

**Department of Kinesiology  
Graduate Sport Management Program**

***KIN 281 – Legal and Ethical Aspects of Sport  
Spring, 2021 – online***

Professor: R. Douglas Manning, Ph.D.

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Office Hours: *QUESTIONS Forum on CANVAS and/or Email anytime*

**Course Description:**

*KIN 281, Legal and Ethical Aspects of Sport, will provide students with an examination of the legal and ethical environment in which professional and amateur sports presently operate. Included will be a broad discussion of ethics, aspects of contract law, labor law, contract law and antitrust law, as they apply to the sport industry.*

**Required Text:**

Spengler, J.O., Anderson, P.M., Connaughton, D.P., & Baker, T.A. (2016). Introduction to Sport Law (2<sup>nd</sup> ed). Champaign, IL: Human Kinetics. [ISBN-13: 978-1-4504-5700-2]

**Course Objectives:**

1. Understand the basics of the U.S. legal system.
2. Explain the types of law that impact the management of sport organizations.
3. Define and apply key legal terminology and fundamental concepts relevant to various areas of law including tort, contract, constitutional, antitrust, labor, and intellectual property law.
4. Evaluate the potential liabilities associated with the management of a sport business and prepare a risk management plan.
5. Understand and discuss major ethical theories and how these theories can be used to inform sport management practice.

**Evaluation:**

1) Online Quizzes	15%
2) Discussion Modules	25%
3) Position Paper	30%
4) <u>Legal Brief Assignment</u>	30%

**TOTAL: 100%**

**Grading Scale:**

A+ = 100-97%	A = 96.9-93%	A- = 92.9-90%
B+ = 89.9-87%	B = 86.9-83%	B- = 82.9-80%
C+ = 79.9-77%	C = 76.9-73%	C- = 72.9-70%
D+ = 69.9-67%	D = 66.9-63%	D- = 62.9-60%
F = 59.9-0%		

## **University Policies**

Per [University Policy S16-9](http://www.sjsu.edu/senate/docs/S16-9.pdf) (<http://www.sjsu.edu/senate/docs/S16-9.pdf>), relevant university policy concerning all courses, such as student responsibilities, academic integrity, accommodations, dropping and adding, consent for recording of class, etc. and available student services (e.g. learning assistance, counseling, and other resources) are listed on [Syllabus Information web page](http://www.sjsu.edu/gup/syllabusinfo) (<http://www.sjsu.edu/gup/syllabusinfo>), which is hosted by the Office of Undergraduate Education. Make sure to visit this page to review and be aware of these university policies and resources.

**\*\*Syllabus is subject to change with advance notice from professor\*\***

## **MYSJSU Messaging and Canvas**

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. Copies of course materials such as the syllabus (and major assignment handouts may be found on Canvas. For more information on setting up your account go to <http://www.sjsu.edu/ecampus/students>.

## **Kinesiology Department Graduate Degree Program Student Learning Outcomes**

Students will be able to:

1. Conduct and critique research using theoretical and applied knowledge.
2. Interpret and apply research findings to a variety of disciplines within Kinesiology.
3. Effectively communicate essential theories, scientific applications, and ethical considerations in Kinesiology.
4. Acquire skills to become agents of change to address issues in Kinesiology through the application of knowledge and research.

[http://www.sjsu.edu/kinesiology/learning\\_outcomes/](http://www.sjsu.edu/kinesiology/learning_outcomes/)

## **Definition of a Credit Hour**

Success in this course is based on the expectation that students will spend, for each unit of credit, a minimum of forty-five hours over the length of the course (normally 3 hours per unit per week with 1 of the hours used for lecture) for instruction or preparation/studying or course related activities including but not limited to internships, labs, clinical practica. Other course structures will have equivalent workload expectations as described in the syllabus.

As an example, the expectation of work for a 3-credit course is 150-minutes of direct faculty instruction and *six hours of out-of-class student work each week*.

