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REGATTA REVISITED: THE RACE FOR EQUITY IN VIRTUAL SPORTS

KATHLEEN A. TARR* AND DORON DORFMAN*

In today's internet driven world, virtual sports tournaments where competitors from across the globe use exercise machines connected via cyber technology are becoming increasingly popular. These competitions, in which athletes can participate from afar, have the potential to increase inclusion for athletes with disabilities. However, many virtual athletic competitions currently fall short of the mandate that organizers accommodate and reward disabled athletes in ways comparable to nondisabled athletes. Specifically, disabled athletes are far too often not equitably categorized into competitive classifications according to their impairments and disabilities. This discriminatory practice affects notions of fairness for disabled athletes. This note is the first to shed light on the regulatory and legal aspects of virtual sport tournaments and aims to recommend policy to ensure equity in those competitions for disabled athletes. Almost thirty years have passed since Congress enacted the Americans with Disabilities Act (ADA) which recognizes that "physical and mental disabilities in no way diminish a person's right to fully participate in all aspects of society." The Paralympic Movement is also very clear about the importance of comparable opportunities for disabled and nondisabled athletes as essential for the inclusion of the former and for reducing disability stigma. We argue that when competition and award categories are delineated across nondisabled sports, it is imperative that opportunities are mirrored for disabled athletes.

*Kathleen A. Tarr, J.D. is an *Advanced Lecturer* in the Program in Writing and Rhetoric and *Writing Specialist* to the Public Policy Program at Stanford University as well as a competitive indoor rower. Many thanks to my spouse Christopher Rozeville for his unwavering support.

*Doron Dorfman is an Associate Professor of Law at Syracuse University College of Law. I would like to thank Mark Storslee and Heather Rothman for their helpful comments.

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Weekend warriors may be surprised to learn that there is a world championship for indoor rowing, a sport recognized as “the new spinning” since 2015.¹ As the 2019 season approached and competitors geared up for the World Rowing Indoor Championships (“WRIC”), several regional events made it possible to meet the qualifying time standard required for athletes’ sponsored participation.² The Golden State Indoor Rowing Championships—held February 2, 2019, at the Sacramento State Aquatic Center in Gold River, California—was one such regional event.³ As expected, organizers of the Golden State Championships distinguished competitors by sex, as males and females were listed separately in all but two categories.⁴ Nondisabled competitors were also divided into lightweight and heavyweight categories along with varying age divisions.⁵ Altogether, the Golden State Championships scheduled twenty events,⁶ Middle School and Adaptive being the only two without sex or age designations.⁷

“Adaptive” rowers are disabled athletes traditionally divided into nine categories based on impairment “to create fair racing on the Indoor Rower.”⁸ The Golden State Indoor Rowing

¹ See Alice Barraclough, *Why indoor rowing is the new spinning*, THE TELEGRAPH (Nov. 19, 2018), <https://www.telegraph.co.uk/health-fitness/body/indoor-rowing-new-spinning/>; See also Press Association, *Indoor rowing: Is this exercise trend the `new Spinning`?*, DAILY MAIL (Nov. 13, 2018), <https://www.dailymail.co.uk/wires/pa/article-6383525/Indoor-rowing-Is-exercise-trend-new-Spinning.html>; See also Mike Dawson, *Why Rowing Is the New Spinning*, GQ (Sep. 4, 2015), <https://www.gq.com/story/why-rowing-is-the-new-spinning-technique-class>.

² *Time Standards*, CONCEPT2, <https://www.concept2.com/indoor-rowers/racing/wric/qualifying-times> (last visited Feb. 20, 2019).

³ See *Golden State Indoor Rowing Championships*, SACRAMENTO STATE AQUATIC CTR., <http://www.sacstateaquaticcenter.com/special-events/gcirc.html> (last visited May 5, 2019).

⁴ *Id.* There was no intersex category, and the categories were explicitly gender designating (Men and Women). See *Entry Packet, Golden State Indoor Rowing Championship*, SACRAMENTO STATE AQUATIC CTR., http://www.sacstateaquaticcenter.com/forms/specialevents_forms/GSIRC%20Entry%20Packet%202019 (last visited May 5, 2019) [hereinafter *Entry Packet*]. For instances where challenges to the dichotomy between the sexes appear in competitive sport, see generally Maayan Sudai, *The Testosterone Rule – Constructing Fairness in Professional Sport*, 4 J. L. & BIOSCIENCES 181 (2017).

