DAY/TIME: Web based Tele video  LOCATION: Web based Tele video
INSTRUCTOR: Dr. James C. Kozlowski  E-MAIL: jkozlows@gmu.edu
OFFICE: 220a Occoquan Bldg.  PHONE: 703.455.8474
OFFICE HOURS: by appointment  FAX: 703.993.2025

PREREQUISITES: 60 credits

COURSE DESCRIPTION: Emphasizes safety, liability, risk, and insurance. Covers current law and liability issues for administrators of Recreation, Health, and Tourism facilities and programs.

COURSE OBJECTIVES: At the completion of the course, students should be able to:

1. read a series of articles and case reports which illustrate general legal principles governing recreation injury liability in recreation, sports, and physical education programs.

2. identify general legal principles and rules of law governing recreation injury liability in recreation, sports, and physical education programs as described in lectures, review questions, objectives, and required reading material used in the course.

3. identify definitions and terms which demonstrate a working knowledge of federal civil rights laws and their applicability to sports, recreation, and physical education programs, specifically gender discrimination.

Further, upon completion of this course, students will meet the following professional accreditation standards:

- Council on Accreditation of Parks, Recreation, and Tourism Related Professions standards met

8.26:01 Legal foundations and the legislative process.
8.26:02 Contracts and tort law.
8.26:03 Regulatory agents and methods of compliance. Content to consider: Enabling laws; public and private control; national, state, and local agencies and regulations; creation and enforcement of legislation; human rights; property law.
8.27 Understanding the principles and practices of safety, emergency, and risk management related to recreation, park resources, and leisure services. Content to consider: Components of risk management planning; emergency procedures; safety/law enforcement.
9A.03 Understanding of the use of the law in management of leisure services, including land management, personnel, human rights, financing, and risk management.
9A.03 Understanding of the use of the law in management of leisure services, including land management, personnel, human rights, financing, and risk management.

REQUIRED READINGS & CLASS ITEMS:

The "textbook" in this course is a compilation of case reports and related articles which I have written, in particular my monthly "NRPA Law Review" column in Parks & Recreation magazine (the official publication of the National Recreation and Park Association). These case reports and related articles will...
be available for reading, downloading and printing on the PRLS 460 site of my GMU homepage at the following address: http://classweb.gmu.edu/jkozlows/460.htm

**ACADEMIC INTEGRITY:** I take the GMU Honor Code very seriously. Allowing students to take PRLS 460 exams off campus on a more flexible schedule is a privilege which PRLS 460 students have traditionally appreciated and have conducted themselves responsibly, but it may be subject to abuse. I expect every PRLS 460 student to know and adhere to their personal duties and responsibilities under the GMU Honor Code.

Individual exam questions on each exam are randomly selected by Blackboard from question sets in the PRLS 460 question database. As a result, while testing a student's understanding of a similar principle in each question, no two exams are identical. Moreover, Blackboard provides extensive data on each exam to determine any irregularities on individual exams and identify patterns which may indicate collusion among students on PRLS 460 exams.

I am, therefore, able to examine each exam and/or exam question to determine whether there are irregularities that warrant further investigation pursuant to the Honor Code. Moreover, any irregularities could artificially inflate and skew the scores on individual exams and questions which might produce an adverse effect on the course curve to the detriment of individual students and the class as a whole.

Accordingly, you are reminded that the Honor Code is in effect for all exams in PRLS 460 on Blackboard. Further, to clarify and reiterate, no collaboration or group participation whatsoever is permissible during PRLS 460 examinations.

All PRLS 460 exams are open book, but you are limited to primary course materials and video lectures posted to the PRLS 460 course webpage, as well as your own notes prepared prior to the exam. The use of any other study aids, memoranda, books, data, or other information during PRLS 460 exam is prohibited.

Further, you are not to discuss the exam with any other student during or after the time which the exam is accessible. Providing or reproducing any information to another student about any questions on a PRLS 460 exam would constitute cheating within the context of the Honor Code, i.e., unauthorized use of study aids, memoranda, books, data, or other information. Such unauthorized information may provide individual students with an unfair advantage over other students in preparing for exams. Moreover, prior to each exam, practice questions taken from the PRLS 460 exam question database are made available to the entire class on Blackboard, providing an equal opportunity to prepare for the type and format of questions for each exam.

