policies were analyzed and yielded the following information from the respondents: FOIA standing,¹ field access policy, and mass invasion of the playing space/rushing the field policies (referred to as mass invasion, hereafter). Descriptive statistics were obtained for that information. Three of the conferences fine their members for mass playing space invasions, two do not. Subsequently, multinomial logistic regression was performed to consider the relationship between the independent variables and dependent variables due to the dichotomous nature of the dependent variables. Predictor variables were as follows: Membership, which was operationalized as membership in a conference with mass invasion fines (variable = membership; coded: yes =1; no =0). FOIA standing which referred to whether the researchers were deemed to have a legal right to receive publicly available records based on state statutes (coded: yes =1; no =0). Stadium capacity was the reported capacity of the football venue of the university's football team. End of the 2019 season rankings operationalized as the aggregate ranking determined by the Massey College Football Ranking Composite ranking. Dependent variables were communicating the existence of a policy in general, field access policy, and mass invasion policy as dependent variables, respectively (all variables coded: yes (1) and no (0)).

¹ For the purpose of this paper FOIA standing is defined as the researcher's eligibility to receive requested materials based on residency or the governing state's statute. This is also referred to as public records request based on state jurisdictional requirements.

Results

The frequency of universities who furnished records (policy) was 25 (60.1%) out of the 41 respondent programs (Table 1). Respondents who determined there was standing for a FOIA request due to the requestor's status as a non-resident was 37 (90.2%). One of those institutions, however, shared their policy although the requestors did not have standing under state law to compel the furnishing of public records. Of the 25 respondents with policies, 23 (95.8%) had specific authorized field access policies (53.7% of the sample) and communicated those policies. In addition, 23 of the respondents were members of three different conferences with established procedures for policies regarding field invasions, which included fining institutions for mass invasions. Results found that 15 (62.5%) universities implemented policies for mass invasion of the field (36.6% of sample). In addition, two programs included its strategy for quelling mass storming of the field. One program included specific guidelines for field access policies including credentialing individuals with field access and procedures for apprehending unauthorized individuals on the playing area. Three universities did not share policies due to state laws or policies protecting information related to security protocol. Mean stadium capacity of venues was 71,193 and the mean 2019 end of season composite ranking was 45.05.

Table 1
Results of FOIA Policy Analysis Responses

Variables	Yes	No	% Yes	% No	N
Policy	25	16	60.1%	39.9%	41
Standing for FOIA	37	4	90.2%	9.8%	41
Mass invasion (Policies only)	15	10	62.5%	37.5%	25
Field Access (Policies only)	23	2	92.0%	8.0%	25
Mass Invasion (All respondents)	15	26	36.6%	63.1%	41
Field Access (All respondents)	23	18	56.1%	44.9%	41

To assess whether conference membership had a bearing on the athletic department policies communicated to the researchers, a logistic regression was performed to determine whether the independent variables of membership, FOIA standing, stadium capacity and ranking had an impact on communicating the dependent variables of policy, field access, and mass invasion respectively. A test of the full model for the predictor variables membership, FOIA standing, stadium capacity, and ranking against a constant only model for the dependent variable of field access was not statistically significant, χ^2 (df = 4, N = 41) = 7.46, $p = .11$. A test of the full model of predictor variables against a constant only model for policy as the dependent variable was statistically significant, χ^2 (df = 4, N = 41) = 12.03, $p = .02$. Parameter estimates are displayed in Table 2. Stadium capacity ($p = .05$) was significant with a log-odds of -.53, meaning odds of reporting a policy decreased by .59 times or 41% as stadium capacity increased by 10,000 seats. FOIA standing, membership, and ranking were non-significant. The test of the full model of predictor variables against a constant only model for mass invasion as dependent variable was statistically significant χ^2 (df = 4, N = 41) = 12.76, $p = .01$. Stadium capacity ($p = .01$) was significant with a log-odds of -.68, meaning odds of reporting a mass storming policy decreased by .51 times or 49% per increase in stadium capacity per 10,000 seats. FOIA standing, member of conference with a written policy about field invasions, and ranking were non-significant. Parameter estimates are shown in Table 3.

Table 2
Summary of Logistic Regression Analysis of

Policy as Dependent Variable			
Predictor	<i>B</i>	SE(β)	e^B
Membership	-.30	.8	.71
FOIA Standing	1.30	1.40	3.68
Ranking	.02	.01	1.02
Stadium Capacity	-.53	.27	.59*
Constant	2.34	2.07	
<u>Model Fit Information</u>			
<i>N</i>	41		
χ^2	12.03*		
<i>df</i>	4		
<i>AIC</i>	52.82		
<i>BIC</i>	61.39		
-2 Log-likelihood	42.81		
Nagelkerke Pseudo R^2	.35		

Note: * $<.05$, ** $<.01$ *** $\leq .001$.

Dependent variable is field access policy (1= yes; 0 = no).