⁵ *Entry Packet*, *supra* note 4. Age divisions included Junior, Master, Senior, and Veteran, with additional categories for Collegiate athletes and competition without age restrictions (“Open”). *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ CONCEPT2, *Para-Rowing Indoor Championship News*, <https://www.concept2.com/news/para-rowing-indoor-championships-news> (last visited May 5, 2019). “Adaptive,” in the competitive sport context, is a fairly synonymous term for “disabled” with the distinction that to qualify for adaptive rowing, an athlete must have a *permanent* disability. See *Adaptive Classifications*, CONCEPT2, <https://www.concept2.com/indoor-rowers/adaptive-rowing/adaptive-classifications> (last visited May 5, 2019).

Championships' singular event for athletes with disabilities, "Adaptive 2k," certainly was far afield of such fairness. DeDe Birch, Rowing Manager of Sacramento State Aquatic Center where these regional championships were being held, explained, "I normally do adaptive on a case-by-case basis," adding that the competition floor was only accessible by stairs.⁹ Besides the obvious concerns about equity and compliance with the Americans with Disabilities Act (ADA), none of this information was apparent on the championship's website, with the categories summary excluding any mention of adaptive opportunities in which to compete.¹⁰ The 2019 WRIC similarly disregarded equity for disabled athletes, offering only three general categories of competition for male and female adaptive rowers while offering nondisabled athletes 52 categories of competition in the Masters division alone.¹¹

The road to these perennial inequities is a virtual one. Competitors train year-round on a rowing machine manufactured by the Concept2 Corporation¹² and upload their workouts into Concept2's online logbook via the ergometer's computerized Performance Monitor, which verifies times and makes world-record recognition possible.¹³ Although Concept2 might perform better than most corporations do in providing virtual opportunities for both nondisabled and disabled competitors, it relegates the latter to something of an afterthought.¹⁴ Whereas nondisabled indoor rowing records are divided into weight, sex, and age by decades, disabled rowers have only sex and limited age options available within their adaptive categories: 18 and under, 19–49, and 50 and

⁹ E-mail from DeDe Birch, Rowing Manager, Sacramento State Aquatic Ctr. to Kathleen Antonia (January 10, 2019, 12:00 PM PST) (on file with authors).

¹⁰ See *Golden State Indoor Rowing Championships*, SACRAMENTO STATE AQUATIC CTR., <http://www.sacstateaquaticcenter.com/special-events/gsir.html> (last visited May 5, 2019).

¹¹ See *2019 World Rowing Indoor Championships Event Information*, WORLD ROWING, www.worldrowing.com/events/2019-world-rowing-indoor-championships/event-information.

¹² See *C.R.A.S.H.-B History: Charles River All Star Has-Beens*, CRASH-B.ORG, <http://www.crash-b.org/about/c-r-a-s-h-b-history/> (last visited May 5, 2019).

¹³ *Concept 2 Online Logbook and Ranking*, CONCEPT2, <https://log.concept2.com/> (last visited March 5, 2019).

¹⁴ Linda Freeman, *Indoor Rowing*, THE BARRE MONTPELIER TIMES ARGUS (April 19, 2009), https://www.timesargus.com/features/weekend_magazine/indoor-rowing/article_dd008077-e2b4-502b-9479-e60b3354f59e.html.

over.¹⁵ When asked about the inequities, Concept2's Alexis Demars stated that new adaptive categories and age groups will happen "when the time comes."¹⁶

Although competitive indoor rowing has been around for more than 30 years, recent cyber technology has allowed for virtual tournaments attended by athletes from around the world using the Concept2 ergometer to become a reality. These virtual competitions have steadily gained momentum in recent years,¹⁷ yet, as frequently happens with new technology, the legal ramifications and issues of inclusion and opportunity have not been fully explored. Athletes of varying ages who are living with a wide range of disabilities cannot equitably be lumped together.¹⁸ But as with Concept2's recordkeeping and a variety of other virtual (and in-person) competitions, equity for disabled competitors is often fleeting.¹⁹

The 2018 World Rowing Virtual Indoor Sprints (Virtual Sprints) is one such example. The Virtual Sprints permitted competitors to enter the race by recording their best time for the 1,000-meter distance in the Concept2 online logbook.²⁰ Nondisabled rowers were distinguished by sex, weight class, and age (divided by decades), whereas disabled rowers were only differentiated by sex and three general adaptive categories.²¹ The categories for disabled rowers were: (1) PR1 for rowers who have minimal to no trunk function; (2) PR2 for rowers who have functional use of the trunk and who are not able to use the sliding seat to transfer their power to the ergometer because of significantly weakened function or mobility of the lower limbs; and (3) PR3 for rowers who have