Responsibility of the Students

Students are responsible for understanding this PRLS 460 policy with regard to the Honor Code. Students are also responsible for understanding the provisions of the Honor Code. Students should also request an explanation of any part of the policy they do not understand.

All students have a duty to report to a suspected violation of the Honor Code to the course instructor.

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GMU Honor System and Code
http://www.gmu.edu/catalog/9798/honorcod.html
Cheating encompasses the following:

The willful giving or receiving of an unauthorized, unfair, dishonest, or unscrupulous advantage in academic work over other students.
The above may be accomplished by any means whatsoever, including but not limited to the following: fraud; duress; deception; theft; trick; talking; signs; gestures; copying from another student; and the unauthorized use of study aids, memoranda, books, data, or other information.

Attempted cheating.

George Mason University shares in the tradition of an honor system that has existed in Virginia since 1842. The Honor Code is an integral part of university life. On the application for admission, students sign a statement agreeing to conform to and uphold the Honor Code. Therefore, students are responsible for understanding the provisions of the code. In the spirit of the code, a student's word is a declaration of good faith acceptable as truth in all academic matters. Therefore, attempted cheating, plagiarism, lying, and stealing of academic work and related materials constitute Honor Code violations. To maintain an academic community according to these standards, students and faculty must report all alleged violations of the Honor Code to the Honor Committee. Any student who has knowledge of, but does not report, an Honor Code violation may be accused of lying under the Honor Code.

**COURSE OVERVIEW:** This course examines the issue of personal injury liability in a variety of contexts related to Recreation, Health, and Tourism, including recreation and parks, sports, events, and physical education administration. Case reports and articles will be used to illustrate general legal principles which determine recreational injury liability in a variety of contexts. Negligence liability will be defined through general legal principles, including reasonableness, foreseeability, and standard of care.

In addition to lifeguard and aquatics liability, this course will examine sport injury liability for coaches, participants, and spectators. The course will also examine the validity and enforceability of waivers and releases in sports and recreation. This overview of program supervision liability in sports and recreation will be complemented by an examination of general legal principles governing landowner liability for grounds and facilities used in sports and recreational activities. In addition to recreation injury liability, this course will also review several civil rights issues which impact significantly upon sport and recreation administration.

**EVALUATION:** 4 EXAMS on Blackboard (open book, weighted equally, each exam worth 25%)

**Grading Scale**

Final grades are based on the percentage of points earned out of the total number of points available on all four exams as follows:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Range out of 200 possible pts on 4 exams</th>
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<tbody>
<tr>
<td>A+</td>
<td>174 and above</td>
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<tr>
<td>A</td>
<td>164 or greater, and less than 174</td>
</tr>
<tr>
<td>A-</td>
<td>154 or greater, and less than 164</td>
</tr>
<tr>
<td>B+</td>
<td>144 or greater, and less than 154</td>
</tr>
<tr>
<td>B</td>
<td>134 or greater, and less than 144</td>
</tr>
<tr>
<td>B-</td>
<td>124 or greater, and less than 134</td>
</tr>
<tr>
<td>C+</td>
<td>114 or greater, and less than 124</td>
</tr>
<tr>
<td>C</td>
<td>104 or greater, and less than 114</td>
</tr>
<tr>
<td>C-</td>
<td>94 or greater, and less than 104</td>
</tr>
</tbody>
</table>
Grade D 84 or greater, and less than 94
Grade F 0 or greater, and less than 84

ASSIGNMENTS: Students are expected to read and study the required readings for each unit as well as view the televideo lecture which accompanies each unit. CLICK Webstream PRLS 460 Video Lectures (on demand) GMU-TV website

In addition, to prepare for each exam, students are encouraged to access and complete the practice questions provided on Blackboard.