Table 3
Summary of Logistic Regression Analysis of

Mass Invasion as Dependent Variable			
Predictor	<i>B</i>	SE(β)	e^B
Membership	.66	.81	1.94
Ranking	.001	.01	1.00
Stadium Capacity	-.68	.27	.51*
FOIA Standing	.45	1.31	1.84
Constant	5.01	2.26	
<u>Model Fit Information</u>			
<i>N</i>	41		
χ^2	12.76*		
<i>df</i>	4		
<i>AIC</i>	52.09		
<i>BIC</i>	60.66		
-2 Log-likelihood	42.09		
Nagelkerke Pseudo R^2	.36		

Note: * $<.05$, ** $<.01$ *** $\leq .001$.

Dependent variable is field access policy (1= yes; 0 = no).

Discussion

The overarching question of this study considered whether universities communicated field invasion policies for their football stadiums via public records requests. The results supported much of the literature on playing space risk management including the legal considerations, policy formulation, and risk communication as part of a risk management strategy. In considering the research question of how FBS Power Five schools responded to FOIA requests about field invasion policies, a majority of respondents communicated the existence of a policy. This is interesting because it would seem to be a basic duty of care for universities to communicate their policies, especially if the conference has specific fines outlined that show there is a financial penalty for mass invasions of the playing surface. In three instances, the institutions determined it was a security risk to communicate those policies. While this does not mean that the universities do not communicate their policies to fans at games, it is noteworthy that they would not make this available in a public records request.

The sample's willingness to communicate policies through FOIA may suggest these institutions value communication policies to balance risk and liability of antisocial behavior (e.g., field invasions) and a willingness to communicate through FOIA requests. Luscombe et al. (2017) argued that FOI requests facilitate entry by way of gaining access to information that is restricted by gatekeepers. Consistent with the literature, every state has passed public records or FOI laws that define the level of state educational institutions' accountability (McLendon & Hearn, 2010). However, FOI laws vary in scope and exemptions, often providing loopholes making full disclosure not guaranteed (Luscombe et al., 2017). As Walby and Yaremko (2020, p. 23) stated, this translates to government, at times, "not complying with the letter of FOI law." While a 78.8% response rate is an excellent response rate for a survey, responses to public record are mandated by law. The results illustrate requiring a response by statute does not necessarily guarantee a mandated response. Despite the failure of the sample to respond to its collective legal obligation per relevant state statute, enough data was available to make inferences about stadium field access policies.

An organization's failure to communicate can have significant repercussions. Miller and Wendt (2012) showed in their case study of a FINA event where a competitor died, that a lack of risk communication resulted in foreseeable danger to individuals, and taking precautions against these concerns was part of an organization's duty of care. While not all actors may view and appreciate a communicated risk in the same way, as dysfunctional fans may act differently from highly identified or traditional fans in terms of attendance motivations and behaviors (Larkin & Fink, 2019; Lee & Armstrong, 2008; Wakefield & Wann, 2006), field invasions should be managed with prudent planning (Hall et al., 2008). Regardless of individual access or mass invasion is seen as a likely risk, communicating these risks and policies for mitigation can be seen as part of risk management planning process, as institutions ought to act prudently when confronting risk (Maloy, 1991; Miller et al., 2010). It is likely that an institution's risk management strategy, planning, and tactics, including whether it provides additional communication for mitigating risk in addition to informing patrons of foreseeable risks, is influenced the organization's culture.

Institutional culture may also serve as an explanation for why universities chose to communicate or withhold information about their policies regarding playing space access and incursions (Jardine et al., 2003; Lundgren, 1994). These organizations' decisions to share or not share their policies can be explained by brief considerations into institutional culture and

knowledge sharing in higher education. Institutional culture can be understood as a framework made up of a mission, environment, socialization, information, strategy, and leadership of an organization (Tierney & Lanford, 2018). Organizational climate can have a strong influence on knowledge sharing within an institution of higher education (Al-Kurdi et al., 2020). For this study, the institutions mostly made decisions to either communicate presence or absence policies to the researchers, but a determination of lack of legal standing, and in some cases state security laws, also served as justification for institutions to not share their policies. Furthermore, the results showed that conference membership, a potential guide for organizational climate, did not significantly influence the communication of policies.

In considering whether institutions communicated their policies regarding field access violations and mass invasion a majority had field access policies (23 out of 41 and 23 out of the 25 institutions signaling policies in general), while only 15 communicated mass invasion policies. In addition, over 90% of institutions determined the researchers had public records standing and thus communicated the presence or absence of those policies. The responses are in accord with Miller's (2014) findings that most college basketball venues surveyed had risk management plans in place for those incidents, and that college venues had plans in place for basketball court mass invasions and should have safe premises for their patrons in case of college sport mass invasion occurrences. Integrating risk communication seems to be valued by the majority of respondents.