¹⁵ Compare *World Adaptive Records*, CONCEPT2, <https://www.concept2.com/indoor-rowers/racing/records/adaptive-world> (last visited March 5, 2019) with *World Records*, CONCEPT2, <https://www.concept2.com/indoor-rowers/racing/records/world> (last visited March 5, 2019) (after age 18, non-disabled age divisions are designated by 10 and 5 year increments).

¹⁶ E-mail from Alexis Demars, Customer Service, Concept2 to Kathleen Antonia (March 13, 2019, 08:38 PDT) (on file with authors).

¹⁷ See e.g., Dorian Stoilescu, *Designing a Virtual Olympic Games Framework by Using Simulation in Web 2.0 Technologies*, 24 J. INTERACTIVE LEARNING RES. 93 (2013).

¹⁸ See S.E. Smith, *It's Really Hard to Give Disabled Athletes a Level Playing Field*, VICE (Dec. 14, 2017, 6:18 PM), https://tonic.vice.com/en_us/article/pazkbb/paralympics-classification-groups.

¹⁹ See *id.*

²⁰ *Event information*, WORLD ROWING, <http://www.worldrowing.com/events/2018-world-rowing-virtual-indoor-sprints/event-information> (last visited Mar. 5, 2019).

²¹ *Id.*

functional use of their leg(s), trunk, and arm(s) for rowing and who can utilize the sliding seat but must adapt.²² The Virtual Sprints did not further divide the latter PR3 category by specific disability.

It is with good reason that in governing indoor rowing, Concept2 set forth five PR3 sub-categories: Above the Knee Amputee, Intellectually Disabled, Physical Disability, Single Arm, and Visual Impairment.²³ For example, a single arm rower and above the knee amputee do not face the same challenges nor do they adapt to indoor rowing equally because the sport generally requires 60% power from the legs, 20% power from the arms, and 20% from the core.²⁴ Interestingly, the Virtual Sprints recognized the need to add a Functional Electric Simulation (“FES”)²⁵ category to accommodate *one* individual rower who would otherwise unfairly compete against other athletes with significantly different abilities.²⁶ However, organizers seemed to have overlooked the need to do so for all PR3 rowers. Age also has an effect on adaptive rowers, but in the Virtual Sprints, a 62-year old athlete with visual impairment ended up competing against an 18-year old classified as intellectually disabled.²⁷

Almost 30 years have passed since Congress enacted the ADA, which recognizes that “physical or mental disabilities in no way diminish a person’s right to fully participate in all aspects of society.”²⁸ Additionally, the Paralympic Movement is very clear about the importance of increasing the inclusion of disabled athletes and promoting the understanding

²² *Adaptive Classifications*, CONCEPT2, <https://www.concept2.com/indoor-rowers/adaptive-rowing/adaptive-classifications> (last visited May 5, 2019).

²³ *Id.*

²⁴ *Rowing is a Leg Sport*, CONCEPT2 (June 4, 2018), <https://www.concept2.com/news/rowing-leg-sport-0>.

²⁵ *Adaptive Classifications*, *supra* note 24 (“Functional Electric Simulation (FES) technology allows paraplegic athletes to stimulate paralyzed leg muscles. Rowers control their legs by pressing a button on the rowing machine handle, which then transmits electrical impulses through electrodes to the nerves controlling their leg muscles.”).

²⁶ During the March 2018 competitions, 43-year-old Norwegian athlete by the name of Geir Hermansen was the only adaptive/disabled athlete to compete in the FES category. See *World Rowing Indoor Sprints 2018 Men's Adaptive Results, March 07-11, 2018*, CONCEPT2, <https://log.concept2.com/challenges/indoor-sprints/2018/male/adaptive> (last visited Mar. 5, 2019).

²⁷ *World Rowing Indoor Sprints 2018 Women's Adaptive Results, March 07-11, 2018*, CONCEPT2, <https://log.concept2.com/challenges/indoor-sprints/2018/female/adaptive> (last visited May 5, 2019).