- Students must adhere to the guidelines of the George Mason University Honor Code [See http://academicintegrity.gmu.edu/honorcode/].
- Students with disabilities who seek accommodations in a course must be registered with the George Mason University Office of Disability Services (ODS) and inform their instructor, in writing, at the beginning of the semester [See http://ods.gmu.edu/].
- Students must follow the university policy for Responsible Use of Computing [See http://universitypolicy.gmu.edu/1301gen.html].
- Students are responsible for the content of university communications sent to their George Mason University email account and are required to activate their account and check it regularly. All communication from the university, college, school, and program will be sent to students solely through their Mason email account.
- Students must follow the university policy stating that all sound emitting devices shall be turned off during class unless otherwise authorized by the instructor.
- Students are expected to exhibit professional behaviors and dispositions at all times.
- The George Mason University Counseling and Psychological Services (CAPS) staff consists of professional counseling and clinical psychologists, social workers, and counselors who offer a wide range of services (e.g., individual and group counseling, workshops and outreach programs) to enhance students' personal experience and academic performance [See http://caps.gmu.edu/].
- The George Mason University Writing Center staff provides a variety of resources and services (e.g., tutoring, workshops, writing guides, handbooks) intended to support students as they work to construct and share knowledge through writing [See http://writingcenter.gmu.edu/].
- For additional information on the College of Education and Human Development, School of Recreation, Health, and Tourism, please visit our website [See http://rht.gmu.edu].
COURSE SCHEDULE:

Week One:

Introduction, Control Test & Negligence Principles (Webstream Video Lectures 1a & 1b)

Video Lecture Notes pdf files: Reasonable Perspective Mere Sponsorship Safety Review Myricks Control Test IC Negligence Overview Nelson/Coleman Lead Paint Dad’s Club


Control Test

MERE SPONSORSHIP Y INSUFFICIENT CONTROL TO TRIGGER LIABILITY, Dec. 95 NRPA Law Review, Parks & Recreation


CALIFORNIA SCHOOL & CITY NOT LIABLE FOR FATAL ROADTRIP, MYRICKS v. LYNWOOD UNIFIED SCHOOL DISTRICT No. B117397 (Cal.App. Dist.2 1999)


Negligence Principles

OVERVIEW OF NEGLIGENCE LIABILITY PRINCIPLES IN RECREATION June 1996, Parks & Recreation, NRPA

NELSON BY TATUM v. COMMONWEALTH EDISON, LIABILITY FOR POWER LINES OVER PLAYGROUND

COLEMAN v. WINDY CITY BALLOON PORT, LTD., POWERLINES KNOWN DANGER IN HOT AIR BALLOON MISHAP


Obvious Playground Danger Does Not Negate Duty Grant v. South Roxana Dad’s Club (Ill.App. 5 Dist. 4/10/2008)

Week Two:

Standard of Care in Negligence Liability (Webstream Video Lectures 2a & 2b)

Video Lecture Powerpoint Notes

"LIFE OF THE COMMUNITY" DETERMINES LEGAL STANDARD FOR NEGLIGENCE LIABILITY July 1996, Parks & Recreation
STANDARD OF CARE EVIDENCE IN PLAYGROUND SAFETY GUIDELINES; ELLEDGE v. RICHLAND/LEXINGTON SCHOOL DIST. 534 S.E.2d 289 (S.C.App. 2000)

NO DUTY TO WARN OF OBVIOUS RISK OF GOLFING IN LIGHTNING STORM: Hames v. State, December 1982 NRPA Law Review

CHOSEN LIGHTNING PROTECTION ON GOLF COURSE MUST BE PROPERLY UTILIZED, NRPA Law Review, July 1997, Parks & Recreation, NRPA

Duty To Follow Established Procedures To Warn Beachgoers Of Lightning Storms Parks & Recreation. Sep 2002. Vol. 37, Iss. 9

BIER v. CITY OF NEW PHILADELPHIA, LIGHTNING STRIKES METAL PICNIC SHELTER IN CITY PARK

SALLIS v. CITY OF BOSSIER CITY, BASE ANCHORS IN BASE PATH LACKED PROTECTIVE CAPS


Week Three:

Landowner Liability General Principles  (Webstream Video Lectures 3a & 3b) Video Lecture Powerpoint Notes

LANDOWNER DUTY: ASSURE PREMISES NO MORE DANGEROUS THAN IT APPEARS TO BE, February 1996, Parks & Recreation,


