UNIVERSITY OF CENTRAL FLORIDA
SPM 6726-0M01
Spring 2012

Legal Issues in Sports and Fitness Programs

(Note: This course syllabus is subject to revision by the instructor, as necessary during the semester)

Instructor: Edward (Ted) Kian, Ph.D.    Course Reference #: 20792
Email: edward.kian@ucf.edu    Contact Number: (407) 823-4631 (W)
Class Meeting Times: Th. 6-8:50 p.m. (4 times)    Emergency Cell #: (407) 927-5403
Class Location: TA 222    Office Location: Educ. Complex Room 122A
Credit: 3 hours    Office Hours: 12:15-4:15 Tu; 12:30-1:30 Th

COURSE DESCRIPTION: Legal Issues in Sports and Fitness provides an overview of legal issues that frequently arise in the context of sport and physical activity, with an emphasis placed on how sport leaders should respond to specific situations based on the law. This course will provide students with a basic understanding of the law as it applies to sport as well as how the law affects participants, teachers, sport managers, coaches, spectators, facility owners, etc. Emphasis is placed on providing legally sound programs that reduce the risk of litigation. Actual court cases are examined.

PREREQUISITES: Students must have graduate-level standing to enroll in this course. No other prerequisites are required.

OBJECTIVES: After completing this course students will be able to:

- Comprehend and define key legal terminology.
- Discuss the federal, state, and local court systems, and the jurisdiction that each covers.
- Understand how to find, cite, and interpret legal cases.
- Understand the role and implications of legal issues as they apply to sport.
- Recall specific laws that have had the greatest impact on sport and physical activity.
- Comprehend and be able to explain both orally and in writing the basic concepts of various areas of law and how they apply to sport, including Tort, Contract, Title IX, Intellectual Property, and Risk Management.
- Prevent injuries by providing safe facilities.
- Ensure that protective equipment is available, properly fitted, and used appropriately.
- Monitor environmental conditions and modify participation as needed to ensure the health and safety of participants.
- Use effective communication skills to enhance individual learning, group success, and enjoyment in the sport experience.
- Manage human resources for the program.
- Facilitate planning, implementation, and documentation of the emergency action plan.
- Manage all information, documents, and records for the program.
- Fulfill basic legal responsibilities and risk management procedures associated with sport leadership and coaching.

RECOMMENDED READINGS:

LEGAL WEBSITE:  
http://web.lexis-nexis.com/universe?
1. From the UCF homepage click on the Libraries link on the left column.
2. Click on Articles & Databases on the far left column.
3. Click on Public Affairs & Law on the right column.
4. Click on LexisNexis Academic
5. Either click on Get a Case or:
5. Click on Legal Research

ADDITIONAL MATERIALS:  
Additional readings, including actual court decisions, will be added to the calendar throughout the semester. Handouts will be presented to support course discussion areas during the term. All students are expected to have active UCF e-mail accounts and Web-CT accounts, and regularly communicate with the professor using this technology. This is predominantly an ONLINE course. Students are required to regularly check the course Web site and their e-mail accounts for class updates/assignments. The professor will often make Power Points available each week for students to print out. **THOSE POWER POINTS ARE THE PROFESSOR’s INTELLECTUAL PROPERTY AND ARE NOT TO BE DISSEMINATED TO ANY THIRD PARTIES OUTSIDES OF THIS CLASS.**

CLASS ATTENDANCE:  
This class will only meet 4 times face-to-face. Each unexcused absence will result in a 1-point loss from each student’s total attendance score and students will lose all group activity points associated with those days.

GROUP ACTIVITIES:  
In addition to the class participation, group activities will be assigned throughout the semester during classes and through the discussion board. Some of these activities are on the syllabus. Others will be unannounced.

TEACHING STRATEGIES:  
Various methods shall be incorporated into the course information delivery. These will include lectures and discussion, researched presentations of projects and assignments, group activities, videos and movies. Discussion board posting and group activities will be commonplace in the online components of this class.

EXAMS:  
Two examinations will be given on the assigned dates listed on the calendar. Each exam will consist of true/false, matching, multiple choice, and short answer questions. Students not able to attend class on the set exam dates due to excused absences must inform me at least two class sessions before the exam date to set a date for a make-up exam. Make-up exams will only be given to students with documented, excused absences.