Membership in a conference with institutional fines for mass invasions did not significantly influence the policies communicated by the schools to the researchers in any of the three models on communicating policy, field access, or mass storming. Winneker and Ehrlich (2017) noted that at the time of their study, two conferences had policies. Since 2018, a third FBS conference added fines for institutions that experienced mass field invasions at their home games. A majority of the respondents were in conferences with fines for mass invasions, but membership in those conferences was not a significant influence in communicating those policies to the researchers. This could be potentially problematic for institutions as an absence of language referencing financial deterrents for conferences may invite liability, due to injuries that often occur in their football stadiums as a result of celebratory mass invasions (Misinec, 2005).

Stadium capacity had a significant influence on communication of policies in general and mass invasion policies. However, attendance has been linked to increases in crime and alcohol-related ejections at college football games (Menaker & Chaney, 2014). A noteworthy finding is the decrease in likelihood of communicating a policy as the institution's football stadium capacity increases. It seems counterintuitive that institutions with larger stadiums would be less likely to communicate their general policies and mass invasion policies in a FOIA request. It would seem like useful public knowledge to furnish such policies or have these policies at minimum. Furthermore, this finding is significant because some of the most highly identified fan groups likely to engage in dysfunctional behavior tend to belong to institutions with larger stadia (*see* Brand, 2008). This makes the need to plan and disseminate policies reasonably tailored to protect against foreseeable risks of harm involving playing space invasions paramount.

Football team rankings was not a significant influence of communication of policies. This finding suggests that policy decisions are based more on a consistent desire to mitigate risk than in reaction to quality of football team. While prior research has suggested ranking impacts increases crime (Menaker & Chaney, 2014) and patron ejections (Menaker et al., 2018), this study finds that ranking does not influence the likelihood of communicating policies in general, field access policies, or mass invasion policies. While prior research has shown some people

attend events because of the risk involved, including the prospect of storming the field after rivalry games (Renfrow et al., 2016, LaVetter & Choi, 2010), there is no evidence that ranking or other risk seeking behavior influenced policy communication. In addition, while spectator aggression (Rudd, 2017) fan identification and dysfunction are major reasons for unruly behavior (Wakefield & Wann, 2006), field access incursions, and mass invasions, theories of fan identification and dysfunction seem to have little bearing on the decisions to communicate these policies in the context of the present study.

Conclusion

This study concludes that a majority of the college athletic programs in the Power Five conferences are willing to communicate their field invasion policies. The presence and ultimately the communication of policy regarding field invasions is of importance to numerous stakeholders including stadium employees, security, players, coaches, and patrons, as well as for an institution's legal duty to protect attendees from foreseeable risks of harm. It also showed that communication of policy was impacted in some cases by state law, but was not impacted by conference affiliation. Although previous research has shown that team success, in terms of ranking, increases levels of crime there is no impact on the communication of policy. However, this study does show that as stadium capacity increases the likelihood of the athletic program sharing policy decreases. It may be that policies at larger venues are protected due to concerns for security and safety especially with regard to procedures. However, this again cuts against the legal duty such entities to warn against likely harms, thus exposing the institution to an additional and unnecessary risk. This last issue will require further research to further explore, and may be worth exploring using institutional culture or organizational climate as a frame. Furthermore, the study results may provide support for incorporating FOIA requests as part of a study's methodological approach.

Further research is also necessary to ascertain the frequency of field invasion policies at collegiate athletic departments and other professional venues, as well as to understand policies being implemented by the college athletic departments. This includes the necessity to conduct policy analyses to delve deeper into the field access policies. Additional research is needed to determine whether institutional culture may have a bearing on the policies that universities have and whether they choose to communicate them. Finally, future interview-based studies with relevant stakeholders may also help researchers to better understand this emergent phenomenon.

Limitations include the possibility that the universities who declined FOIA requests have field invasion policies, but do not deem that information as subject to FOIA. The relatively small sample size of this study may also be another limitation. This study also limited the scope of conference size and variability by only analyzing communication of policies by institutional members of the FBS Power Five conferences. The policies may exist, but the officials in charge of public records request did not deem this information subject to public records. In some cases, the policies are available on websites. However, the purpose of this paper was to consider whether institutions would share their policies through FOIA requests and what information they would share. A suggestion would be for further research to be conducted including analyzation of other conference members (i.e. Sun Belt, AAC). Lastly, there was no account for the environment or demographics that are surrounding these arenas and stadiums. For example, if it is more likely for field invasions to occur in certain stadium or arena locations compared to other

locations which would then increase or decrease the odds of athletic departments to implement their policies.

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Appendix

Dear _____:

I am performing research on the increasing number of incidents at sporting events involving fans interrupting games by entering the field of play. I am seeking the following information from **the _____ Athletic Department:**

Current policies intended to prevent and/or respond to playing space trespassing or invasions at athletic department facilities.

By “**playing space invasions**,” I mean individuals (e.g. fans or unauthorized individuals) entering the field of play without permission. These people may have various purposes, whether it is to interact with a player, disrupt the game, or draw attention to themselves. Further, by “**athletic department facilities**,” I mean any stadium or arena used by a varsity team for gameday competition and ticketed events where fans are present.

Would you be able to assist me with this request? Please let me know if you have additional questions. Thank you very much and I look forward to your response.

Sincerely yours,

Co-author