## **Library Liaison**

Suzie Bahmanyar: [suzie.bahmanyar@sjsu.edu](mailto:suzie.bahmanyar@sjsu.edu)

- Reference Desk – (408) 808-2100
- Student Computer Service – (408) 808-2470

- 1) **Online Chapter Quizzes.....15%**
- 2) **Discussion Modules.....25%**

Discussion topics are designed to challenge your thinking and elaborate on various topics including the responses of your classmates. **250+ word responses** should be well-thought out and composed using proper composition, spelling, and grammatical skills. Thoughtful and good writing is expected of GRADUATE students. **You will respond to the initial statement or question posed by the professor AND at least two replies to classmates' posts.**

1. Missed deadlines for discussion forums, quizzes, and exams will **NOT** be extended. Please pay special attention to the deadlines posted.
2. APA Format is required; as are complete sentences, proper grammar, correct spelling, and respect for classmates' opinions, beliefs, and viewpoints.
3. Contributions to the discussion board should include some reference to the text, journal articles provided, or other reference material. **It should NOT be just an opinion.**
4. College level work, insightful comments/questions, and significant length are expected. Points are earned points for specific components of each discussion (see below).
5. The deeper our discussions, the more we will learn from each other. Our Interactions will influence our learning outcomes, so participate earnestly in the discussions. Encourage classmate engagement by asking questions, providing alternative viewpoints, and challenging common knowledge and/or conventional wisdom.
6. Discussion Forum grading is based on both the quality and quantity of your online postings. For full credit the following must occur:
  - Student submits an original posting by the deadline of the discussion week that addresses all aspects of the question.
  - Student references course readings in the original posting to substantiate discussion responses. Be sure to make clear what reading(s) you are drawing from by referencing in APA format.
  - Student uses a present-day example in the original posting from an athletic facility to substantiate and illustrate discussion responses.
  - Student provides **SUBSTANTIVE** comments in relation to **AT LEAST** two peer postings by the deadline. Replies should be relevant to the question posted and help deepen discussion through respectful questioning/challenging.
7. You will have the opportunity to earn 10 points for each discussion question and the required replies. Points will be tallied for students in My Grades on CANVAS.
8. At the end of the course, the total number of points you have earned will determine your Discussion grade (25% of overall grade).

3) Legal Brief Assignment.....30%

**DUE Saturday, April 10, 2021 – 11:59 PM PST**

In this course, you will learn legal reasoning and *Legal and Ethical Aspects of Sport* law by analyzing written judicial decisions. For the Legal Brief Assignment, students will select an instructor-approved (**interesting/controversial**) topic germane to our Graduate course. The topic should be relevant to the course, applicable to your educational/professional interests, and result in robust returns (CASES) via LexisNexis and/or WestLaw – <https://libguides.sjsu.edu/az.php>

**\* Dr. Manning’s Favorite Example \*:** *baseball, foul ball, projectile, injury*

Following the “**Legal Brief Assignment Instructions**” (doc), prepare a Case Brief on ten (10) cases for your selected/approved topic. The Case Briefs required for this course must exactly follow the prescribed format found in the “**Legal Brief Assignment Template.**”

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- “A case brief is an organized, written summary of the essential elements of a judicial opinion. They are useful tools to assist you in learning how to analyze the law” ([Valparaiso Law School](#)).
  - “To brief a case, you must first carefully read the assigned cases to gain an overall understanding of the facts of the case, the decision rendered by the court, and the reasoning behind the court’s decision. After you have read a case once for understanding, go back and read it a second time, identifying different parts of the case that will be the subject of discussion in your classes. Then write those parts down in summary fashion – your case brief – in order to assist you in your class discussions. Be sure when reading a case to look up any terms you do not understand in a legal dictionary such as Black’s Law Dictionary. A competent case brief contains at least four parts: Facts, Issue, Holding, and Reasoning” ([Valparaiso Law School](#)).
  - “A case brief is a short summary of the main points of the decision. The key is short— do not rewrite the opinion, but rather distill it down to its essence” ([Northwestern Law School](#)).
  - “A student brief is a short summary and analysis of the case prepared for use in classroom discussion. It is a set of notes, presented in a systematic way, in order to sort out the parties, identify the issues, ascertain what was decided, and analyze the reasoning behind decisions made by the courts” ([John Jay College of Criminal Justice, CUNY](#))
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**Helpful Links:**

