



A Member of The Texas State University System  
Department of Health and Kinesiology

Course Syllabus KIN 562 Legal Issues in Sport  
Fall 2007

Professor: Brent C. Estes, Ph.D.

### **I. Professor Contact Information**

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Office: HKC- 218

Office Hours: Tuesday/Thursday - 10:00 – 12:00; By Appointment

### **II. Course Description & Objectives**

Course Description: An examination of legal factors affecting Physical Education, amateur athletics and professional sport. Analysis will involve teachers, coaches, officials, spectators, medical personnel, owners of sports teams, and commercial suppliers of equipment and products used within an activity setting. Credit 3. (SHSU 2006-08 Catalog)

On completion of this course, the student will competently:

1. Understand the nature of the American legal system.
2. Be cognizant of the potential liability for injuries in the supervision, management, and conduct of sport, and of strategies for limiting liability.
3. Understand the rights and responsibilities of management, employees, participants, and clientele with respect to negligence law, and the potential for management liability.
4. Know the basic components of preventive law planning and to be able to apply them in sport settings.
5. Understand legal issues relevant to sport in the areas of contract, intentional tort, intellectual property, and criminal law.
6. 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. Increase awareness of current legal issues in sport.
8. Learn to think critically and analytically about the mutual interaction between the law and society.

### **Student Evaluation of Instructor Effectiveness**

Students will be asked to evaluate the instructor's teaching effectiveness related to course objectives and general effective teaching practices at the end of the course using the IDEA instrument. Students will be invited to provide feedback during the course which will be used to make needed adjustments. Students will also evaluate their learning in these specific objectives:

Course **Essential** Objectives:

1. Learning fundamental principles, generalizations, or theories.
2. Learning to apply course materials to improve thinking, problem solving, and decisions.

Course **Important** Objectives:

3. Learning how to find and use resources for answering questions or solving problems.
4. Developing specific skills, competencies, and points of view needed by professionals in the field most closely related to this course.
5. Learning to analyze and critically evaluate ideas, arguments, and points of view.

### III. Materials & Required Texts

Sharp, L.A., Moorman, A.M., & Claussen, C.L. (2007). *Sport Law: A Managerial Approach*. Scottsdale, AZ: Holcomb Hathaway. ISBN 1890871702

*Additional Materials:* You **must have a Sam Email Account** (not to be forwarded to other email). All communication outside of class will be done through SamMail.

### IV. SHSU Policies see also: <http://www.shsu.edu/syllabus/>

**1. Academic Honesty:** Academic work submitted by you (such as papers, assignments, reports, tests) shall be your work alone and referenced in part or in whole to its correct source. Submission of commercially prepared (or group prepared) materials as your own work is unacceptable. Moreover, you shall encourage honesty in others by refraining from providing materials or information with knowledge that these materials or information will be used improperly. Violation of these academic standards may result in removal or failure. Please see the *SHSU Graduate Catalog* and the *Publication Manual of the American Psychological Association*. Students are expected to use conventions noted in the APA Publication Manual, 5th edition, for citing sources. Academic Policy Statement 810213

**2. Attendance** is taken for all class meetings. Please notify me in advance if you will be absent or tardy. According to the university policy, regular and punctual class attendance is expected of each student at SHSU. It is expected that each faculty member will keep a record of student attendance. Each faculty member will announce to his/her classes the policies for accepting late work. Students are expected to show appropriate cause for missing or delaying major assignments or examinations. A student shall not be penalized for three or fewer hours of absences [*one class period*] when examinations or other assigned class work have not been missed; however, a student may be penalized for more than three hours of absences at the discretion of the instructor. Academic Policy Statement 800401

**3. Student Conduct:** All students shall follow the tenets of common decency and acceptable behavior conducive to a positive learning environment.

**4. Dropping the Class/Withdrawing from the University:** If you need to adjust your schedule by dropping this course, please follow university procedures to officially drop the class. If you fail to officially drop the class, a failing grade shall be assigned at the end of the course.

Academic Policy Statement 990407. If a student resigns between the 1<sup>st</sup> class day and the 12<sup>th</sup> class day (4<sup>th</sup> class day in the summer) no record of the resignation will appear on the student's academic record. If a student resigns after the 12<sup>th</sup> class day (4<sup>th</sup> class day in summer) but before mid-semester, a record of the resignation will appear on the student's academic record. If a student resigns after eight weeks in the fall or spring or after the first two weeks of a summer session the mark of WP (withdrew passing) or WF (withdrew failing) will be recorded on the student's academic record for each course for which the student was enrolled. To resign (officially withdraw) from the university, a student must either report to the Registrar's Office to complete a Resignation Request or submit a letter stating his or her intent to resign.

**5. Students with Disabilities Policy:** It is the policy of Sam Houston State University that individuals otherwise qualified shall not be excluded, solely by reason of their disability, from participation in any academic program of the university. Further, they shall not be denied the benefits of these programs nor shall they be subjected to discrimination. Students with disabilities that might affect their academic performance should visit with the Office of Services for Students with Disabilities located in the Counseling Center at **936.294.1720**

**6. Student Absences on Religious Holy Days:** Students are allowed to miss class and other required activities, including examinations, for the observance of a religious holy day, including travel for that purpose. Students remain responsible for all work.

