

GEORGE MASON UNIVERSITY  
School of Recreation, Health, and Tourism

SPMT 614.001 Legal Issues in Sport (3)  
Spring 2016

|                  |                       |                |  |
|------------------|-----------------------|----------------|--|
| DAY/TIME:        | W 7:20 - 10 p.m.      | LOCATION:      | Thompson Hall 1018                                     |
| PROFESSOR:       | Shawn M. Packer, Esq. | EMAIL ADDRESS: | <a href="mailto:Spacker3@gmu.edu">Spacker3@gmu.edu</a> |
| OFFICE LOCATION: | By appointment        | PHONE NUMBER:  |  |
| OFFICE HOURS:    | By appointment        | FAX NUMBER:    | N/A  |

PREREQUISITES: Graduate Status or Permission of Instructor

COURSE DESCRIPTION: Examine legal issues as they apply to the sports industry. Course content includes, but is not limited to: tort law, constitutional law, contract law, administrative law, statutory law, and antitrust law.

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:

1. outcomes assessment;
2. strategic planning;
3. curriculum;
4. faculty;
5. scholarly and professional activities;
6. resources;
7. internal and external relationships; and
8. 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 Case Method style instructional approach. This will ensure opportunities to meet the course objectives through instructor-led discussions, but the student is expected to participate fully each and every class. Course content includes, case excerpts from the required readings ranging in topic across the legal spectrum. This course will require you to think critically about what each case excerpt means and what it does not mean. The Case Method style entails reading a case or series of cases to learn the development of the law and better predict future developments to the law.

**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 or Blackboard postings.

#### **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.

**Disabilities:** Students with disabilities who seek accommodations in a course must be registered with George Mason University Disability Services and inform their instructor, in writing, as soon as possible. Approved accommodations will begin at the time the written letter from Disability Services is received by the instructor [See <http://ods.gmu.edu/>].

**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 based on the Socratic method used in legal education, and will require active participation of all students.

## EVALUATION

### Assessment Activities:

#### Weekly assignments

20%

- Each week I will post questions to Blackboard that must be answered prior to class. These questions are straight from the reading for the week. This is to ensure that everyone has done his or her part in preparation for the lecture.

#### Lecture Participation

30%

- Because this class is going to be taught through the Case Method style each student must be fully prepared and all cases must be briefed. With the class being so small any student who is not prepared to brief a case will be deducted for that class.

#### Exam

50%

- The course will have a final exam consisting of several essay questions. The purpose of the exam is to apply the knowledge and analytical reasoning from the semester through hypothetical problems. You will be asked to fully analyze the problem as if you were briefing the case in class, explaining all possible outcomes.

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| <b>Grading Scale</b> | B+ = 88 – 89 | C = 70 – 79 |
| A = 94 – 100         | B = 84 – 87  |             |
| A- = 90 – 93         | B- = 80 – 83 | F = 0 – 69  |

| <b>Class Number</b> | <b>Topic</b>   | <b>Pages</b> |
|---------------------|--|--------------|
| 1                   | Introduction   | 1-14         |
|                     | How to brief a case  |              |
| 2                   | Chap. 1 Overview and Judicial Regulation                                   | 15-23        |
|                     | Chap. 1 Eligibility Issues   | 24-39        |
|                     | Chap. 1 Additional Constitutional Issues                                   | 40-52        |
| 3                   | Chap. 2 History and NCAA Regulatory Authority                              | 53-74        |
|                     | Chap. 2 Limits on NCAA Authority   | 75-97        |
| 4                   | Chap. 3 Regulatory Dimensions A-E  | 98-108       |
|                     | Chap. 3 Regulatory Dimensions F-H  | 110-121      |
| 5                   | Chap. 3 First Amendment Rights; Problem 3-2                                | 121-125      |
|                     | Chap. 4 Coaches Contracts Introduction and A1-4                            | 127-136      |
| 6                   | Chap. 4 Coaches Contracts B and Termination; Problem 4-3                   | 137-145      |
|                     | Chap. 5 Gender Issues History, Exclusion, Participation                    | 147-158      |
| 7                   | Chap. 5 Gender Issues Treatment, Reverse Discrimination, Sexual Harassment | 159-176      |
|                     | Chap. 5 Employment Discrimination  | 177-184      |
| 8                   | Chap. 6 Racial Issues History, Modern Sports,                              | 185-201      |

|    |   |         |
|----|---|---------|
|    | Academic Racism   |         |
|    | Chap. 6 Employment Discrimination, Mascots, Hostile Environment         | 200-216 |
| 9  | Chap. 7 Health, Safety and Risk Management Issues                       | 217-233 |
|    | Chap. 7 Liability, Tort Immunities, Waivers and Malpractice             | 234-256 |
| 10 | Chap. 7 Professional Athletes, Disabilities                             | 257-274 |
|    | Chap. 8 Professional Sports Governance                                  | 275-291 |
| 11 | Chap. 8 Antitrust   | 291-308 |
|    | Chap. 9 Professional Sports Labor Law                                   | 309-325 |
| 12 | Chap. 9 Professional Sports Labor, Arbitration, Antitrust               | 325-342 |
|    | Chap. 10 Representing Players   | 343-359 |
| 13 | Chap. 10 Agency External Regulation, Problem 10-4                       | 359-375 |
|    | Chap. 11 Olympics   | 377-412 |
| 14 | Chap. 12 Intellectual Property Trademark                                | 413-435 |
|    | Chap. 12 Intellectual Property Athletes' Publicity Rights, Problem 12-4 | 435-446 |

### *Student Expectations*

- Students must adhere to the guidelines of the George Mason University Honor Code [See <http://oai.gmu.edu/the-mason-honor-code/>].
- Students with disabilities who seek accommodations in a course must be registered with George Mason University Disability Services and inform their instructor, in writing, as soon as possible. Approved accommodations will begin at the time the written letter from Disability Services is received by the instructor [See <http://ods.gmu.edu/>].
- Students must follow the university policy for Responsible Use of Computing [See <http://universitypolicy.gmu.edu/policies/responsible-use-of-computing/>].
- 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.

### *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/>].

**PROFESSIONAL BEHAVIOR:** Students are expected to exhibit professional behaviors and dispositions at all times.

**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.