- <https://libguides.sjsu.edu/az.php>
- <https://libguides.sjsu.edu/Kinesiology>
- <https://www.lexisnexis.com/en-us/lawschool/pre-law/how-to-brief-a-case.page>
- [https://www.csun.edu/sites/default/files/HOW%20TO%20BRIEF%20A%20CASE\\_Saunders.pdf](https://www.csun.edu/sites/default/files/HOW%20TO%20BRIEF%20A%20CASE_Saunders.pdf)
- <https://law.wisc.edu/orientation/casebriefingguide.pdf>

4) Position Paper.....30%

**DUE Saturday, May 15, 2021 – 11:59 PM PST**

Select a legal/ethical issue that was studied during the semester and is relevant/of interest to Legal and Ethical Aspects of Sport, as well as your chosen career path. Your topic, which must be approved by the instructor, and may deal with any related topic found in the textbook.

Examples of student Position Papers, which combined legal/ethical issues in the past have included: (1) transgender student-athlete participation; (2) children in contact sports; (3) payment for college athletes; (4) salary caps in professional sports; (5) concussions; (6) steroid/PEDs; (6) racist in soccer; (7) gambling; and the (8) Houston Astros / New England Patriots.

This assignment provides you with an excellent opportunity to engage in scholarly investigation and writing. The paper is required to be **10+ pages in length**, not counting your title page and reference page (APA format required).

In order to provide an in-depth analysis, you should **include at least 7 references from peer-reviewed academic sources/textbooks in your research paper (2010-present).**

You must prepare a well-written document according to the current APA standards which are found in the current APA Publication Manual and in the link to Style Guides on the library home page (title page, page header, subheadings, etc.).

**YOUR PAPERS MUST LOOK EXACTLY LIKE THIS:**

**I. Introduction – with a proper heading**

- a. Significance of the topic to the Sport Industry through a Legal/Ethical lens
- b. Explain important concepts, principles, and terms
- c. State the purpose of the paper (e.g., inform, persuade, debate, etc.)

**II. Literature Review – with a proper heading**

- a. Must include robust academic connections to the textbook
- b. Must include a minimum of seven (7) academic journal articles (2010-present).
- c. Incorporate the information from the articles in your own words.
- d. Synthesize (not summarize) the information.

**III. Summary and Conclusions – with a proper heading**

- a. Conclusions are mandatory – this is where you will suggest changes (based on the relevant literature) and future directions of the issue.
- b. State your own detailed personal position, values and philosophy regarding the topic.
- c. Papers will be evaluated according to their clear, concise rational argument.
- d. Papers will not be evaluated on the particular position taken, but instead on the quality of your work.

**IV. References – with a proper heading**

- a. Proper APA format required

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**Ten points will be deducted for every partial page short of required minimum number of pages and/or Position Papers not in proper APA format.**

## **Helpful Resources:**

- <https://libguides.sjsu.edu/az.php>
- <https://libguides.sjsu.edu/Kinesiology>
- <https://libguides.sjsu.edu/c.php?g=230103&p=4345927>
- <https://www.nassm.org/sites/default/files/Sport%20Management%20Journals%20List%20-%202020c.pdf>
- [https://owl.purdue.edu/owl/research\\_and\\_citation/apa\\_style/apa\\_formatting\\_and\\_style\\_guide/apa\\_sample\\_paper.html](https://owl.purdue.edu/owl/research_and_citation/apa_style/apa_formatting_and_style_guide/apa_sample_paper.html)

