

<b>KIN 281</b>	<b>Legal and Ethical Aspects of Sport</b>
<b>Course ID: 21908</b>	Spring 2013 - Section 01, Three (3) Credits
<b>Class Days/Time:</b>	Monday 4:00pm – 6:45pm
<b>Classroom:</b>	SPX 068

<b>Instructor:</b>	Dr. Sonja Lilienthal
<b>Office Location:</b>	SPX 75B, inside the Athletic Training Lab
<b>Email:</b>	<a href="mailto:sonja.lilienthal@sjsu.edu">sonja.lilienthal@sjsu.edu</a>
<b>Web Page:</b>	<a href="http://www.sjsu.edu/people/sonja.lilienthal/">http://www.sjsu.edu/people/sonja.lilienthal/</a>
<b>Office Hours:</b>	Tuesdays 12-1pm Wednesdays 12-2pm Other times by pre-confirmed and scheduled appointments ONLY.

**Course Description:**

Sport managers must be aware of the legal implications of their actions. We live in an increasingly litigious society and have seen a dramatic increase in the number of lawsuits within the realm of sport and physical activity. A future sport professional must understand the law as it pertains to this area, be able to prevent and forestall litigation against your organization, and identify when it is necessary to retain the services of an attorney. The purpose of this course is to provide the student with an understanding of the legal issues involved in the supervision, management and business operations of sport. The course provides a managerial approach to issues and problems that confront sport managers, focusing on legal concepts of risk management, tort, contract, agency, antitrust law, labor law and intellectual property law.

**Prerequisites:** Graduate standing.

**Required Textbook**

Sharp, Moorman, & Claussen. (2010). Sport Law: A Managerial Approach. Scottsdale, AZ: Holcomb Hathaway. 2<sup>nd</sup> EDITION  
ISBN 978-1-934432-00-6 - 2<sup>nd</sup> Edition

**Instructional and Assessment Methods**

This course will engage students in various instructional opportunities and class activities including lectures, group discussions, guest speakers, and legal research using electronic resources. Written exams, several written assignments, legal case studies and in-class group work will be used for assessment.

## Course Objectives

1. To understand the nature of the American legal system.
2. To be cognizant of the potential liability for injuries in the supervision, management, and conduct of sport, and of strategies for limiting liability.
3. To understand the rights and responsibilities of management, employees, participants, and clientele with respect to negligence law, and the potential for management liability.
4. To know the basic components of preventive law planning and to be able to apply them in sport settings.
5. To understand legal issues relevant to sport in the areas of contract, intentional tort, intellectual property, and criminal law.
6. To be able to apply selected legal principles to cases involving civil rights and civil liberties of personnel, participants, and clientele. Particular application is made to civil rights of women, minorities, and persons with disabilities.
7. To increase awareness of current legal issues in sport.
8. To learn to think critically and analytically about the mutual interaction between the law and society.

## Course Evaluation

Examinations (Exam One 20% and Exam Two 20%)	40%
Risk Management Assessment Project	20%
Sport Law Research Project and Presentation	20%
Class Participation and Preparation	<u>20%</u>
	100%

## Assignment of Final Course Grade

100-97%=A+; 96-93%=A; 92-90%=A-; 89-87%=B+; 86-83%=B; 82-80%=B-; 79-77%=C+; 76-73%=C; 72-70%=C-; 69-67%=D+; 66-63%=D; 62-60%=D-; below 60%= F

## EVALUATION COMPONENTS:

### Examinations **40%**

Two exams: Exam One (20%) and Exam Two (20%). Examinations will consist of material that is covered during the class sessions and also material from the text. Students are expected to have an understanding of both the text and class discussion material. The exams will consist of multiple choice and true and false questions (Exam One). Exam Two will focus on legal interpretations of scenarios that require the student to have a complete understanding of the various legal and ethical principles discussed in class and in the readings.

### Risk Management Assessment Project **20%**

Details distributed in class.

### Sport Law - Special Topic Research and Presentation **20%**

Students will be assigned to work in a group of 2. Each group will be assigned a special topic or current event that has sport law implications. Presentations will be between 20-25 minutes long and must use PowerPoint and video where appropriate. A one-page outline of the presentation must be copied and distributed to the class before the presentation.

### Class Participation and Preparation **20%**

Each student is expected to be prepared for class each week, by working through all of the cases and questions at the end of each chapter.

