Annette Caldwell Simmons School of Education and Human Development

Department of Applied Physiology and Wellness

APSM 3332 Legal and Ethical Aspects of Applied Physiology & Sport Management Course Syllabus

Spring 2012

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Required Texts:

Spengler, John O., Anderson, Paul M., Connaughton, Daniel P., Baker III, Thomas A. (2009). *Introduction to Sport Law*. Champaign, IL: Human Kinetics. (Intro to Sports Law)

Pittman, Andrew T, Spengler, John O., and Young, Sarah J. (2008). *Case Studies in Sports Law*. Champaign, IL: Human Kinetics. (<u>Case Studies</u>)

Course Description:

Sport law encompasses many areas of law: business organizations, contracts, employment, labor, personal injury, intellectual property, antidiscrimination, and antitrust. Part of the reason for this broad categorization is that the sport business has so many applications. The rules are very different for professional sports than for amateur sports. Labor agreements among the professional leagues vary. Personal injuries involve onfield and off-field injuries, including accidents in physical education classes. Discrimination rules in employment and under Title IX differ, and the complexities of both are daunting to even seasoned sport administrators. You will learn a great deal about many kinds of law.

This course creates an important awareness of the legal implications and situations involved in careers in the fitness or sport industries. Legal aspects including those related to safety, risk management, personnel, and contracts, as well as discussion on ethical practices within both industries, are addressed.

The sport business changes rapidly; because of those changes, it is important to be aware of them by frequently reading one of the major periodicals, such as *Sports Illustrated* and *Sports Business Journal*. Also, you may wish to access the following Web sites: ESPN.com, cbssportsline.com, foxsports.com and nbcsports.com. Sports Law Blog at http://sports-law.blogspot.com is an excellent site as well, as is FindLaw at http://findlaw.com.

Course Objectives:

Students will:

- explain the fundamentals of the American legal system and sports law.
- have knowledge about how contracts are negotiated.
- describe contemporary legal issues facing amateur athletes and professional athletes including antitrust, Title IX, constitutional law, and intellectual property.

- identify areas of social and ethical responsibilities for organizations within the fitness and sport industries.
- describe the legal and ethical considerations for entrepreneurs starting businesses in the fitness and sport industries.
- read, interpret, explain and apply fitness industry- and sport industry-specific knowledge to professional practice.
- communicate effectively in both written and oral forms through course assignments and requirements.
- identify possible careers in fitness and sport industries.
- identify the basis of evidence-based practices and research.

Course Outline:

Class	Lecture Topics	Reading(s)
1	Introduction	Intro to Sports Law:
1/17/12	Procedural Matters/Syllabus	Chapter 1
	Overview of Sports Law	•
	Introduction to U.S. Legal System	Case Studies:
	 Sources of U.S. Law 	N/A
	 Types of U.S. Law 	
	 Common Law vs. Statutory Law 	
	• U.S. Court System	
	 Legal Procedures 	
	 Legal Resources 	
2	Tort Law	Intro to Sports Law:
1/24/12	 Negligence 	Chapter 2
	 Gross Negligence 	-
	 Defenses to Negligence 	Case Studies:
	 Assumption of Risk 	Averill, Jr. v. Luttrell;
	 Comparative Negligence 	Bearman v. University of Notre Dame;
	 Intentional Torts 	Benjamin v. State
3	Products Liability	Intro to Sports Law:
1/31/12	 Basis for Liability 	Chapter 2
	 Negligence 	
	 Strict Liability 	Case Studies:
	 Breach of Warranty 	Byrns v. Riddell, Inc.;
	 Defenses 	Everett v. Bucky Warren, Inc.;
		Hauter v. Zogarts;
		Rawlings Sporting Goods Company,
		Inc. v. Daniels
4		
2/7/12	Risk Management	Intro to Sports Law
	What is Risk Management?	Intro to Sports Law: Chapter 3
	 Perspectives 	Chapier 3
	 Loss Prevention 	Case Studies:
	- Process and Application	Case sinaies.
	 Process and Application 	N/A
	Frocess and ApplicationFacilities and the ADA	N/A