## **Example Journals (include but are NOT limited to):**

European Sport Management Quarterly  
International Journal of Developmental Sport Management (online)  
International Journal of Sport Management  
International Journal of Sport  
Journal of Applied Sport Management  
Journal of Facility Design, Planning and Management  
Journal of Sport Management  
Journal of Venue and Event Management (online)  
Sport, Business and Management: An International Journal  
Sports Management International Journal: Choregia  
Sport Management Review

*“A refereed journal has a structured reviewing system in which at least two reviewers, excluding in-house editors, evaluate each unsolicited manuscript and advise the editor as to acceptance or rejection. Refereed is used interchangeably with peer-reviewed in Ulrich's International Periodicals Director.”*

<http://www.unf.edu/library/guides/refereedarticle.html>

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## **Important Information:**

### **Quality of Work:**

Academic work worthy of an "A" grade is unusual, creative, insightful and imaginative. Any work, which meets the basic requirements of an assignment, is **not** worth an "A"; it is an indication of a "C" paper or project. Many students are under the mistaken impression that work that meets the basic requirements of an assignment deserves an "A" grade, and that is not the case in this course. Work which is incomplete, deficient, or not of **GRADUATE quality** will result in an earned grade of "F."

### **Deadlines/Late Work:**

All assignments are due on the date/time specified in the instructions. Please pay special attention to the deadlines and the method for how to turn in your papers/projects.

Deadlines for Discussions/Exams/Quizzes will **not** be extended. Papers/projects will **lose 10% per day** past the deadline. Arrangements for late paper submission must be communicated via email; it is the student's responsibility to communicate with the instructor.

## APA Format:

All written assignments, including weekly assignments, discussion board posts, reflection papers, projects, and/or exams are to utilize APA Format in regards to formatting and style. All of the written work in this course should adhere to the following APA Guidelines:

1. Include an APA title page with student name and title of paper
2. Double-spaced
3. One inch margins all around
4. 12 point font
5. Page Numbers
6. Headings and Subheadings are encouraged for clarity and organization
7. Spell-checked & check for typos that are not caught by spell-check tools such as similar words (*homonyms*: here/hear)

APA style resources for citations and references:

- a. American Psychological Association (2010). Publication manual of the American Psychological Association, 6<sup>th</sup> Edition. Washington, D.C.: American Psychological Association.

- b. Review the following website for APA style resources:

- i. **Purdue University Online Writing Studio Lab (OWL)**

A useful site for information about all aspects of writing  
<http://owl.english.purdue.edu/>

Sample APA paper:

[https://owl.english.purdue.edu/media/pdf/20090212013008\\_560.pdf](https://owl.english.purdue.edu/media/pdf/20090212013008_560.pdf)

## Participation:

In order to gain the full educational benefit of this course and also to develop a professional style of public interaction, it is imperative that students participate in the online discussion modules. The deeper our discussions, the more we will learn from each other. Our interactions will influence our learning outcomes, so participate earnestly in the discussions. Encourage classmate engagement by asking questions, providing alternative viewpoints, and challenging common knowledge and/or conventional wisdom.

## Guidelines and Expectations:

1. Respect and appreciation for other people's opinions, attitudes, and beliefs is expected. There shall be **NO** bias or harassment of students for any reason (i.e., sexual, gender, age, ethnicity, religion, skill level, sexual preference, etc.).

2. The inability to write properly and spell correctly plagues many students, therefore writing and spelling skills will be emphasized in this course. Please utilize the resources available at SJSU.
3. To be successful in this competitive world, it is imperative that the quality of your work be outstanding. Do **NOT** turn anything in that is not your best effort.
4. **All work must be your own original work specifically generated for this course.** There should be no similarities between your work, someone else's work, and/or work you have previously submitted for another course. Any similarities in work (whether past or present students' work) will be considered as a case of **academic dishonesty**.
5. Check CANVAS and your SJSU email account daily. We will use these as a means of communication regarding any changes in scheduling and/or the course outline. Students are responsible for all material on CANVAS including, but not limited to the course syllabus, discussion threads, handouts, articles, diagrams, announcements, links, etc.