Trespasser Liability

NO DUTY TO KEEP PREMISES REASONABLY SAFE FOR ADULT TRESPASSERS, May 1997, Parks & Recreation,
Landowner Liability for Animals & Insects

Enjoying Natural Environment Includes Risk Of Dangerous Insects. Parks & Recreation. Apr 1999


Notice of vicious propensities determines animal liability. Parks & Recreation August 1986

Week Four:

Exam # 1 accessible on Blackboard. One Attempt, 3 Hour Time Limit

Week Five:

Landowner Liability for Criminal Activity (Webstream Video Lecture 4a)

Video Lecture Powerpoint Notes

LIMITED LIABILITY FOR CRIMINAL ASSAULTS IN PARK FACILITIES, May 1996, Parks & Recreation, NRPA


SWEET 16 PARTY AT REC. CENTER ENDS IN FATAL PARKING LOT SHOOT OUT: Henry v. Parish of Jefferson, (La.App. 5 Cir, 12/30/02)

SHOOTING AT PRIVATE DANCE ON PARK DISTRICT PREMISES: WILBERT v. METROPOLITAN PARK DISTRICT OF TACOMA (1998)


VILLAGE LIABILITY FOR ASSAULT AFTER ROCK CONCERT COMASTRO v. VILLAGE OF ROSEMONT, 461 N.E.2d 616 (Ill.App. 1 Dist. 1984)

FAN ALLEGES INADEQUATE SECURITY AFTER PARKING LOT ASSAULT NOBLE v. LOS ANGELES DODGERS, (Cal.App. 2 Dist. 1985)

ROCK CONCERT DANCER ASSAULTED BY INTOXICATED PATRON LEVANGIE v. DUNN, 356 S.E.2d 88 (Ga. App. 1987)

Recreational Use Immunity Law (Webstream Video Lecture 4b)

Video Lecture Powerpoint Notes
BEACH FATALITY TESTS PUBLIC RECREATION IMMUNITY STATUTE, January 1997, Parks & Recreation,

Virginia Liability of localities in the operation of parks, recreational facilities and playgrounds § 15.2-1809


CITY OF VIRGINIA BEACH v. FLIPPEN, VIRGINIA RECREATIONAL USE IMMUNITY FOR CITY BEACH ACCESS

Virginia Recreational Use Statute § 29.1-509 Duty of care and liability for damages of landowners to hunters, fishermen, sightseers,

Virginia Tort Claims Act § 8.01-195.3 Commonwealth Limited Liability

Virginia Charitable Immunity for Fall on Ropes Course Kuykendall v. Young Life (E.D. Va. 11/7/2006)

Virginia Code § 8.01-220.1:2 Civil immunity for teachers under certain circumstances

Week Six:

Lifeguard & Aquatics Liability (Webstream Video Lectures 5a & 5b)

Lifeguard Supervision Liability in Review, April 1996 NRPA Law Review Parks & Recreation

Lifeguards Had No Training or Policy for Dialing "911", December 1998, Parks & Recreation
Evidence of Lifeguard Negligence in Bay Drowning Estate of Powell v. City and County of Honolulu (Dist. Hawaii 2/26/2007)

Lifeguard Supervision of Pool "Diving Sticks" Blohm v. Clark (N.C App. 4/17/2007)

**PRIMARY DUTY ON DIVER TO DETERMINE WHETHER IT IS SAFE TO DIVE,** September 1997

*Parks & Recreation*

**LIMITED LIABILITY FOR DROWNING IN NON-SWIMMING AREA OF PARK,** November 1998,

*Parks & Recreation*


Unguarded Beach Appeared to be Designated Swimming Area *Parks & Recreation.* Aug 2005.


