

KIN 3365 PHYSIOLOGY OF EXERCISE
Fall 2017
Department of Kinesiology

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Text: Introduction to Sport Law . John O. Spengler, Paul Anderson, Daniel Connaughton, & Thomas Baker, 2nd ed. 2015. ISBN 978-1-1-4504-5700-2

COURSE DESCRIPTION: This course presents a comprehensive and systematic overview of the fundamental legal issues in sport. Topics in this course are intended to introduce students to the legal issues that are most critical to the management of sport including liability, gender equity, risk management, tort law, labor law and collective bargaining.

COURSE OBJECTIVES:

Individuals who are successful in the completion of the requirements of this course will be able to:

1. Describe the elements of torts as they relate to the sport industry.
2. Explain the Legal system in the U.S.
3. Apply case law to current legal issues in sport.
4. Discuss the foundations of risk management and key elements of the decision making process.
5. Explain the legal relationships in amateur sport.
6. Discuss the liability of sport participants, coaches, schools, and referees.
7. Interpret Title IX as it relates to intercollegiate sport.
8. Identify legal issues common to amateur and professional sport.
9. Explain commercialism and amateurism in sport.
10. Discuss the elements of contracts.

COURSE CONTENT:

- I. U.S. Legal System**
 - a. Sources of U.S. law**
 - b. Types of U.S. law**
 - c. U.S. court system**
- II. Tort Law**
 - a. Negligence**
 - b. Intentional torts**
 - c. Product Liability**
- III. Risk Management**
 - a. Perspectives on Approaching Risk Management**
 - b. Loss Prevention and Risk Management**

- c. Risk Management Process
 - d. Maintaining and Providing Proper Equipment and Premises
 - e. Instruction and Supervision
- IV. Agency Law
 - a. Sport Agents
 - b. Concepts in Agency Law
 - c. Regulation of Athlete Agents
- V. Contract Law
 - a. Basics of Contract Law
 - b. Sport Contracts
 - c. Contract Law Issues
- VI. Employment Law
 - a. Employment Relationship
 - b. Discrimination
 - c. Sexual Harrassment
 - d. Federal Employment Law
- VII. Gender Equity
 - a. Title IX
- VIII. Antitrust Law
 - a. Trademark Law
 - b. Copyright Law
 - c. Right of Publicity
- IX. Labor Law
 - a. Right to Bargain Collectively

COURSE EVALUATION:

		Grading Scale
Test (2 X 100)	200 Points	A = 360-400
Case Studies	70 Points	B = 320-359
Online Quizzes	70 Points	C = 280-319
Discussion board	40 Points	D = 240-279
Definiton of Terms	20 Points	F= <240
Total Possible	400 Points	

Student absences on religious holy days policy (AP 861001):

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.

<http://www.shsu.edu/dotAsset/0953c7d0-7c04-4b29-a3fc-3bf0738e87d8.pdf>

Student Absence Notification Policy (Dean of Students)

Distinction between non-emergency and emergency absences; included in this link is the Absence Notification Request Form: <http://www.shsu.edu/dept/dean-of-students/absence.html>

Procedures in Cases of Academic Dishonesty (AP 810213)

Students are expected to engage in all academic pursuits in a manner that is above reproach. Students are expected to maintain honesty and integrity in the academic experiences both in and out of the classroom. Any student found guilty of dishonesty in any phase of academic work will be subject to disciplinary action. The University and its official representatives may initiate disciplinary proceedings against a student accused of any form of academic dishonesty including but not limited to, cheating on an examination or other academic work which is to be submitted, plagiarism, collusion and the abuse of resource materials.

<http://www.shsu.edu/dotAsset/728eec25-f780-4dcf-932c-03d68cade002.pdf>

Allegations of student misconduct, as defined in paragraph 5.2, Chapter VI of the *Rules and Regulations*, Board of Regents, The Texas State University System, and Sam Houston State University *Student Guidelines*, published by the Dean of Students' Office, will be referred to the Dean of Students' Office for necessary action. Dean of Students: <http://www.shsu.edu/dept/dean-of-students/>.

Academic Honesty:

Academic honesty is expected in all work. Ignorance is not an excuse. Penalties will include 0 points for the assignment or exam and loss of any extra credit opportunities. First instance will result in a 0 on the assignment and the incident being noted. Second instance will result in failing the class, and both incidents will be reported. Remember that self-plagiarism (using something you did) is also considered academic dishonesty.

