

**KINE 5362- LEGAL ISSUES IN SPORT  
FALL 2017**

*KINE 5362 is a required course for the Master of Arts in Kinesiology – Sport Management Emphasis*  
**College of Health Sciences  
Department of Kinesiology**

**Instructor:** Brent C. Estes, Ph.D.  
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Office hours: By appointment

**Meeting Place / Time:** The Woodlands Center, Monday 6:00 pm – 8:50 pm

**Text/Readings:** Sharp, L.A., Moorman, A.M., & Claussen, C.L. (2010). *Sport Law: A Managerial Approach*. Scottsdale, AZ: Holcomb Hathaway. **ISBN 9781934432006**

American Psychological Association. *Publication Manual for the American Psychological Association* (5th ed.). (2009). Washington, D.C.: APA. **(Required for Master's program)**

16 week subscription to **Sport Business Journal**. Subscribe using the following url:  
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Students will be distributed a variety of handouts, case studies, and research articles throughout the semester.

**Course Description:** An examination of legal factors affecting Physical Education, amateur athletics and professional sport. Analysis will involve teachers, coaches, officials, spectators, medical personnel, owners of sports teams, and commercial suppliers of equipment and products used within an activity setting. Credit 3. (*SHSU 2006-08 Catalog*)

This course is designed to introduce the student to the legal principles involved in sport and to apply those principles to a variety of managerial functions pertinent to sport settings. Another prime focus of this course is using the law to make a sport organization more competitive.

**Standards Matrix:**

<b>Objectives/Learning Outcomes</b>	<b>Activities (* indicates field-based)</b>	<b>Performance Assessment</b>	<b>Standards: <u>State Standards</u> <u>Specialty Organization Standards</u></b>
The graduate student will have a comprehensive understanding of the nature of the American Legal System.	In class work and group discussion  Legal Case Study Presentation  Mock Legal Proceedings	Grades on written Tests  Evaluation of performance on assignments, in-class discussions, presentations, and participatory legal	N/A

	Legal Research Paper Law Review Exercises	exercises	
The graduate student will become cognizant of the potential liability for injuries in the supervision, management, and conduct of sport, and of strategies for limiting liability.	In class work and group discussion Legal Case Study Presentation Mock Legal Proceedings	Grades on written Tests Evaluation of performance on assignments, in-class discussion, presentations and participatory legal exercises	N/A
The graduate student will develop an understanding of the rights and responsibilities of management, employees, participants, and clientele with respect to negligence law, and the potential for management liability.	In class work and group discussion Legal Case Study Presentation Mock Legal Proceedings Legal Research Paper Law Review Exercises	Grades on written Tests Evaluation of performance on assignments, in-class discussion, presentations and participatory legal exercises	N/A
The graduate student will develop an increased awareness of current legal issues in sport.	In class work and group discussion Legal Case Study Presentation Legal Research Paper Law Review Exercises	Grades on written Tests Evaluation of performance on assignments, in-class discussion, presentations and participatory legal exercises	N/A
The graduate student will learn the basic components of preventive law planning and to be able to apply them in sport settings.	In class work and group discussion Legal Case Study Presentation Mock Legal Proceedings	Grades on written Tests Evaluation of performance on assignments, in-class discussion, presentations and participatory legal exercises	N/A
The graduate student will learn to think critically and analytically about the mutual interaction between the law and society.	In class work and group discussion Mock Legal Proceedings Law Review Exercises Legal Research Paper	Grades on written Tests Evaluation of performance on assignments, in-class discussion, presentations and participatory legal exercises	N/A
The graduate student will develop An understanding of legal issues relevant to sport in the areas of contract, intentional tort,	In class work and group discussion Legal Case Study Presentation	Grades on written Tests Evaluation of performance on assignments, in-class	N/A

intellectual property, and criminal law.	Mock Legal Proceedings Legal Research Paper Law Review Exercises	discussion, presentations and participatory legal exercises	
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**Course Format:**

The content of this course is delivered through a traditional lecture/discussion format. In addition, course concepts are learned through self-study, collaborative study, and small group discussions. It is expected (and encouraged) that students will learn content addressed in the course and discuss the concepts with other students and professionals outside of class to improve comprehension of the sport law knowledge base. Evaluation consists several course projects as well as a mid-term and final exam.

