

**George Mason University**  
**College of Education and Human Development**  
**Sport Management/Sport and Recreation Studies**

SPMT 614-001/SPMT 614-P01 Legal Issues in Sport (3)  
3 Credits, Spring 2020  
Thursdays 7:20pm – 10:00 pm East Hall 134–Fairfax Campus

**Faculty**

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**Prerequisites**

Graduate Status or Permission of Instructor

**University Catalog 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. Offered by Recreation, Health & Tourism. May not be repeated for credit.

**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.

**Course Delivery Method**

This course will be delivered in a lecture/discussion format. Each week for the first 10-15 minutes of class, we will start class bantering about the latest in sports found on Twitter, Facebook, ESPN, and *Sports Business Journal*. 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. Additionally, the class will consist of various in-class assignments, including, but not limited to, mock negotiations, class presentations and group discussions.

**Learner Outcomes or Objectives:**

This course is designed to enable students to do the following:

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 Standards:**

Courses offered in the Sport and Recreation Studies (SRST) graduate program are guided by the principles of COSMA. COSMA (2016, 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. (2016, May). *Accreditation principles manual & guidelines for self-study preparation*. Retrieved November 30, 2016 from <http://www.cosmaweb.org/accreditation-manuals.html>

### **Required Texts**

Mitten, M., Davis, T., Smith, R., Shropshire, K., & Osborne, B. (2016). *Sports law: Governance and regulation* (2<sup>nd</sup> ed.). New York: Wolters Kluwer. ISBN: 978-1-4548-6978-8

Additional readings will include class handouts or Blackboard postings.

### **Course Performance Evaluation**

Students are expected to submit all assignments on time in the manner outlined by the instructor (e.g., Blackboard, Tk20, hard copy).

- **Assignments and/or Examinations**
  - **Evaluation:**
  - **Assessment Activities:**
    - Weekly assignments 20%
      - Each week I will post questions to Blackboard that must be answered prior to class. The questions will be posted by Monday

of each class week. These questions are straight from the reading for the week. This is to ensure that everyone has done their individual part in preparation for the lecture.

- **Class Participation** 30%
  - Your class participation is highly valued and critical to the success of your learning experience in this course. Throughout the course of the semester, we will have various exercises in which we simulate actual cases and scenarios that arise in the world of sports law. When group simulated cases and scenarios are not occurring in the class, this class is going to be taught through the Case Method style each student must be fully prepared and all cases must be briefed.
  
- **Exam** 50%
  - The course will have a final exam consisting of several essay and multiple-choice 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**

<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

- **Additional 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.

### **Professional Dispositions**

See <https://cehd.gmu.edu/students/polices-procedures/>

### **Class Schedule**

Provided below is the tentative syllabus with reading assignments for the course. The assignments provided below will correspond closely with the number of class meetings during the semester. This proposed weekly coverage of Syllabus materials are subject to change, as necessary, *at my discretion*.

<b>Class Number</b>	<b>Topic</b>	<b>Pages</b>
1	Chap. 1: Introduction to the Study of Sports Law	1-14
2	Chap. 2: Regulating Interscholastic and Youth Athletics <ul style="list-style-type: none"> <li>- Overview and Judicial Regulation</li> <li>- Athlete Eligibility Issues</li> <li>- First and Fourth Amendment Constitutional Rights</li> </ul>	15-39 42-50 54-58
3	Chap. 3: NCAA Internal Governance of Intercollegiate Athletics <ul style="list-style-type: none"> <li>- History and NCAA Regulatory Authority</li> <li>- NCAA Enforcement</li> <li>- Antitrust Law</li> </ul>	59-78 83-111
4	Chap. 4: Legal Relationship Between the University and Student-Athletes <ul style="list-style-type: none"> <li>- Introduction to Contract Law</li> <li>- Student-Athletes</li> </ul>	113-128 131-145
5	Chap. 5: Gender Equity Issues in Athletics <ul style="list-style-type: none"> <li>- Gender-Based Exclusion from a Particular Sport</li> <li>- Equal Athletic Participation Opportunities, Benefits, and Treatment</li> <li>- Gender-Based Employment Discrimination in Athletics</li> </ul>	148-183
6	Chap. 6: Racial Equity Issues in Athletics <ul style="list-style-type: none"> <li>- Historical Perspective</li> <li>- Race and Racial Equity in Modern Sports</li> </ul>	185-215
7	Chap. 7: Health, Safety, and Risk Management Issues in Sports <ul style="list-style-type: none"> <li>- Tort and Criminal Liability for Athletics-Related Injuries</li> <li>- Liability for Educational Institutions</li> <li>- Injury Compensation for Professional Athletes</li> </ul>	217-255

8	Chap. 8: Sports Medicine, Concussions, Compensation, and Impairment in Sports - Tort and Criminal Liability for Athletics-Related Injuries - Liability for Educational Institutions Injury Compensation for Professional Athletes	257-279
9	Chap. 9: Intellectual Property Issues in Sports - Trademarks, Logos, and Other Identifying Insignia - Real-Time Game Accounts and Broadcasting Rights Athletes' Lanham Act and State Law Privacy, Reputation and Publicity Rights	281-314
10	Chap. 10: Coaches' Contracts and Related Issues - <b>Contract Negotiation</b>	315-336
11	Chap. 11: Professional Sports League Governance and Legal Regulation - Origin and Evolution of Modern Professional Sports Industries - Internal League Governance and Commissioner Authority - Antitrust Law Limits on Leagues	337-370
12	Chap. 12: Professional Sports League Governance and Legal Regulation - Contract Law - Labor Law	371-404
13	Chap. 13: Representing Players and Teams: The Athlete-Agent Industry - Nature of the Relationship - Regulations and Legislation <b>Contract Negotiation</b>	405-440
14	Chap. 14: Olympic and International Sports Issues - Origin, History, and Objectives of the Olympic Games - Regulation of Olympic Sports within the United States - Doping Violations and Sanctions	441-470

Note: Faculty reserves the right to alter the schedule as necessary, with notification to students.

## GMU Policies and Resources for Students

### *Policies*

- Students must adhere to the guidelines of the Mason Honor Code (see <https://catalog.gmu.edu/policies/honor-code-system/> ).
- Students must follow the university policy for Responsible Use of Computing (see <https://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 <https://ds.gmu.edu/>).
- Students must silence all sound emitting devices during class unless otherwise authorized by the instructor.

### *Campus Resources*

- Support for submission of assignments to Tk20 should be directed to [tk20help@gmu.edu](mailto:tk20help@gmu.edu) or <https://cehd.gmu.edu/aero/tk20>. Questions or concerns regarding use of Blackboard should be directed to <https://its.gmu.edu/knowledge-base/blackboard-instructional-technology-support-for-students/>.
- For information on student support resources on campus, see <https://ctfe.gmu.edu/teaching/student-support-resources-on-campus>

### **Notice of mandatory reporting of sexual assault, interpersonal violence, and stalking:**

As a faculty member, I am designated as a “Responsible Employee,” and must report all disclosures of sexual assault, interpersonal violence, and stalking to Mason’s Title IX Coordinator per University Policy 1202. If you wish to speak with someone confidentially, please contact one of Mason’s confidential resources, such as Student Support and Advocacy Center (SSAC) at 703-380-1434 or Counseling and Psychological Services (CAPS) at 703-993-2380. You may also seek assistance from Mason’s Title IX Coordinator by calling 703-993-8730, or emailing [titleix@gmu.edu](mailto:titleix@gmu.edu).

**For additional information on the College of Education and Human Development, please visit our website <https://cehd.gmu.edu/students/> .**