**Week Seven:**

Exam # 2 accessible on [Blackboard](#) One Attempt, 3 Hour Time Limit

**Week Eight:**

**Sports Coach Liability** ([Webstream Video Lecture](#) 6a)

*Video Lecture Powerpoint Notes*

**SPORTS COACH & PHYSICAL ACTIVITY INSTRUCTORS LEGAL DUTIES OF CARE** January 1996, *Parks & Recreation*


DUTY TO INSTRUCT, WARN, & DEMONSTRATE UNFAMILIAR JUMPING EXERCISE, NRPA Law Review, April 1998, *Parks & Recreation*

LACK OF SAFETY INFORMATION & TRAINING FAULTED IN CHEERLEADING INJURY, NRPA Law Review, June 2001, *Parks & Recreation*

PALMER v. MOUNT VERNON TOWNSHIP HIGH SCHOOL DISTRICT 201 COACH DUTY TO REGARDING SELF-FURNISHED PROTECTIVE EQUIPMENT


SNYDER v. MORRISTOWN CENTRAL SCHOOL DISTRICT GIRL INJURED IN GYM CLASS CO-EDUCATIONAL TOUCH FOOTBALL GAME
NYDEgger v. Don Bosco Preparatory High School, Opposing Player Sues Coach for Encouraging Aggressive Play

**Post-Injury Procedures Liability** (Webstream Video Lecture 6b)

Video Lecture Powerpoint Notes


**TRAINER FAILS TO REPORT HEAD INJURY SYMPTOMS TO PHYSICIAN**, February 2004, NRPA Law Review, *Parks & Recreation*

**GEHLING v. St. George's University School of Medicine, LTD.**

**APPLEBAUM v. NEMON No Duty to Provide CPR in Playground Death**


**AED Not Customary in Industry at Time of Cardiac Arrest Delibero v. Q Clubs, Inc. (Fla.App. 6/6/2007)**

RELATED LINKS:


**Week Nine:**

**Sports Spectator Liability** (Webstream Video Lecture 7a)

Video Lecture Powerpoint Notes

**SPECTATORS ASSUME OBVIOUS RISKS IN UNPROTECTED AREAS OF BALLFIELD**, April 1997, *Parks & Recreation*


**ADEQUACY OF SPECTATOR PROTECTION IN DANGER ZONE A JURY ISSUE**, MAY 1993, *Parks & Recreation*

**LOWE v. CALIFORNIA LEAGUE OF PROFESSIONAL BASEBALL, TEAM MASCOT ANTICS NOT ASSUMED SPECTATOR RISK**


**CORTWRIGHT v. BREWERTON INTERNATIONAL SPEEDWAY, SPECTATOR INJURED BY FLYING DEBRIS**

**JUSSILA v. UNITED STATES SNOWMOBILE ASSOCIATION, SNOWMOBILE RACE SPECTATOR ASSUMES RISK**


Sport Participant Liability & Assumption of Risk  (Webstream Video Lecture 7b)  Video Lecture Powerpoint Notes

**CONTACT SPORT EXCEPTION ALLOWS FOR PARTICIPANT NEGLIGENCE, May 1998, Parks & Recreation**, plus case notes

RECKLESSNESS STANDARD FOR RECREATION PARTICIPANTS REAFFIRMED October 1999,  *Parks & Recreation*

Contact Sports Exception in Martial Arts Demonstration  Bevolo v. Carter (7th Cir. 4/20/2006)

**Participant Immunity for Ordinary Contact Sport Misconduct Karas v. Strevell (Ill.. 2/22/2008)**

**BUSHNELL v. JAPANESE-AMERICAN RELIGIOUS AND CULTURAL CENTER, PARTICIPANT ASSUMES RISK OF CHALLENGING INSTRUCTION**


**JUNIOR LIFEGUARD COMPETITION PARTICIPANT ASSUMES RISK OF INJURY (Lupash v. City of Seal Beach, Cal.App . Dist.4, 1999)**

Participant Assumes Risk of Injury Integral to Sport  American Powerlifting v. Cotillo (Md. 10/16/2007)

**Week Ten:**
LIABILITY WAIVERS & RELEASES OVERVIEW, CAN YOU SAY "EXCULPATORY AGREEMENT"? March 1996, Parks & Recreation.

LEON v. FAMILY FITNESS CENTER (Cal.App. 1998), LIABILITY RELEASE AMBIGUOUS, NOT ENFORCEABLE


Health Club Waiver Unenforceable for Pool Safety Negligence Slowe v. Pine Creek Court Club, Inc. (Del Sup. 2008)

COUGHLIN v. T.M.H. INTERNATIONAL ATTRACTIONS, INC., WAIVER IN CAVE TOUR FATALITY INEFFECTIVE

WHITEWATER RAFTING WAIVERS ILLUSTRATE EXPRESSED ASSUMPTION OF RISK, March 1998, Parks & Recreation.