**7. The Sam Houston Writing Center** provides one-on-one help with your writing assignments. The Center is open from 8 a.m. to 7 p.m. Monday through Thursday, 8 a.m. to 3 p.m. Friday, and 2-7 p.m. on Sunday. They are located in Farrington Room 111. It is not necessary to schedule an appointment; however, you may call 936-294-3680, twenty-four hours in advance to schedule one. Their email address is [wctr@shsu.edu](mailto:wctr@shsu.edu)

## V. Assessment and Summative Evaluation of Learning Objectives

### Total Possible Points: 375

Exam 1	100
Exam 2	100
Assignment One	50
Assignment Two	50
Assignment Three	75

- NOTE:** 1. Papers are due on the date printed in the course outline unless otherwise notified.  
2. Late work **WILL NOT** be accepted unless pre-approved by the instructor.  
3. Make-up exams **WILL NOT** be given unless pre-approved by the instructor.  
4. The syllabus is subject to change pending notification.

### Written work should:

- be clear, well organized, and concise.
- be free from grammatical and spelling errors.
- be Typed (12 point) and double space with 1 inch margins on left and right, with name, date, course in upper right hand corner. Paginate with page number in upper right hand corner and a staple in upper left corner. No report covers please.
- demonstrate a thorough analysis.
- include supporting evidence from course readings and additional resources (citations must be provided).

**Academic honesty is expected in all work.** Violations will result in course failure. Please note that SHSU policy regarding academic honesty specifically addresses appropriate use of electronic files and media. The Department regularly monitors student work through a university purchased service entitled "Turn-it-in.com". In this program, student work is compared to previous published work and a comparison (by percentage) is made of students' work to that of the original authors'. Plagiarism (putting someone else's work down as your own with no citation) is a serious violation of this policy.

### Attendance/Participation Policies:

Attending class, arriving for class on time, and remaining in class until the end of the class period is fundamental to academic success. Each student will be allowed **two** absences over the course of the semester. All subsequent absences after the third will result in one letter grade reduction per absence.

- 1-2 absences = no penalty
- 3 absences = reduction of 1 letter grade
- 4 absences = reduction of 2 letter grades
- 5 absences = reduction of 3 letter grades
- 6 or more absences will result in failure of the course

Proposed Course Schedule:

*Weeks 1 thru 2: PART I: INTRODUCTORY LEGAL CONCEPTS*

Chapters 1, 2, and 3

*Weeks 3 thru 5: PART III: HUMAN RESOURCE MANAGEMENT*

Chapter 7—Employment Relations Issues

Chapter 10—Employer Liability for Actions of Employees and Others  
(basic negligence discussion, Chapter 16, pp. 465–473)

Chapter 11—Working Conditions

Chapter 12—Labor Relations/Collective Bargaining

Chapter 13—The Law of Agency and Athlete Agents

Legal topics included above: Contract basics, employment contracts, employment at will, employer liability for acts of employees, agency agreements, athlete agent legislation, labor law.

**Contract Negotiation Exercises/Activities**

Chapter 8—Employment Discrimination: Hiring, Promotion, Termination, & Compensation Issues  
(also assign basic state action discussion, Chapter 6, pp. 129–137)

Chapter 9—Employment Discrimination: Harassment and Expression Issues

Chapter 14—Regulation of Participation in Private Clubs and High School/College Athletics

Legal topics included above: 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.

*Weeks 6 thru 9: PART IV: OPERATIONS MANAGEMENT*

Chapter 15—Sport Facility and Event Issues  
(review and incorporate related discussions from Chapter 7, pp. 188–191 contract basics; and Chapter 3, source of law, Exhibit 3.1; and ADA basics Chapter 8, pp. 220–228)

Chapter 16—Participant Liability Issues

Chapter 17—Premises and Spectator Liability

Chapter 18—Use of Waivers

Chapter 19—Participant Violence in Sport

Legal topics included above: Constitutional challenges to stadium financing plans, ticketing scalping, insurance, facility lease agreements, ADA, negligence, vicarious liability, premises liability, waivers, and intentional torts (more intentional torts are also found in Chapter 21, pp. 652–659)].

*Weeks 10 thru 12: PART V: MARKETING MANAGMENT*

Chapter 20— Intellectual Property

Chapter 21—Promotions and Operations in Marketing

*Legal topics included above:* Trademarks, copyrights, ambush marketing, unfair trade practices, false advertising, commercial speech, defamation, invasion of privacy, right of publicity, sponsorship agreements.

*Weeks 13 thru 16: PART II: STRATEGIC MANAGEMENT*

Chapter 6—Governance Issues in High School and College Athletics

Chapter 4—Anti-Trust and Professional Sports

Chapter 5—Olympic Governance and Discipline