²⁸ 42 U.S.C. § 12101(a)(1) (1990).

that comparable opportunities for disabled and non-disabled athletes alike are essential to reduce disability stigma.²⁹ Participation and *meaningful* participation, however, are not the same.³⁰

With the proliferation of virtual competitions from Row Series to CVR World Cup—neither of which includes any disabled categories—it is unclear whether race organizers will dignify adaptive competition proactively.³¹ In general, disabled athletes continue to remain an afterthought unless competing in entirely segregated events such as the Paralympic Games or the Special Olympics.³² Despite the inequitable groupings, World Rowing and Concept2 perform better than their counterparts that do not provide any categories for disabled athletes and thus deprive them from meaningful opportunities to participate in virtual competition.³³ Nevertheless, they should aspire to model USRowing which, in its 2019 inaugural Indoor National Championships, offered disabled rowers in-person competition in 98 categories.³⁴ This leadership could promote a rapid transition to more equitable inclusion across the board. Still, there is a long way to go to achieving deserved recognition and accessibility for disabled athletes to reach equal virtual participation, and the problems of justice raised by inequitable categorizations are significant.³⁵

Companies and individuals running virtual athletic competitions must accommodate and reward disabled athletes in ways comparable to nondisabled athletes.³⁶ Golfer Casey Martin's

²⁹ See *The IPC – Who we are*, PARALYMPIC.ORG, <https://www.paralympic.org/the-ipc/about-us> (last visited May 5, 2019).

³⁰ Leslie P. Francis, *Title IX: An Incomplete Effort to Achieve Equality in Sports*, J. PHIL. SPORT 83, 91 (2016); see also Mika LaVaque-Manty, *Equal Opportunity to Meaningful Competitions: Disability Rights and Justice in Sports*, 25 DISABILITY STUD. Q. (2005).

³¹ See *ROW Series – What is it?*, ROWSERIES.COM, <https://www.rowseries.com> (last visited May 5, 2019); *CVR World Cup League*, CVR WORLD CUP, <https://cwrworldcup.com/cvr-league/> (last visited May 5, 2019).

³² Charly Lester, *Respect for Disabled Athletes*, THE NY TIMES (Feb. 14, 2010), <https://www.nytimes.com/2010/02/15/opinion/15iht-edletmon.html>.

³³ Note, however, “Concept2” maintains world records for specific indoor rowing distances and times, yet while non-disabled athletes’ records are divided by age decades, adult adaptive athletes’ records are divided into only two categories: 19-49 and 50 and Over. *Adaptive Classifications*, CONCEPT2, <https://www.concept2.com/indoor-rowers/adaptive-rowing/adaptive-classifications> (last visited May 5, 2019).

³⁴ Molly Bruggeman, *Registration Now Open for USRowing Indoor National Championships*, USROWING (Nov. 8, 2018) <http://www.usrowing.org/news/2018/11/08/registration-now-open-for-usrowing-indoor-national-championships/>.

³⁵ Leslie Francis, *Competitive Sports, Disability, and Problems of Justice in Sports*, 32 J. PHIL. OF SPORT 127, 132 (2005).

³⁶ Jay Coakley & Elizabeth Pike, *Age and Ability — Are They Barriers to Participation & Inclusion in Sports?*, FEDERAL UNIVERSITY OF PARANÁ, <http://www.pgedf.ufpr.br/downloads/Artigos%20PS%20Mest%202018>

Supreme Court case demonstrates that organizers cannot create private enclaves to isolate elite athletes from ADA protections.³⁷ Title III of the ADA prohibits discrimination on the basis of disability in the full and equal enjoyment of service, privileges, and advantages in places of public accommodation.³⁸ Originally, in the pre-internet era when Congress enacted the ADA, places of public accommodations referred to physical spaces and facilities including, among many others, “place[s] of exercise or recreation.”³⁹ After myriad debates within the courts,⁴⁰ it was held that websites and electronic platforms used to create virtual spaces are officially considered places of public accommodation under Title III.⁴¹ Therefore, failure to provide reasonable accommodations for those platforms—let alone outright failures to be equitable—constitutes discrimination.⁴² It is of course one thing to be clear regarding the law addressing virtual sports and equity for disabled athletes and quite another to actively engage necessary steps.⁴³

/ELS/Dora/UFPR%20-%20Age%20&%20ability%20in%20sports.pdf

³⁷ *PGA Tour, Inc. v. Martin*, 532 U.S. 661,690 (2001) (holding that Title III of the ADA prohibits the PGA from denying Martin equal access to its tours on the basis of his disability, and allowing Martin to use a cart, despite the walking rule, is not a modification that would fundamentally alter the nature of the game); *but see Kuketz v. Petronelli*, 821 N.E.2d 473, 478 (Mass. 2005) (finding that allowing a wheelchair racquetball player two bounces instead of one before returning the ball would alter the nature of racquetball).

