

GEORGE MASON UNIVERSITY
School of Recreation, Health, and Tourism

SPMT 614—Legal Issues in Sport (3) (001)
Spring 2014

DAY/TIME:	Tuesday 7:20-10:00	LOCATION:	Robinson Hall B118
PROFESSOR:	Corey Jackson, J.D.	EMAIL ADDRESS:	cjacksol@gmu.edu
OFFICE LOCATION:	D201 Mason Hall	PHONE NUMBER:	703-993-8730
OFFICE HOURS:	Mondays 4 – 5 p.m. or by appointment	FAX NUMBER:	703-993-8899

PREREQUISITES: Graduate Status or Permission of Instructor

COURSE DESCRIPTION

Examines legal issues as they apply to the sports industry. Course content includes, but is not limited to: tort law, risk management procedures, product liability, constitutional/contract/administrative/statutory law, crowd control/security, personal/professional values, and situational analysis.

COURSE OBJECTIVES

The student will be able to:

1. Demonstrate an understanding of broad legal foundations relative to the sport industry.
2. Demonstrate a fundamental understanding of the legal system, including tort, constitutional, contract, and labor law.
3. Apply knowledge of personal and professional values and decision-making relative to legal standards.
4. Demonstrate an understanding of the application of legal knowledge in sport settings.
5. Develop an appreciation for legal research and case law.
6. Learn to think critically and analytically about the mutual interaction between law and society.

PROFESSIONAL ASSOCIATION PRINCIPLES

Courses offered in the Sport and Recreation Studies (SRST) graduate program are guided by the principles of the Commission of Sport Management Accreditation (COSMA). COSMA (2010, p. 1) “bases its accrediting process on principles, rather than standards.” The eight recommended principles are:

- outcomes assessment;
- strategic planning;
- curriculum;
- faculty;
- scholarly and professional activities;
- resources;
- internal and external relationships; and
- educational innovation.

For more information, please see:

Commission of Sport Management Accreditation. (2010, June). *Accreditation principles and self study preparation*. Retrieved November 23, 2013 from <http://cosmaweb.org/accredmanuals>

COURSE OVERVIEW

The learning experiences in this course are afforded through a seminar style instructional approach. This will ensure opportunities to meet the course objectives through instructor-led discussions with ample opportunities for student participation. Course content includes, but is not limited to, the following: tort law, risk management procedures, civil/human rights, constitutional law, contract law, administrative/statutory law, the legal system, labor/antitrust law, legal research, personal and professional values, and situational analysis.

REQUIRED READINGS

Mitten, M., Davis, T., Smith, R., Shropshire, K., & Osborne, B., (2013). *Sports Law: Governance and Regulation*. New York: Aspen. ISBN: 978-0-7355-0864-4

Additional readings will include class handouts, current articles and news in sport management (e.g., *Sport Business Journal*, *Journal of Sport Management*, *International Journal of Sport Management*)

COURSE POLICIES

Deadlines: All due dates are hard deadlines. Coursework, papers and exams will not be considered for a grade after the deadline without a documented emergency.

Attendance Policy: Attendance is required and will be a factor in your participation grade. If you know that you are going to miss class, please e-mail and arrange to make up any assignments with as much notice as possible.

Religious Holidays: If an assignment, class or exam conflicts with any of your religious observances, meet with me to make alternative arrangements. Please try to provide as much notice as possible.

Plagiarism: Plagiarism is the use of written work by others without acknowledging the source. Whenever you rely on the words or ideas of other people in your written papers, you must acknowledge the source of those words or ideas. Failing to do so constitutes academic misconduct and may result in a grade reduction, including receiving a failing grade for the course.

GUEST SPEAKERS

Prominent guest speakers from the sports business industry may be used on an occasional basis.

NATURE OF COURSE DELIVERY

The class will have lecture and class discussion, and will require active participation of all students.

EVALUATION (*Assignments*)

1. Reading Memos (40%): All students will prepare **four** brief memos (**2 pages each; 10 pts each**) relevant to any of the readings (you may incorporate several readings into your memo). Formats may vary but it is useful to include:

1. Ideas, concepts, arguments you found stimulating, worth remembering, and building on;
2. Questions, concerns, disagreements with ideas encountered; and,
3. Connections, linkages, contradictions between one idea/approach and another.

