

GEORGE MASON UNIVERSITY
School of Recreation, Health, and Tourism

SPMT 614.001 Legal Issues in Sport (3)
Spring 2017

DAY/TIME:	R 7:20 - 10 p.m.	LOCATION:	Aquia Building 213
PROFESSOR:	Shawn M. Packer, Esq.	EMAIL	Spacker3@gmu.edu
OFFICE LOCATION:	By appointment	ADDRESS:	
OFFICE HOURS:	By appointment	PHONE	
		NUMBER:	
		FAX NUMBER:	N/A

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. To be cognizant of the potential liability for injuries in the supervision, management, and conduct of sport, and of strategies for limiting liability.
2. To understand the rights and responsibilities of management, employees, participants, and clientele with respect to negligence law, and the potential for management liability.
3. To know the basic components of preventive law planning and to be able to apply them in sport settings.
4. To understand legal issues relevant to sport in the areas of contract, intentional tort, intellectual property, and criminal law.
5. To 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.
6. To increase awareness of current legal issues in sport.
7. To learn to think critically and analytically about the mutual interaction between the 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. (2016, May). *Accreditation principles manual & guidelines for self-study preparation*. Retrieved November 30, 2016 from <http://www.cosmaweb.org/accreditation-manuals.html>

COURSE OVERVIEW: The learning experiences in this course are afforded through a Case Method style instructional approach. In this type of lecture, I will call on specific students to discuss the merits of a case or problem. The student is expected to utilize the information they have learned in previous lectures and current readings to answer or explain the concept. 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

Sharp, L.A., Moorman, A.M., & Claussen, C.L. (2014). *Sport law: A managerial approach* (3rd ed.). Scottsdale, AZ: Holcomb Hathaway.

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:

Lecture Participation

10%

- 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. Any student who is not prepared to brief a case will be deducted for that class. This is a small portion of your grade, be prepared it could make the difference in your final grade.

Paper

45%

- You will complete a “term-paper” examining a legal issue in sport. The paper should discuss the history of the issue, case law, statutes, and an analysis of the current status of the issue. I want you to analyze the issue from all sides, not just the point you want to make. So, for example if your topic is the effect of Title IX on collegiate wrestling, I do not want a paper advocating the dismantling of Title IX but a paper discussing the relevant history and case law, then give analysis of ways to improve the issue. The paper should be a minimum of 10 pages double spaced with 1” margins, use Times New Roman size 12. You will submit both a hard copy and electronic copy of your work, the

electronic copy will be run through a system to check for plagiarism. This is an academic exercise so you must present your own work and cite to work of others both in the text and a final work cited page.

Exam

45%

- The course will have a take home 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.

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

Class Number	Topic	Pages
1/26	Introductory Legal Concepts How to brief a case	Chapter 1-3
2/2	Employment Relations Issues Employer Liability for Actions of Employees and Others	Chapter 4 Chapter 5
2/9	Hiring, Promotion, Termination, Compensation, and Leave Harassment and Employee Expression Issues	Chapter 6 Chapter 7
2/16	Working Conditions	Chapter 8
2/23	Paper topic due by 11:59 pm	
3/2	Labor Relations/Collective Bargaining The Law of Agency and Athlete Agents	Chapter 9 Chapter 10
3/9	Governance Issues in Professional Sports Governance Issues and Regulation of Participation in Olympic Sport	Chapter 11 Chapter 12
3/11-3/19	Governance Issues in High School and College Athletics	Chapter 13
3/23	Spring Break	
3/30	Regulation of Participation in Private Clubs and High School and College Athletics	Chapter 14
4/6	Participant Liability Issues	Chapter 15
4/13	Premises Liability and Sport Facility/Event Issues	Chapter 16
4/20	Use of Waivers and Exculpatory Clauses Participant Violence in Sports	Chapter 17 Chapter 18

4/27	Development of Protection of Intellectual Property	Chapter 19
5/4	Promotional and Operational Issues in Marketing	Chapter 20

GMU POLICIES AND RESOURCES FOR STUDENTS

Policies

- Students must adhere to the guidelines of the Mason Honor Code (see <http://oai.gmu.edu/the-mason-honor-code/>).
- 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 Mason 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 with disabilities who seek accommodations in a course must be registered with George Mason University Disability Services. 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 stating that all sound emitting devices shall be silenced during class unless otherwise authorized by the instructor.

Campus Resources

- Support for submission of assignments to Tk20 should be directed to tk20help@gmu.edu or <https://cehd.gmu.edu/aero/tk20>. Questions or concerns regarding use of Blackboard should be directed to <http://coursessupport.gmu.edu/>.
- The Writing Center 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/>).
- The 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 Student Support & Advocacy Center staff helps students develop and maintain healthy lifestyles through confidential one-on-one support as well as through interactive

programs and resources. Some of the topics they address are healthy relationships, stress management, nutrition, sexual assault, drug and alcohol use, and sexual health (see <http://ssac.gmu.edu>). Students in need of these services may contact the office by phone at 703-993-3686. Concerned students, faculty and staff may also make a referral to express concern for the safety or well-being of a Mason student or the community by going to <http://ssac.gmu.edu/make-a-referral/>.

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.