In this course our focus will be on these major objectives (as assessed by the IDEA course evaluation system):

**Essential:**

- 1) Gaining factual knowledge (terminology, classifications, methods, trends).
- 2) Learning fundamental principles, generalizations, or theories.

**Important:**

- 1) Learning to apply course material (to improve thinking, problem solving, and decisions).
- 2) Developing specific skills, competencies, and points of view needed by professionals (sport managers and legal professionals) in the field most closely related to this course (sport management).
- 3) Develop skill in expressing oneself orally or in writing.
- 4) Learning how to find and use resources for answering questions or solving problems.

**Course Content:****I. Introduction to American Legal System****II. Governance: Organization Authority to Regulate**  
*Governance of High School & College Athletics***III. Human Resource Management***A. Management of Employees*

1. employment contract issues
2. false information; negligent hiring
3. controlling employee behavior
4. avoiding employment discrimination based on:
  - a. race & gender
  - b. age & disability
  - c. harassment
  - d. employee expressive activity

*B. Management of Clientele/Participants – Controlling Access to Participation*

1. private clubs & places of public accommodation
2. high school & college athletics
  - a. pregnancy & sexual harassment
  - b. equity for the disabled
  - c. gender equity
  - d. racial equity
  - e. disciplinary rules & transfer rules
  - f. expressive activity issues

g. drug testing

#### **IV. Operations Management**

##### *A. Programming & Equipment*

1. negligence liability
2. common sport contexts for liability
3. premises & spectator liability
4. use of waivers
5. products liability

##### *B. Hazing & Employee Violence*

##### *C. Participant Access to Facilities*

##### *D. Spectator Searches*

#### **V. Marketing Management**

##### *A. Protecting Intellectual Property*

1. copyrighted material
2. trademarked goods & services

##### *B. Avoiding Illegal Marketing, Promotion, & Media Relations*

1. ambush marketing
2. false advertising
3. right of publicity
4. media relations & privacy/defamation issues

#### **Course Requirements:**

1. Regular attendance.
2. Class participation as demonstrated by discussion of the assigned readings and cases.
3. Analysis of assigned legal case reviews
4. Completion of a mid-term examination.
5. Completion of a final examination.
6. Completion of a final paper.

Students should plan to complete their assignments on time. Any assignment not submitted in a timely manner will receive a grade of zero for that assignment.

#### **Evaluation (\* indicates field-based activity):**

<b>Collective Bargaining Agreement Project</b>	<b>100</b>
<b>Legal Case Study Presentation</b>	<b>100</b>
<b>Sport Law Paper</b>	<b>100</b>
<b>Mid-Term Exam</b>	<b>100</b>
<b>Final Exam</b>	<b><u>100</u></b>
<b>Total Possible Points:</b>	<b>500</b>

#### **Expectations:**

##### Written work should:

- be clear, well organized, and concise.
- be free from grammatical and spelling errors.
- be Typed (12 point) and double space with 1 inch margins on left and right, with name, date, course in upper right hand corner. Paginate with page number in upper right hand corner and a staple in upper left corner. No report covers please.
- demonstrate a thorough analysis.

- include supporting evidence from course readings and additional resources (citations must be provided).

Academic honesty is expected in all work.

Violations will result in course failure. Please note that SHSU policy regarding academic honesty specifically addresses appropriate use of electronic files and media. The Department regularly monitors student work through a university purchased service entitled “Turn-it-in.com”. In this program, student work is compared to previous published work and a comparison (by percentage) is made of students’ work to that of the original authors’. Plagiarism (putting someone else’s work down as your own with no citation) is a serious violation of this policy.