The subject of academic honesty is addressed in paragraph 5.3, Chapter VI, of the *Rules and Regulations*, Board of Regents, The Texas State University System, and Sam Houston State University *Student Guidelines* published by the Office of Student Life to wit:

5.3 Academic Honesty. The University expects all students to engage in all academic pursuits in a manner that is above reproach. Students are expected to maintain complete honesty and integrity in the academic experiences both in and out of the classroom. Any student found guilty of dishonesty in any phase of academic work will be subject to disciplinary action.

5.31 The University and its official representatives, acting in accordance with Subsection 5.32, may initiate disciplinary proceedings against a student accused of any form of academic dishonesty including, but not limited to, cheating, plagiarism, collusion, and the abuse of resource materials.

"Cheating" includes the following and similar actions:

- (1) Copying from another student's test paper, laboratory report, other report, or computer files, data listings, and/or programs.
- (2) Using, during a test, materials not authorized by the person giving the test.
- (3) Collaborating, without authorization, with another student during an examination or in preparing academic work.
- (4) Knowingly, and without authorization, using, buying, selling, stealing, transporting, soliciting, copying, or possessing, in whole or in part, the contents of an unadministered test.
- (5) Substituting for another student, permitting any other person, or otherwise assisting any other person to substitute for oneself or for another student in the taking of an examination or test or the preparation of academic work to be submitted for academic credit.
- (6) Bribing another person to obtain an unadministered test or information about an unadministered test.
- (7) Purchasing, or otherwise acquiring and submitting as one's own work any research paper or other writing assignment prepared by an individual or firm. This section does not apply to the typing of the rough and/or final versions of an assignment by a professional typist.

5.32 "Plagiarism" means the appropriation and the unacknowledged incorporation of another's work or idea into one's own work offered for credit.

5.33 "Collusion" means the unauthorized collaboration with another person in preparing work offered for credit.

5.34 "Abuse of resource materials" means the mutilation, destruction, concealment, theft or alteration of materials provided to assist students in the mastery of course materials.

5.35 "Academic work" means the preparation of an essay, dissertation, thesis, report, problem, assignment, or other project that the student submits as a course requirement or for a grade.

"Self-plagiarism represents a significant problem in academia as it serves to undermine the learning process and outcomes that are a key feature of each course that is offered as a part of a student's curriculum. As a result, the Department of Health and Kinesiology has a strict policy in place to prevent self-plagiarism in the classroom. Self-plagiarism is defined as the submission of any type of assignment that contains content that is recycled from other assignments or a prior publication that one submits for course credit in another course."

Academic Grievance Procedures for Students (AP 900823)

Academic grievances include disputes over course grades, unauthorized class absences/tardiness, suspension for academic deficiency, instructor's alleged unprofessional conduct related to academic matters, graduate comprehensive and oral exams, theses and dissertations, and withdrawal or suspension of privileges related to degree-required clinical rotation, internships, or other clinical service delivery in professional degree programs.

If the dispute is determined to be based upon professional judgment, the aggrieved student is entitled to have, as appropriate and in turn, the department/school chair, College Academic Review Panel, academic dean, Dean of Graduate Studies (for graduate student issues), and Provost and Vice President for Academic Affairs form an opinion about the dispute and so advise the individual(s) involved.

<http://www.shsu.edu/dotAsset/0bb1346f-b8d6-4486-9290-dba24123d0d8.pdf>

Students with disabilities policy (AP 811006):

It is the policy of Sam Houston State University that individuals otherwise qualified shall not be excluded, solely by reason of their disability, from participation in any academic program of the university. Further, they shall not be denied the benefits of these programs nor shall they be subjected to discrimination. Any student with a disability that affects his/her academic performance should contact the Office of Services for Students with Disabilities in the SHSU Lee Drain Annex (telephone 936-294-3512, TDD 936-294-3786) to request accommodations. They should then make arrangements with their individual instructors so that appropriate strategies can be considered and helpful procedures can be developed to ensure that participation and achievement opportunities are not impaired.

SHSU adheres to all applicable federal, state, and local laws, regulations, and guidelines with respect to providing reasonable accommodations for students with disabilities. NOTE: No accommodation can be made until a student registers with the Services for Students with Disabilities <http://www.shsu.edu/dotAsset/187f9029-a4c6-4fb4-aea9-2d501f2a60f3.pdf>

Additional Resources:

All SHSU Policies: <http://www.shsu.edu/intranet/policies/>

Student Guidelines <http://www.shsu.edu/students/guide/>