PARENT/CHILD WAIVERS


STATE HIGH COURT UPHOLDS WAIVER SIGNED BY PARENT, October 1998 Parks & Recreation

HAWKINS v. PEART No. 01AP ?422 (Utah u2001) UTAH PARENT MAY NOT WAIVE CHILD'S NEGLIGENCE CLAIM


Week Eleven: Exam # 3

accessible on Blackboard. One Attempt, 3 Hour Time Limit

Week Twelve:

Agency Liability for Sexual Misconduct (Webstream Video Lectures 9a)

Video Lecture Powerpoint Notes
MOLESTATION LIABILITY EXAMINES SCOPE OF EMPLOYMENT & FORESEEABILITY, NRPA Law Review, February 1997, Parks & Recreation

WILLIAMS v. BUTLER. 577 So.2d 1113 (La.App. 1991), DUTY TO SCREEN RECREATION SUPERVISOR APPLICANT

HADDOCK v. CITY OF NEW YORK, PLAYGROUND RAPE BY EX-CONVICT EMPLOYEE, 3/89 NRPA Law Review

DUTY TO EDUCATE YOUTH ABOUT RISK OF SEXUAL ABUSE BY VOLUNTEERS? NRPA Law Review, Parks & Recreation, December 2000

SOUTHPORT LITTLE LEAGUE v. VAUGHAN No. 49A02-9912-CV-882 (Ind.App. 2000) LITTLE LEAGUE LIABLE FOR MOLESTATION BY VOLUNTEER


Unforeseeable Molestation by Volunteer Coach Doe v. Church of St. Christopher (N.Y. Sup.Ct. 10/10/2006)

RELATED LINKS:

Virginia Code § 19.2-392.02. National criminal background checks by businesses and organizations regarding employees or volunteers providing care to children, the elderly and disabled.

§ 22.1-272.1. Responsibility to contact parent of student at imminent risk of suicide; notice to be given to social services if parental abuse or neglect

Virginia Code § 19.2-390.1. Sex Offender and Crimes Against Minors Registry; maintenance; access. Virginia State Police, Sex Offender & Crimes Against Minors Registry


State Sex Offender Registries

Supervision Liability (Webstream Video Lectures 9b)

Video Lecture Powerpoint Notes

PLAYGROUND SUPERVISION LIABILITY: OPPORTUNITY TO PREVENT INJURY?, June '98 NRPA Law Review, Parks & Recreation
IS PLAYGROUND SUPERVISION NEGLIGENCE FOR FAILURE TO WITNESS INJURY?
NOVEMBER '97, NRPA LAW REVIEW, Parks & Recreation

ROLLINS v. CONCORDIA PARISH SCHOOL BOARD, FAILURE TO SUPERVISE SCHOOL PLAYGROUND MERRY-GO-ROUND

COLLINS v. BOSSIER PARISH SCHOOL BOARD, PLAYGROUND SUPERVISION IN FALL FROM MONKEY BARS

FOSTER v. HOUSTON GENERAL INSURANCE COMPANY HANDICAPPED ATHLETE FATALLY INJURED ENROUTE TO GYM

GLORIOSO v. YOUNG MENS CHRISTIAN ASSOCIATION OF JACKSON, CITY PARK FATALITY CAUSED BY LIGHT POLE

BRAHATCEK v. MILLARD SCHOOL DISTRICT, WRITTEN SUPERVISION STANDARD NOT FOLLOWED IN GOLF MISHAP

McGARR v. BOY SCOUTS OF AMERICA, FAILURE TO SUPERVISE BOY SCOUT ON WILDERNESS HIKE

Week Thirteen:

Gender Discrimination (Webstream Video Lectures 10a & 10b) Video Lecture Powerpoint Notes

Constitutional Test for Gender Discrimination in Public Facilities Parks & Recreation March 2002


City Failed To Prevent Sexual Harassment By Lifeguard Supervisors Parks & Recreation. Sep 1998.


Week Fourteen:

Exam # 4 accessible on Blackboard One Attempt, 3 Hour Time Limit

Note: Faculty reserve the right to revise the course schedule.