In addition, each student will be assigned to a specific week, when they will be responsible for leading the chapter throughout the class and providing current case law on that particular topic.

# **COURSE POLICIES**

## **WRITTEN ASSIGNMENT POLICIES**

- All Assignments MUST be attempted to achieve a Passing Grade for this class.
- All materials must be original works and not have been submitted for any other course.
- NO assignments will be accepted via email.
- Use a standard cover page on ALL assignments with: your own name and student ID, course number and course name.

## **Assignments MUST:**

- be paginated, one inch margins, double spaced and use a 12 point font.
- have all references cited IN TEXT (APA Style) AND in a REFERENCE LIST at the end of the paper.
- be securely stapled in the top left corner and submitted with only the standard cover page described above. DO NOT submit assignments inside any additional folders.

## **Attendance**

Students are strongly encouraged to attend and participate in all class sessions.

Students shall be excused from class or other scheduled academic activity to observe a religious holy day of their faith with prior written notification via email to the instructor.

## **Due Dates**

**Without documented serious and compelling reasons, no paper will be accepted late (late = after the beginning of class on the due date).**

**Late Penalty is 1% point of the total grade for each 24 hour period late.**

eg if assignment is due 12noon Mon. and is submitted 12 noon Wed. student grade will be deducted a full 2% of the entire grade for the course.

An email or phone message to the instructor AND WRITTEN documentation of any illness, medical emergency or death of a close relative will be expected should you miss any exam or assignment deadline.

All quizzes, exams are to be taken at the assigned time. A student late to class on the day of a quiz or announced in-class work will NOT be able to make it up.

No make-up exams will be administered and no Incomplete Grades will be assigned. No extra credit will be awarded. A missed exam or assignment will receive a zero grade.

## **MYSJSU Email, D2L Username and Course Communications**

- In order to ensure that you receive all pertinent email communication, you must have a current and accurate email address in the MYSJSU system. Please check to make sure your email is updated in MYSJSU.
- A D2L account and username is also located within your MYSJSU.
- E-mail correspondence will occur throughout the semester. It is the student's responsibility to check their University email address for announcements, assignments, and other important class information.
- If at any time you feel the need for help, information concerning the course, and/or your standing (grade, attendance, etc.) in the course, SEE YOUR INSTRUCTOR in OFFICE HOURS as soon as possible!
- Final grade notification will be provided by the University Registrar's Office. Grades will not be posted or provided via telephone.

## **Computer Use and Classroom Etiquette**

In the classroom, students to use computers only for class-related activities such as taking notes, following the lecture on Web-based PowerPoint slides that the instructor has posted, or finding Web sites to which the instructor directs students at the time of the lecture. Students should abstain from "surfing the web" and/or engaging in IM's during class, the teacher reserves the right to close the computer, or ask the student to leave the class. This will affect your participation in the class.

## **SAN JOSE STATE UNIVERSITY POLICIES**

All SJSU Policies in the Catalog, Schedule of Classes and Academic Senate apply to this course (see <http://info.sjsu.edu/static/catalog/policies.html>)

### **Dropping and Adding**

Students are responsible for understanding the policies and procedures about add/drop, grade forgiveness, etc. The current year academic calendar should be consulted

<http://www.sjsu.edu/calendars/>

Information about the latest changes and news is available at the [Advising Hub](#) at

<http://www.sjsu.edu/advising/>

### **Academic integrity**

Students should know that the **University's Academic Integrity Policy** is available at

[http://www.sjsu.edu/studentconduct/Students/Student\\_Academic\\_Integrity\\_Process/](http://www.sjsu.edu/studentconduct/Students/Student_Academic_Integrity_Process/)

and the Senate Policy is located at <http://www.sjsu.edu/senate/S07-2.htm>

Instances of academic dishonesty will not be tolerated. Cheating on exams or plagiarism (presenting the work of another as your own, or the use of another person's ideas without giving proper credit) will result in a failing grade and sanctions by the University. For this class, all assignments are to be completed by the individual student unless otherwise specified.

Your own commitment to learning, as evidenced by your enrollment at San Jose State University and the University's integrity policy, require you to be honest in all your academic course work.