Attendance/Participation Policies:

Attending class, arriving for class on time, and remaining in class until the end of the class period is fundamental to academic success. Each student will be allowed **two** absences over the course of the semester. All subsequent absences after the third will result in one letter grade reduction per absence.

1-2 absences = no penalty

3 or more absences will result in failure of the course

**STUDENT ABSENCES ON RELIGIOUS HOLY DAYS POLICY**

Section 51.911(b) of the Texas Education Code requires that an institution of higher education excuse a student from attending classes or other required activities, including examinations, for the observance of a religious holy day, including travel for that purpose. A student whose absence is excused under this subsection may not be penalized for that absence and shall be allowed to take an examination or complete an assignment from which the student is excused within a reasonable time after the absence.

University policy 861001 provides the procedures to be followed by the student and instructor. A student desiring to absent himself/herself from a scheduled class in order to observe (a) religious holy day(s) shall present to each instructor involved a written statement concerning the religious holy day(s). This request must be made in the first fifteen days of the semester or the first seven days of a summer session in which the absence(s) will occur. The instructor will complete a form notifying the student of a reasonable timeframe in which the missed assignments and/or examinations are to be completed.

**STUDENTS WITH DISABILITIES POLICY**

It is the policy of Sam Houston State University that no otherwise qualified individual with disabilities shall, solely by reason of his/her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any academic or Student Life program or activity. Students with disabilities may request help with academically related problems stemming from individual disabilities from their instructors, school/department chair, or by contacting the Chair of the Committee for Continuing Assistance for Disabled Students and Director of the Counseling Center, Lee Drain Annex, or by calling (936) 294-1720.

**AMERICANS WITH DISABILITIES ACT**

SHSU adheres to all applicable federal, state, and local laws, regulations, and guidelines with respect to providing reasonable accommodations for students with disabilities. Students with disabilities that may affect adversely their work in this class should register with the SHSU Counseling Center and talk with their University supervisor and classroom mentor teachers about how they can help. All disclosures of disabilities will be kept strictly confidential. NOTE: no accommodation can be made until registration with the Counseling Center is complete.

**TENATIVE SCHEDULE:**

	<b>Date</b>	<b>Class Topics</b>	<b>Assignments</b>
	8/28	Chapter 2 <b>Managerial Strategies to Minimize Liability</b>	
	9/11	Chapter 2 <b>Managerial Strategies to Minimize Liability</b>	
	9/18	Chapter 4 <b>Employment Relations Issues</b>	
	9/25	Chapter 6 <b>Hiring, Promotion, Termination, Compensation, &amp; Leave</b>	
	10/2	Chapter 7 <b>Harassment &amp; Employee Expression Issues</b>	
	10/9	Chapter 9 <b>Labor Relations/Collective Bargaining</b>	
	10/16	Chapter 14 <b>Regulation of Participation in Private Clubs &amp; High School &amp; College Athletics</b>	
	10/23	<b>Chapters 2, 4, 6, 7, 9, 14</b>	<b>MID-TERM EXAM</b>
	10/30	Chapter 11 <b>Governance Issues in Professional Sport</b>  Chapter 13 <b>Governance Issues in High School &amp; College Athletics</b>	
	11/6	Chapter 15 <b>Participant Liability Issues</b>  Chapter 16 <b>Premises Liability &amp; Sport Facility/Event Issues</b>	
	11/13		<b>CBA Exercise</b>

<b>11</b>	<b>11/20</b>	Chapter 18 <b>Participant Violence in Sport</b>	<b>Law Papers Due</b>
<b>12</b>	<b>11/27</b>	Legal Case Studies	<b>Presentations</b>
	<b>12/4</b>	<b>Chapters 11, 13, 15, 16, 18</b>	<b>FINAL EXAM</b>