³⁸ 42 U.S.C. § 12182(a) (2016).

³⁹ 42 U.S.C. § 12181(7)(L) (1990).

⁴⁰ *See e.g. Robles v. Domino's Pizza, LLC*, 913 F.3d 898, 905-06 (9th Cir. 2019) (finding that the ADA applied to Domino's website and web application because the Act mandates that places of public accommodation, like Domino's, provide auxiliary aids and services to make visual materials available to individuals who are blind); *Gil v. Winn-Dixie Stores Inc.*, No. 1:2016cv23020 - Document 63 (S.D. Fla. 2017) (currently under appeal to the Eleventh Circuit to reverse the June 2017 decision that found Winn-Dixie Stores, Inc.'s website violated a blind customer's rights under the ADA); *compare Carparts Dist. Ctr. v. Auto. Wholesaler's Assoc. of New England, Inc.*, 37 F.3d 12, 34 (1st Cir. 1994) (“It would be irrational to conclude that persons who enter an office to purchase services are protected by the ADA, but persons who purchase the same services over the telephone or by mail are not. Congress could not have intended such an absurd result.”), *with Nat'l Fed. of the Blind, et. al. v. Target Corp.*, 452 F. Supp. 2d 946, 946 (N.D. Cal. 2006) (A store's website is a place of public accommodation when the sale of goods and services online is intricately tied to the company's brick-and-mortar operation), *with Access Now, Inc. v. Southwest Airlines, Co.*, 227 F. Supp. 2d 1312, 1322 (S.D. Fla. 2002) (“Having failed to establish a nexus between southwest.com and a physical concrete place of public accommodation, Plaintiffs have failed to state a claim upon which can be granted under Title III of the ADA.”), *and Cullen v. Netflix Inc.* 880 F.Supp.2d 1017, 1023 (N.D.Cal. 2017) (finding the Netflix streaming website is not covered by the ADA).

⁴¹ Letter from Stephen E. Boyd, Assistant Att'y Gen., to Rep. Ted Budd, (Sept. 25, 2018) (“The Department first articulated its interpretation that the ADA applies to public accommodations' websites over 20 years ago. This interpretation is consistent with the ADA's title III requirement that the goods, services, privileges, or activities provided by places of public accommodation be equally accessible for people with disabilities.”).

⁴² *See* 42 U.S.C. § 12182(2)(A)(ii) (2008).

⁴³ *See id.*

Despite disability accommodations involving questions of *reasonableness*, the greatest challenge is the attitude of inconvenience.⁴⁴ By classifying disabled athletes in appropriate categories of competition, the legal question concerning event organizers is whether they face “*undue* financial or administrative burdens.”⁴⁵ However, instead, event organizers seem to erroneously question whether equitably including disabled competitors causes *any* additional costs (instead of *significant* additional costs) or requires additional administrative oversight (instead of *extensive extra* administrative oversight).⁴⁶

The disability rights movement of the early 1970s, and later disability anti-discrimination laws such as the ADA, center on the notion of disability as a political concept and of people with disabilities as a minority group.⁴⁷ The social model of disability, which focuses on social construction and complex processes of stigmatization of people with disabilities as the reason for their social exclusion and discrimination, has been the movement’s centerpiece.⁴⁸ It lumped together people with physical, mental, developmental, and sensory impairments under one umbrella category.⁴⁹ The

⁴⁴ Jeb Barnes & Thomas F. Burke, *The Diffusion of Rights: From Law on the Books to Organizational Rights Practices*, 40 LAW & SOC’Y REV. 493, 504 (2006) (finding that small business owners found the ADA to be an “ongoing general threat,” despite the fact they knew very little about its legal requirements); *see also* Sharon L. Harlan & Pamela M. Robert, *The Social Construction of Disability in Organizations: Why Employers Resist Reasonable Accommodation*, 25 WORK AND OCCUPATIONS 397, 422-26 (1998) (employers were reluctant to modify the social structure of the workplace because of their perceived costs of reform and their desire to maintain control of the work process).