TERM PAPER:  
Each student will individually complete a legal research paper on a specific subject related to sport law. **Students must have their topic approved by the instructor.** This paper will be no less than three pages (typed, double-spaced) and no longer than seven pages (typed, double-spaced). Points will be deducted if students write longer than seven double-spaced pages. Those lengths do not include a cover page and a reference page(s), both of which must be included. Students must cite a minimum of five references in the paper, three of which must be actual court decisions. Other references can come from sources such as law review articles, academic journals, books, chapters in edited books, daily newspapers, magazines, Internet articles (no chat-room posts), and television documentaries. The research paper will be discussed in more detail later in the term, but examples of potential topics include but are not limited to: Major League
Baseball and its antitrust exemption; Legal decisions pertaining to the National Football League player draft; Legal issues and major court decisions related to both Title IX and intercollegiate athletics; Legal authority of professional sports league commissioners; Drug testing high school student athletes; Drug testing of Olympic athletes; Organized prayer at public school sporting events; Liability concerns at aquatic facilities; Exercising free speech in high school athletic contests, etc.

CASE BRIEFS: Students will search for three actual U.S. court decisions in the areas of sport/fitness that interest them and write (3) individual case briefs. Students should write no more than one single-spaced page (double-spaced between headings) for each case brief and then attach the actual printed full text of that case to that brief. Information on writing case briefs can be found at http://lawschool.about.com/od/casebriefs/ht/howtocasebriefs.htm and http://www.4lawschool.com/howto.htm. After providing your name, the date, and the legal citation, case briefs should include the following headings: Parties and Court, Issue, Key Facts, Holdings, Legal Reasoning, and Application. Your opinions should not be included. These same three case briefs cannot be used in the minimum of three actual court decisions that must be cited in your legal term paper. These cases can be cited in your term paper, but they must be in addition to at least three other court decisions.

DISCUSSION POSTS: In four weeks, a new topic will be placed on a discussion board on the course Web site. Students will be required to post at least once under those topics. On other occasions students can choose which topic they choose to discuss. Students will be evaluated individually based on the quality, originality, and frequency of their posts. In addition to the specific post on contracts in sport/fitness, another thread will be posted all semester where students can post links to articles (from any source) dealing with legal issues in contemporary sport. Each student is required to post at least once under that thread.

MOOT COURT ACTIVITY: Students will showcase their public-speaking skills, knowledge and applicability of the law, and ability to argue – based on judicial precedent and law – the merits of cases during a group moot-court activity. If students have wireless Internet access, they are encouraged to bring their laptops to this class, and are required to bring all notes.

GRADING:
- Attendance: 5 points
- Group Activities/Participation: 5 points
- Exam #1: 50 points
- Exam #2: 50 points
- Legal Research Paper: 50 points
- Discussion Board Posts: 30 points
- Moot Court Activity: 15 points
- Case Briefs (3): 30 points

Percentile grading scale that will be used for this class:

- A = 92.5-100
- B+ = 80.5-83.4
- B = 77.5-80.4
- C+ = 74.5-77.4
- C = 71.5-74.4
- D+ = 68.5-71.4
- D = 65.5-68.4
- F = Below 62.4

Assignments turned in late will not be tolerated. If not completed by their assigned date, all assignments will be given a score of 0 unless the instructor has individually approved a late assignment prior to its due date or an absence is excused due to extenuating circumstances.

GRADING POLICY: All grades will be rounded up that fall .5 or higher. For example, if your overall average is 92.50%, then you will receive a grade of A. However, if your overall average is 92.49%, you will earn a grade of A-. No exceptions will be made to this scale.

ACADEMIC HONESTY: Plagiarism and cheating of any kind on an examination, quiz, or assignment will result at least in an "F" for that assignment (and may, depending on the severity of the case, lead to an "F" for the entire course) and may be subject to appropriate referral to the Office of Student Conduct for further action. See the UCF Golden Rule for further information.
DISABILITY STATEMENT: The University of Central Florida is committed to providing reasonable accommodations for all persons with disabilities. Students with disabilities who need accommodations in this course must contact the professor at the beginning of the semester to discuss needed accommodations. No accommodations will be provided until the student has met with the professor to request accommodations. Students who need accommodations must be registered with Student Disability Services, Student Resource Center Room 132, phone (407) 823-2371, before requesting accommodations from the professor.