The intent of the brief memos is to facilitate your thinking about issues you want to bring up in class and/or incorporate into your final writing assignment. Brief memos are **due to me by 9:00 am on any Monday prior to our Tuesday evening sessions. Send them to me via email. At least one memo is due before spring break.**

Memos do not need a cover page. Please use 12-point font, double spacing, black ink, and default MS Word margins. You do *NOT* need a reference list unless you also use outside materials but you should use proper citation within the text of your memo.

2. Discussion Leader (10%): Each student is responsible for leading one week of discussion. As discussion leader the student is responsible for introducing the reading and topics and facilitating discussion during the class. Students should prepare a short list of questions to help facilitate discussion. While it is not required, I highly recommend that students choose to write a reading memo for the week they lead discussion and consult the recommended readings on their topic.

3. Class Participation (15%): This is a small class that relies on your participation. Most of our time will be devoted to your discussion of the reading material. You will be assessed on your contributions to the weekly discussions.

4. Final Writing Assignment (35%): Students will write a traditional term paper as the final assignment for the semester. The traditional term paper must follow the format listed below. **Students should complete STEP ONE, and turn in a sheet with their proposed research question by March 24th.**

FINAL WRITING ASSIGNMENT: The final draft of the term paper will be due on **May 9th** by 5:00 p.m. The paper should be approximately 15-20 pages in length and relate to the topics of the course.

Formatting and Stylistic Requirements

- 15-20 typed, double-spaced pages with 1-inch margins on all sides
- Times New Roman, 12 point black font, numbered pages

- In-text citation format (please consult the writing center and honor code if you have any questions about citation; we must report all incidents of plagiarism, even if they are unintentional)

STEP ONE: Formulate a research question. You may choose one of the suggested topics below. You may, however, choose to do a paper on some other topic so long as it is controversial and involves some legal issue(s). That is, there must be reasonable disagreement about the issue.

Example Topics:

1. Should universities pay student-athletes?
2. Should the BCS be sued under antitrust laws?
3. Should athletes be held criminally liable for their conduct on the court/field?
4. Should cheerleading and dance constitute a sport for Title IX purposes?
5. Is the NBA's age restriction illegal under employment/labor law?
6. Does drug testing violate a person's right to privacy?
7. Should an attorney, who is also an agent, be able to disavow his/her attorney status to avoid being subject to state-imposed codes of conduct and disciplinary authority of state bar associations?
8. Racial or ethnic mascots: racism or team/institutional pride?
9. At the collegiate level, is Title IX to blame for cutting several men's sports?
10. Should athletic teams at public universities be allowed to have a religious prayer before, during or after an athletic event?

STEP TWO: Clarify the issue that you will research by defining any vague terms. For example, if you do a paper on labor law, what sorts of issues (employment discrimination, compensation, collective bargaining, etc.) exactly will your paper address?

STEP THREE Conduct research on your topic. Try to find out what other people have said about this issue. Also try to find any factual information that might be relevant to your topic. Your paper will eventually have to incorporate at least *five* sources, including at least three print sources. You can use the Web, books, journal articles, newspapers, or magazines. Keep in mind that you want *good (i.e., reliable, legitimate and reputable)* sources for your research, so pick sources that you believe meet the requirements for good sources as discussed in class and in the text. **You will need to document your search. Where did you locate your information and how did you find it? What sources did you initially find? Finally, why did you choose to use the sources that you selected for your paper? That is, explain why you believed the sources you picked to be particularly relevant, accurate, and objective. You will need to turn in this research narrative with your final draft.**

STEP FOUR: Write a paper that defends your position on the issue. In your paper, be sure that you do all of the following:

- a) Provide the best argument for your view on this issue. Use the sources you found to support your view where appropriate and be sure to give credit to the source.
- b) Present what you take to be the strongest objection(s) to your view. That is, give is the strongest *counter-argument* to your position. Again, you may want to rely on the views of another author. If you do, just be sure to cite.
- c) Respond to the objection, or counter-argument, that has been raised against your view. What is wrong with your opponent's argument? (Presumably you think something is wrong with it, otherwise you should change your position!)