⁴⁵ Entities that are considered places of public accommodations may avoid the requirement of providing accommodations if they “can demonstrate that taking such steps would fundamentally alter the nature of the good, service, facility, privilege, advantage, or accommodation being offered or would result in an undue burden.” 42 U.S.C. § 12182(2)(A)(iii).

⁴⁶ Lee Green, *Disabilities Law and Reasonable Accommodations in Sports*, NAT’L FED. OF STATE HIGH SCHOOL ASS’N (March 10, 2016), <https://www.nfhs.org/articles/disabilities-law-and-reasonable-accommodations-in-sports/>.

⁴⁷ As acknowledged by Congress in the original ADA of 1990, “individuals with disabilities are a discrete and insular minority who have been faced with restrictions and limitations, subjected to a history of purposeful unequal treatment, and relegated to a position of political powerlessness in our society.” 42 U.S.C. § 12101(a)(7); *see also* Harlan Hahn, *Towards a Politics of Disability: Definitions, Disciplines and Policies*, INDEP. LIVING INST. (1985), <https://www.independentliving.org/docs4/hahn2.html>.

⁴⁸ *See generally* MICHAEL OLIVER, *THE POLITICS OF DISABILITY: A SOCIOLOGICAL APPROACH* 11 (Palgrave Macmillan, 2d ed. 1997); *see also* Arlene S. Kanter, *The Law: What’s Disability Studies Got to Do with It or An Introduction to Disability Legal Studies*, 42 COLUM. HUM. RTS. L. REV. 403, 426-28 (2011); Sagit Mor, *With Access and Justice for All*, 39 CARDOZO L. REV. 611, 623 (2017).

⁴⁹ *See generally* MICHELLE FINE AND ADRIENNE ASCH, *WOMEN WITH DISABILITIES: ESSAYS IN PSYCHOLOGY, CULTURE AND POLITICS* 6 (Temple University Press, 1988); *see also* SUSAN WENDELL, *THE REJECTED BODY: FEMINIST PHILOSOPHICAL REFLECTIONS ON DISABILITY*, 31 (Routledge, 1996); Richard K. Scotch, *Politics and Policy in the History of*

social model's main strength is that it was extremely effective in generating a coherent agenda for the new social movement.⁵⁰ However, its somewhat simplistic nature was criticized by scholars and members of the disability community for occluding the myriad personal experiences of people with disabilities, for hindering the full understanding of the complexity of disability, and lastly the impracticality in terms of translating the social model into policy.⁵¹ Therefore, disability has evolved into being understood as formulated through a complex interaction between the health condition (the pathology/impairment) and the social environment.⁵² Such contemporary understanding, inspired by the classic social model, allows for the articulation of different subgroups within the disability community and attending to the needs of each one. Organizers of virtual sports tournaments thus need to keep pace with this development.

Failing to attend to such needs could lead not only to public stigma, but also to internalized stigma known in the literature as self-stigma⁵³ or felt-stigma.⁵⁴ These terms describe negative consequences stemming from an individual's awareness of how society perceives them and the group to which the individual belongs.⁵⁵ Consequently, persons who belong to stigmatized groups

the Disability Rights Movement, 67 MILBANK Q. 380, 385 (1989); SAMUEL R. BAGENSTOS, LAW AND THE CONTRADICTIONS OF THE DISABILITY RIGHTS MOVEMENT 3 (Yale University Press, 2009).

⁵⁰ See generally Carol Thomas, *Developing the Social Relational in the Social Model of Disability: A Theoretical Agenda*, in IMPLEMENTING THE SOCIAL MODEL OF DISABILITY: THEORY AND RES. 32 (Colin Barnes and Geof Mercer 2004).

⁵¹ See Tom Shakespeare, *The Social Model of Disability*, in THE DISABILITY STUDIES READER 266, 269-93 (Lennard J. Davis, 2010.)

⁵² Saad Z. Nagi, *Disability Concepts Revisited: Implications for Prevention*, DISABILITY IN AMERICA: TOWARD A NATIONAL AGENDA FOR PREVENTION 309, 326 (Andrew M. Pope & Alvin R. Tarlov eds., 1991); Irving K. Zola, *Disability Statistics, What We Count and What It Tells Us - A Personal and Political Analysis*, 4 J. DISABILITY POL'Y STUD. 9, 18 (1993). This definition was adopted by the UN Convention on the Rights of Persons with Disabilities. G.A. Res. 61/106, art. 23 (Jan. 24, 2007) ("Recognizing that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others."). This definition was also accepted by the World Health Organization (WHO). *Towards a Common Language for Functioning, Disability and Health*, ICF 1, 9 (2002).