	Agency	
5	• What Are Sport Agents?	
2/14/12	 Concepts in Agency Law 	
_, _ , ,	Powers and Duties	Intro to Sports Law:
	 Regulation of Athlete Agents 	Chapter 4
	State and Federal Law	
	 Players' Association Rules 	Case Studies:
	• Disputes	N/A
	• Texas Athlete Agent Act; Legal Duties of	
	Athlete Agent; NCAA Eligibility and	
	Recruiting	
6		Intro to Sports Law:
2/21/12	Contract Law	Chapter 5
	 Basics of Contract Law 	•
	 Sport Contracts 	Case Studies:
	o Coaches	Monson v. State;
	 Collegiate Athletes 	Vanderbilt v. DiNardo;
	-	Taylor v. Wake Forest;
		Rodgers v. Georgia Tech Athletic
		Association
7	Contract Law (cont)	Standard Player Contracts,
2/28/12	 Professional Athletes 	Endorsement Contracts, et al
	 Collective Bargaining Agreements 	
	 Endorsements 	Case Studies:
	 Remedies 	N/A
8 3/6/12	MIDTERM EXAM	
9	Employment Law and Discrimination	Intro to Sports Law:
3/20/12	Employment Relationship	Chapter 6
3/20/12	 Employment Discrimination 	Chapter o
	Sexual Harassment	Case Studies:
	 Federal Employment Laws 	Moore v. Notre Dame
	1 cacial Employment Dans	Stanley v. USC
10	Constitutional Law and Sport	Intro to Sports Law:
3/27/12	First Amendment	Chapter 7
3/27/12	Fourteenth Amendment	Chapter /
	• Fifth Amendment	Case Studies:
	1 II II I III I III I III I III I I I I	Jager v. Douglas County Schools;
		Blair v. Washington State Univ;
		NCAA v. Tarkanian;
		Hill v. NCAA
11	Gender Equity	Intro to Sports Law:
4/3/12	Title IX	Chapter 8
1, 5, 12	Sexual Harassment	
	Employment Discrimination	Case Studies:
	Employment Discrimination	Cohen v. Brown University
		Gebser v. Lago Vista ISD
		Kelley v. Board of Trustees

12 4/10/12	Intellectual Property and Sports • Trademark Law	Intro to Sports Law: Chapter 9
	Copyright LawRight of Publicity Patent Law	Case Studies: National Football League v. McBee & Bruno's; Dallas Cowboys Cheerleaders, Inc. v. Pussycat Cinema, Ltd
13 4/17/12	Antitrust Law Federal Antitrust Laws: Sherman and Cleyton Acts	Intro to Sports Law Chapter 10
	 Clayton Acts Application to Professional Team Sports Application to Individual Performer Sports Application to University Sports 	Case Studies: Federal Baseball Club of Baltimore, Inc. v. National League Flood v. Kuhn
14 4/24/12	Antitrust Law (cont.) Relocation Issues Single vs. Multiple Entities Negotiation Issues NCAA Antitrust	
15 5/1/12	Review and Catch Up Day	
16 5/8/12	FINAL EXAM	

Course Requirements:

Attendance and Participation: Students are expected to complete the assigned reading prior to the corresponding class lecture. Students will be given several opportunities to represent their ideas and engage in class discussion throughout the semester; all students are expected to attend class and actively participate in class.

Case Briefs: Each student is expected to provide a complete and thorough brief of a fitness case or sport cases as assigned by the Instructor. Each case brief should provide the facts of the case, issue, rule, decision of the court, and holding.

Mid-Term Exam: This exam is based on the text(s), lecture notes, current events, and class hand-outs, and case briefs.

Final Exam: This exam is based on the text(s), lecture notes, current events, and class hand-outs, and case briefs.

Grading Criteria:

Class Attendance	5%	
Class Participation	10%	
Case Briefs/Projects	25%	
Mid-Term Exam	30%	
Final Exam	30%	
Total	100%	

Re-grade Policy

Students wishing to have the credit awarded on an assignment or test reconsidered, have the option to do so. Re-grade requests must be made within one class period of the return of the test or assignment to the student. The full assignment or test will be re-graded and results, either positive or negative will be binding. Requests not made within one class of student receipt will not be considered.

Grade Scale:

94-100 = A	90-93 = A-
87-89 = B+	84-86 = B
80-83 = B-	77-79 = C +
74-76 = C	70-73 = C-
67-69 = D+	64-66 = D
60-63 = D-	Below $60 = F$

Attendance Policy:

For any missed class, including excused absences, students are required to write a minimum one-page summary of the lecture or class exercise missed. The summary is to be completed within one week of returning to class following the absence and should include two current trends or issues related to the legal-or ethical-related topics discussed in the given lecture.

A counted/official absence will be accrued only for those classes missed without subsequent completion of the summary report. Deductions of points toward the overall grade (of up to 5 points total) from official/counted absences will occur in accordance with the following rubric:

0-1 absences = 0 points lost; 2-3 absences = 3 points lost; >3 absences = 5 points lost.

Disability Accommodations: Students needing academic accommodations for a disability must first be registered with Disability Accommodations & Success Strategies (DASS) to verify the disability and to establish eligibility for accommodations. Students may call 214-768-1470 or visit http://www.smu.edu/alec/dass to begin the process. Once registered, students should then schedule an appointment with the professor to make appropriate arrangements.

Religious Observance: Religiously observant students wishing to be absent on holidays that require missing class should notify their professors in writing at the beginning of the semester, and should discuss with them, in advance, acceptable ways of making up any work missed because of the absence. (See University Policy No. 1.9.)

Excused Absences for University Extracurricular Activities: Students participating in an officially sanctioned, scheduled University extracurricular activity should be given the opportunity to make up class assignments or other graded assignments missed as a result of their participation. It is the responsibility of the student to make arrangements with the instructor prior to any missed scheduled examination or other missed assignment for making up the work. (University Undergraduate Catalogue)

Student Learning Outcomes: Please include in your syllabi all student learning outcomes, both those specific to your course, as well as those that satisfy major and general education requirements.