Final Paper Grading Scale

Grading Scale for the Course	B+ = 88 – 89	C = 70 - 79
A = 94 – 100	B = 84 – 87	F = below 70
A- = 90 – 93	B- = 80 – 83	

- A** = Well-organized, clear, and precise. Contains insights that go beyond the basic facts. Analyzes and provides a synthesis of information in new, original ways. Judgments are critical and reflect an awareness of alternatives, social relations and historical perspective.
- B** = Well-organized, coherent, technically sound, but provides little insight beyond basic data.
- C** = Basic, but very little critical analysis. Content is perhaps relevant, but loosely organized. Not much detail. Imprecise. May have factual errors. Meets some, but not all, requirements.

F = May have some relevant material, but is weak in organization and understanding of ideas. Paper includes several errors, omissions and coherence problems. Does not meet requirements.

Course Evaluation Summary

Reading Memos (10 pts. * 4)	40 pts
Discussion Leader	10 pts
Participation	15 pts
Final Writing Assignment	35 pts
Total	100 pts

Writing Resources

These are helpful places that you can consult for input and assistance with your paper.

- The GMU Writing Center. Very helpful and friendly people staff the writing center, and they can assist you at any stage of this assignment. There is on-line as well as walk-in help available. www.writingcenter.gmu.edu
- There are also numerous style guides at the library and on-line.
- Your instructor is more than willing to meet with you and discuss drafts of your work; however, I will not fully type-edit your papers in hard copy or via email.

TENTATIVE COURSE SCHEDULE:

DATE		TOPIC	READINGS/ASSIGNMENT DUE
1/21	Week 1	Introduction to Sports Law and legal concepts; Regulating Interscholastic (High School) Athletics	Pages 1-30
1/28	Week 2	Good Conduct & Age Rules; Grooming; No Pass/No Play Rules; Homeschooled Students & Drug-Testing	Pages 30-46
2/4	Week 3	First Amendment - Freedom of Speech and Religion; NCAA Internal Governance and Legal Limits	Pages 46-51; 53-75
2/11	Week 4	Legal Limits on NCAA Authority; Defining Student-Athlete Relationship (continued); Student-Athlete and University Relationship	Pages 75-100; 100-121
2/18	Week 5	First Amendment Rights and Intercollegiate Athletics; NCAA Enforcement and Infractions Process and Recent Student Athlete Reinstatement	Pages 121-125
2/25	Week 6	Coaches' Contracts and Related Issues	Pages 127-145
3/4	Week 7	Gender Equity in Athletics	Pages 147-169
3/18	Week 8	Gender Equity (Continued); Racial Equity in Athletics	Pages 169-181; 185-215
3/25	Week 9	Professional Sports League Governance and Legal Regulation (Antitrust Law in Professional Sports)	Pages 275-309
4/1	Week 10	Professional Sports Labor Law and Labor Relations; Intersection of Antitrust and Labor Law	Pages 309-334
4/8	Week 11	Regulating Players and Teams; Professional Representation of Athletes (Agents)	Pages 343-376

DATE		TOPIC	READINGS/ASSIGNMENT DUE
4/15	Week 12	Olympic and International Sports Issues	Pages 377-411
4/22	Week 13	Intellectual Property Issues in Sports	Pages 413-446
4/29	Week 14	Health, Safety & Risk Management in Sports Intellectual Property; Course Review and Exam Preparation	Pages 217-275
	Week 15	Final Exam/Paper	May 9 th by 5:00 p.m.

*Spring Break March 10 – 16

Note: Faculty reserves the right to alter the schedule as necessary.

Student Expectations

- 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.

Campus Resources

- 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>].

CORE VALUES COMMITMENT: The College of Education and Human Development is committed to collaboration, ethical leadership, innovation, research-based practice, and social justice. Students are expected to adhere to these principles.