⁵³ Patrick W. Corrigan & Amy C. Watson, *Understanding the Impact of Stigma on People with Mental Illness* 1 WORLD PSYCHIATRY 16, 19-20 (2002).

⁵⁴ Graham Scambler, *Health-Related Stigma*, 31 SOCIOLOGY HEALTH & ILLNESS 441, 445 (2009); See also Ann Jacoby, *Felt Versus Enacted Stigma: A Concept Revisited: Evidence from a Study of People with Epilepsy in Remission* 38 SOC. SCIENCE & MEDICINE 269, 270, 272 (1994).

⁵⁵ James D. Livingston & Jennifer E. Boyd, *Correlates and Consequences of Internalized Stigma for People Living with Mental Illness: A Systematic Review and Meta-analysis*, 71 SOC. SCIENCE & MEDICINE 2150, 2151 (2010); see also Scambler, *supra* note 54; Jacoby, *supra* note 54.

are likely to distance themselves from these groups and attempt to pass as members of the non-stigmatized majority.⁵⁶ This process of “normalization”⁵⁷ may have negative effects on their ideas of self-worth and psychological well-being.⁵⁸ In other words, self-stigma or felt-stigma could lead people with disabilities to turn against themselves.⁵⁹ The harm of inequitable recognition in sports is most profound in the motivation and self-worth of the disabled athlete,⁶⁰ as seen by the preference of one disabled indoor rower to finish in fourth place against nondisabled rowers rather than first place in the appropriate adaptive category.⁶¹

Virtual sport is an exciting and novel avenue that offers a unique opportunity to include greater numbers of amateur athletes in high-level competition. When, as in the Virtual Sprints, nondisabled athletes are permitted multiple categories recognizing the effect of age, sex, and weight,⁶² disabled athletes must be grouped into categories that would fit with their impairments and other categories relevant to their ability to compete (such as gender and age).⁶³ When competition categories are delineated for nondisabled competitors, it is imperative that opportunities are mirrored for disabled athletes. Until such realization becomes part of common sense and official policy, competition organizers must be diligent in making their tournaments inclusive. Equity might feel like an undue burden, but it is a legal requirement whose benefits multiply the effort.

⁵⁶ Michelle R. Nario-Redmond, Jeffrey G. Noel & Emily Fern, *Redefining Disability, Re-imagining the Self: Disability Identification Predicts Self-esteem and Strategic Responses to Stigma*, 12 SELF & IDENTITY 468, 470 (2013).

⁵⁷ See Rosalyn Benjamin Darling, *Toward a Model of Changing Disability Identities: A Proposed Typology and Research Agenda*, 18 DISABILITY & SOC’Y 881, 882-84 (2003).

⁵⁸ Gregory M. Herek, Sona Saha & Jeffrey Burack, *Stigma and Psychological Distress in People With HIV/AIDS*, 35 BASIC & APPLIED SOC. PSYCHOL. 41, 42 (2013); see also Gregory M. Herek, J. Roy Gillis & Jeanine C. Cogan, *Internalized Stigma Among Sexual Minority Adults: Insights from a Social Psychological Perspective*, 56 J. OF COUNSELING PSYCHOLOGY 32, 40 (2009).

⁵⁹ Corrigan & Watson, *supra* note 53 at 20.

⁶⁰ See Gregor Wolbring & Brian Martin, *Analysis of the Coverage of Paratriathlon and Paratriathletes in Canadian Newspapers*, 6 SPORTS 1, 1-5 (2018).

⁶¹ Richard Listens on Sports - *Special Guest Dr. Kathleen Tarr*, YOUTUBE (Apr. 30, 2018), <https://www.youtube.com/watch?v=uyim3DSGkU8&feature=youtu.be>.

⁶² See *Indoor Rowers: Individual Record Requirements*, CONCEPT2, <https://www.concept2.com/indoor-rowers/racing/records/individual-record-requirements> (last visited on May 5, 2019) (“There is no lightweight category for adaptive records.”).

⁶³ See S.E. Smith, *It’s Really Hard to Give Disabled Athletes a Level Playing Field*, VICE (Dec. 14, 2017, 6:18 PM), https://tonic.vice.com/en_us/article/pazkbb/paralympics-classification-groups.