Faculty members are required to report ALL infractions to the office of Student Conduct and Ethical Development. <http://www.sjsu.edu/studentconduct/>

### **Campus Policy in Compliance with the American Disabilities Act**

If you need course adaptations or accommodations because of a disability, or if you need to make special arrangements in case the building must be evacuated, please make an appointment with me as soon as possible, or see me during office hours. Presidential Directive 97-03 requires that students with disabilities requesting accommodations must register with the [Disability Resource Center](#) (DRC) at <http://www.drc.sjsu.edu/> to establish a record of their disability.

### **SJSU Writing Center**

The SJSU Writing Center is located in Room 126 in Clark Hall. It is staffed by professional instructors and upper-division or graduate-level writing specialists from each of the seven SJSU colleges. Our writing specialists have met a rigorous GPA requirement, and they are well trained to assist all students at all levels within all disciplines to become better writers. The Writing Center website is located at

<http://www.sjsu.edu/writingcenter/>

### **Peer Mentor Center**

The Peer Mentor Center is located on the 1<sup>st</sup> floor of Clark Hall in the Academic Success Center. The Peer Mentor Center is staffed with Peer Mentors who excel in helping students manage university life, tackling problems that range from academic challenges to interpersonal struggles. Peer Mentor services are free and available on a drop-in basis, no reservation required. The [Peer Mentor Center website](#) is located at <http://www.sjsu.edu/muse/peermentor/>

### **CASA Student Success Center**

Provides advising for undergraduate students majoring in Kinesiology or other programs offered in CASA Departments and Schools.

<http://www.sjsu.edu/casa/ssc/>

**Spring 2013 - KIN 281: Legal and Ethical Aspects of Sport**  
**CLASS SCHEDULE (tentative) and Reading Assignments**

**PART I: INTRODUCTORY LEGAL CONCEPTS**

Week	Tentative Schedule	Reading Assignments Due
Week 1 Jan 28	Course Introduction and Overview Introduction to the Managerial Approach	In class activity. Chapter 1
Week 2 Feb 4	Managerial Strategies to Minimize Liability Concept of Preventive Law and Risk Management.	Chapter 2 Sport Law Websites - Oral Report
Week 3 Feb 11	The U.S. Legal System and Legal Research Legal Framework. Anatomy of a Lawsuit. Alternative Dispute Resolution	Chapter 3

**PART II: HUMAN RESOURCE MANAGEMENT**

*Legal topics include:* Contract basics, employment contracts, employment at will, employer liability for acts of employees, agency agreements, athlete agent legislation, labor law. State action, authority of amateur athletic associations, judicial deference, due process, equal protection, first amendment expression and religion issues, fourth amendment and drug testing, Title IX gender equity, sexual harassment, race/sex discrimination, and ADA.

Week 4 Feb 18	Employment Relations Issues Employer Liability for Actions of Employees and Others	Chapter 4 and 5
Week 5 Feb 25	Hiring, Promotion, Termination, Compensation, and Leave	Chapter 6
Week 6 Mar 4	Harassment and Employee Expression Issues	Virtual Class Chapter 7
Week 7 Mar 11	Working Conditions	Chapter 8
Week 8 Mar 18	EXAM ONE in class.	EXAM ONE

**SJSU SPRING BREAK**  
**March 25-April 1, 2013**

## **PART IV: OPERATIONS MANAGEMENT**

*Legal topics include:* Torts, negligence, constitutional challenges to stadium financing plans, ticketing scalping, insurance, facility lease agreements, ADA, vicarious liability, premises liability, waivers, and intentional torts.

Week 10 April 8	Participant Liability Issues Defenses Against Negligence Duties of Care and Supervision	Chapter 15 Defenses against Negligence PowerPoint Article: 14 Duties of Care
Week 11 April 15	Premises Liability and Facility/Event Issues	Chapter 16
Week 12 April 22	Use of Waivers and Exculpatory Clauses Article "Can you say Exculpatory Agreement"?	Chapter 17
Week 13 April 29	Participant Violence in Sport	Chapter 18

## **PART V: Current Legal and Ethical Issues Presentations**

Week 14 May 6	Research Project Student Presentations	Groups 1-4
Week 15 May 13	Research Project Student Presentations <b>Last Day of Class</b>	Groups 5-6
MONDAY May 20	<b>Exam Two as SCHEDULED according the SJSU Final Exam Schedule</b> <a href="http://info.sjsu.edu/web-dbgen/narr/catalog/rec-1138.html">http://info.sjsu.edu/web-dbgen/narr/catalog/rec-1138.html</a>	