**ACADEMIC INTEGRITY:** Cheating or plagiarism in connection with an academic program or class at a campus is subject to discipline as provided in Sections 41301 through 41304 of Title 5, California Code of regulations. Please see the University Catalog for additional information. Plagiarizing another student's assignment, plagiarizing from online sources, or submitting another course's assignment (individual or team) will be considered as cheating or plagiarizing unless the approval from both instructors is given in advance.

**ACCESSIBLE EDUCATION CENTER (AEC):** Students with verified disabilities are eligible for a variety of support services from the Accessible Education Center (AEC). Information regarding special facilities and services available to students with a disability may be obtained from the Director of the Accessible Education Center, (408) 924-6000, located in Room 110 of the Administration Building (ADM) – <https://www.sjsu.edu/aec/>

**COMPUTER/INFORMATION LITERACY EXPECTATIONS:** Students in this class are expected to: 1) use the SJSU university email system; , 2) use CANVAS, 3) use a word processing program for writing assignments (e.g., Microsoft Word), 4) be able to access assigned websites through the internet, 5) use the Library databases to find peer-reviewed journal literature, 6) be able to create a power point presentation, and 7) be able to paraphrase concepts without plagiarizing.

For additional information about computing on campus, including tutorials, students should go to <https://www.sjsu.edu/it/support/service-desk/> or contact the IT Service Desk: (408) 924-1530 or [itservicedesk@sjsu.edu](mailto:itservicedesk@sjsu.edu)

**ACADEMIC FREEDOM:** All members of the class are encouraged to express their honest analysis of class issues. The subject matter is very wide-ranging and touches on culture, current events, politics and other possibly sensitive subjects. Analysis will only be judged by the quality of logic presented (hopefully based on observable facts). No one will be penalized for disagreeing with the instructor and, in fact, a well-argued contrary position is especially welcome. I reserve the right to play the devil's advocate and express positions not my own in order to facilitate discussion. Students may do the same.

## Academic Calendar:

Please review the Academic Calendar for important dates/deadlines:

<https://www.sjsu.edu/provost/resources/academic-calendars/index.php>

## COURSE OUTLINE

Unless otherwise noted, Modules begin on the designated **SUNDAY** and end at 11:59 PM PST on the specified Saturday

**Note: This syllabus / tentative course outline is subject to revision by the instructor, as necessary, during the semester. Changes will be announced on CANVAS. Students are responsible for checking their SJSU e-mail and CANVAS daily.**

<b>Module</b>	<b>Dates</b>	<b>Assignment(s)</b>
<b><u>Module 1</u></b>	1/24 – 2/6/21	Discussion Forum & Quizzes
<b><u>Module 2</u></b>	2/7 – 2/20/21	Discussion Forum & Chapter Quizzes
<b><u>Module 3</u></b>	2/21 – 3/6/21	Discussion Forum & Chapter Quizzes
<b><u>Module 4</u></b>	3/7 – 3/20/21	Discussion Forum & Chapter Quizzes
<b><u>Module 5</u></b>	Week 1: 3/21 – 3/27/21 <b>SPRING BREAK</b> Week 2: 4/4 – 4/10/21	Discussion Forum & Chapter Quizzes <b>Legal Briefs – DUE: 4/10/21</b>
<b><u>Module 6</u></b>	4/11 – 4/24/21	Discussion Forum & Chapter Quizzes
<b><u>Module 7</u></b>	4/25 – 5/8/21	Discussion Forum & Chapter Quizzes
<b><u>Module 8</u></b> <b>(1 week)</b>	5/9 – 5/15/21	Discussion Forum & Chapter Quizzes <b>Position Paper – DUE: 5/15/21</b>