SEXUAL HARRASSMENT: Sexual harassment, a form of sex discrimination, is defined as unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature when: Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or enrollment; Submission to or rejection of such conduct by an individual is used as the basis for employment or enrollment decisions affecting such individual; or Such conduct has the purpose or effect of substantially interfering with an individual's work performance or enrollment, or creating an intimidating, hostile, or offensive working or academic environment. Sexual harassment is strictly prohibited. Occurrences will be dealt with in accordance with the guidelines above and university rules. Employees, students, or applicants for employment or admission may obtain further information on this policy, including grievance procedures, from the Equity Coordinator. The Director of the Office of Equal Opportunity and Affirmative Action Programs is the campus Equity Coordinator responsible for concerns in all areas of discrimination. The office is located in Millican Hall 330, phone 407-UCF-1EEO. Policies and guidelines are available online at http://pegasus.cc.ucf.edu/~eeo/.

SUBJECT AREAS AND SELECTED ASSIGNMENTS (This is a tentative schedule that is subject to change)

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<thead>
<tr>
<th>DATE</th>
<th>CLASS</th>
<th>ASSIGNMENTS</th>
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<tbody>
<tr>
<td>January 12, 2012</td>
<td>Meet in Class; Greetings/Syllabus; Course Introduction</td>
<td>Purchase Books; Read Ch. 1 and Ch. 7 (for next week’s PPs)</td>
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<tr>
<td>January 19, 2012</td>
<td>Lecture # 1: The Study of Law in Sport &amp; Physical Activity; Lecture #2: U.S. Constitutional Amendments (1st, 4th, 14th)</td>
<td>Read Ch. 8 (for next week’s PPs)</td>
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<tr>
<td>January 26, 2012</td>
<td>Lecture #3: Title IX in Sport; First Discussion Board Post on How Title IX Has Affected You in Sport Due by Jan. 26 at 11:59 p.m.</td>
<td>Read Ch. 2, pp. 14-29 only (for next week’s PPs)</td>
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<td>February 2, 2012</td>
<td>Lecture #4: Negligence</td>
<td>Read Ch. 2, pp. 29-37 only (for next week’s PPs)</td>
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<td>February 9, 2012</td>
<td>Lecture #5: Intentional Torts; Second Discussion Board on Hypothetical Case Exercises Assigned by Last Names Due by Feb. 9 at 11:59 p.m.</td>
<td>Read Ch. 2, pp. 37-43 only (for next week’s PPs)</td>
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<tr>
<td>February 16, 2012</td>
<td>Lecture #6: Product Liability; Third Discussion Board Post on Hypothetical Case Exercises Assigned by Last Names Due by Feb. 16 at 11:59 p.m.; Exam Review Via E-Mail and Web Site</td>
<td>Study for Exam</td>
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<tr>
<td>February 23, 2012</td>
<td>Meet in Class; EXAM #1 (taken in class)</td>
<td>Read Ch. 6 (for next week’s PPs)</td>
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<td>March 1, 2012</td>
<td>Lecture #7: Employment Discrimination</td>
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<td>March 8, 2012</td>
<td>NO CLASS: Spring Break</td>
<td>Read Ch. 5 (for next week’s PPs)</td>
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<td>March 15, 2012</td>
<td>Lecture #8: Contracts and Negotiations; Fourth Discussion Board Post With Article Link on Real or Hypothetical Contract Problems in Professional/Major College Sport Due by March 15 at 11:59 p.m.</td>
<td>Read Ch. 9 and Ch. 10 (for next week’s PPs)</td>
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<td>March 22, 2012</td>
<td>Lecture #9: Business Legal Concepts</td>
<td>Bring Computers, Notes, and Text to Next Class</td>
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<td>March 29, 2012</td>
<td>Meet in Class: Moot Court Activity</td>
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<td>April 5, 2012</td>
<td>Lecture #10: Intellectual Property</td>
<td>Read Ch. 3 (for next week’s PPs)</td>
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<td>April 12, 2012</td>
<td>3 Legal Case Briefs Due (as Word attachments via e-mail; Do not print out); Lecture #11: Risk Management; Exam Review via E-Mail and Web-CT</td>
<td>Study for Exam</td>
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<tr>
<td>April 19, 2012</td>
<td>Meet in Class; EXAM #2 (taken in class); Final Term Papers Due (as Word attachments via e-mail; Do not print out and bring to me)</td>
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