

GEORGE MASON UNIVERSITY
School of Recreation, Health, and Tourism
PRLS 460 (Section 001) – Sport and Recreation Law (3)
Spring 2011

DAY/TIME:	Web based Tele video	LOCATION:	Web based Tele video
INSTRUCTOR:	Dr. James C. Kozlowski	E-MAIL:	jkozlows@gmu.edu
OFFICE:	220a Occoquan Bldg.	PHONE:	703.455.8474
OFFICE HOURS:	by appointment	FAX:	703.993.2025

PREREQUISITES: 60 credits

COURSE DESCRIPTION: Emphasizes safety, liability, risk, and insurance. Covers current law and liability issues for administrators of Recreation, Health, and Tourism facilities and programs.

COURSE OBJECTIVES: At the completion of the course, students should be able to:

- (1) read a series of articles and case reports which illustrate general legal principles governing recreation injury liability in recreation, sports, and physical education programs.
- (2) identify general legal principles and rules of law governing recreation injury liability in recreation, sports, and physical education programs as described in lectures, review questions, objectives, and required reading material used in the course.
- (3) identify definitions and terms which demonstrate a working knowledge of federal civil rights laws and their applicability to sports, recreation, and physical education programs, specifically gender discrimination.

Further, upon completion of this course, students will meet the following professional accreditation standards:
Council on Accreditation of Parks, Recreation, and Tourism Related Professions standards met

8.26:01 Legal foundations and the legislative process.

8.26:02 Contracts and tort law.

8.26:03 Regulatory agents and methods of compliance. *Content to consider: Enabling laws; public and private control; national, state, and local agencies and regulations; creation and enforcement of legislation; human rights; property law.*

8.27 Understanding the principles and practices of safety, emergency, and risk management related to recreation, park resources, and leisure services. *Content to consider: Components of risk management planning; emergency procedures; safety/law enforcement.*

9A.03 Understanding of the use of the law in management of leisure services, including land management, personnel, human rights, financing, and risk management.

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REQUIRED READINGS & CLASS ITEMS:

The "textbook" in this course is a compilation of case reports and related articles which I have written, in particular my monthly "NRPA Law Review" column in *Parks & Recreation* magazine (the official publication of the National Recreation and Park Association). These case reports and related articles will

be available for reading, downloading and printing on the PRLS 460 site of my GMU homepage at the following address: <http://classweb.gmu.edu/jkozlows/460.htm>

ACADEMIC INTEGRITY: I take the GMU Honor Code very seriously. Allowing students to take PRLS 460 exams off campus on a more flexible schedule is a privilege which PRLS 460 students have traditionally appreciated and have conducted themselves responsibly, but it may be subject to abuse. I expect every PRLS 460 student to know and adhere to their personal duties and responsibilities under the GMU Honor Code.

Individual exam questions on each exam are randomly selected by Blackboard from question sets in the PRLS 460 question database. As a result, while testing a student's understanding of a similar principle in each question, no two exams are identical. Moreover, Blackboard provides extensive data on each exam to determine any irregularities on individual exams and identify patterns which may indicate collusion among students on PRLS 460 exams.

I am, therefore, able to examine each exam and/or exam question to determine whether there are irregularities that warrant further investigation pursuant to the Honor Code. Moreover, any irregularities could artificially inflate and skew the scores on individual exams and questions which might produce an adverse effect on the course curve to the detriment of individual students and the class as a whole.

Accordingly, you are reminded that the Honor Code is in effect for all exams in PRLS 460 on Blackboard. Further, to clarify and reiterate, no collaboration or group participation whatsoever is permissible during PRLS 460 examinations.

All PRLS 460 exams are open book, but you are limited to primary course materials and video lectures posted to the PRLS 460 course webpage, as well as your own notes prepared prior to the exam. The use of any other study aids, memoranda, books, data, or other information during PRLS 460 exam is prohibited.

Further, you are not to discuss the exam with any other student during or after the time which the exam is accessible. Providing or reproducing any information to another student about any questions on a PRLS 460 exam would constitute cheating within the context of the Honor Code, i.e., unauthorized use of study aids, memoranda, books, data, or other information. Such unauthorized information may provides individual students with an unfair advantage over other students in preparing for exams. Moreover, prior to each exam, practice questions taken from the PRLS 460 exam question database are made available to the entire class on Blackboard, providing an equal opportunity to prepare for the type and format of questions for each exam.

Responsibility of the Students

Students are responsible for understanding this PRLS 460 policy with regard to the Honor Code. Students are also responsible for understanding the provisions of the Honor Code. Students should also request an explanation of any part of the policy they do not understand.

All students have a duty to report to a suspected violation of the Honor Code to the course instructor.

GMU Honor System and Code

<http://www.gmu.edu/catalog/9798/honorcod.html>

Cheating encompasses the following:

The willful giving or receiving of an unauthorized, unfair, dishonest, or unscrupulous advantage in academic work over other students.

The above may be accomplished by any means whatsoever, including but not limited to the following: fraud; duress; deception; theft; trick; talking; signs; gestures; copying from another student; and the unauthorized use of study aids, memoranda, books, data, or other information.

Attempted cheating.

George Mason University shares in the tradition of an honor system that has existed in Virginia since 1842. The Honor Code is an integral part of university life. On the application for admission, students sign a statement agreeing to conform to and uphold the Honor Code. Therefore, students are responsible for understanding the provisions of the code. In the spirit of the code, a student's word is a declaration of good faith acceptable as truth in all academic matters. Therefore, attempted cheating, plagiarism, lying, and stealing of academic work and related materials constitute Honor Code violations. To maintain an academic community according to these standards, students and faculty must report all alleged violations of the Honor Code to the Honor Committee. Any student who has knowledge of, but does not report, an Honor Code violation may be accused of lying under the Honor Code.

COURSE OVERVIEW: This course examines the issue of personal injury liability in a variety of contexts related to Recreation, Health, and Tourism, including recreation and parks, sports, events, and physical education administration. Case reports and articles will be used to illustrate general legal principles which determine recreational injury liability in a variety of contexts. Negligence liability will be defined through general legal principles, including reasonableness, foreseeability, and standard of care.

In addition to lifeguard and aquatics liability, this course will examine sport injury liability for coaches, participants, and spectators. The course will also examine the validity and enforceability of waivers and releases in sports and recreation. This overview of program supervision liability in sports and recreation will be complemented by an examination of general legal principles governing landowner liability for grounds and facilities used in sports and recreational activities. In addition to recreation injury liability, this course will also review several civil rights issues which impact significantly upon sport and recreation administration.

EVALUATION: 4 EXAMS on Blackboard (open book, weighted equally, each exam worth 25%)

Grading Scale

Final grades are based on the percentage of points earned out of the total number of points available on all four exams as follows:

Range out of 200 possible pts on 4 exams

Grade	A+	174	and above
Grade	A	164	or greater, and less than 174
Grade	A-	154	or greater, and less than 164
Grade	B+	144	or greater, and less than 154
Grade	B	134	or greater, and less than 144
Grade	B-	124	or greater, and less than 134
Grade	C+	114	or greater, and less than 124
Grade	C	104	or greater, and less than 114
Grade	C-	94	or greater, and less than 104

Grade or greater, and less than 94

Grade or greater, and less than 84

ASSIGNMENTS: Students are expected to read and study the required readings for each unit as well as view the televideo lecture which accompanies each unit. [CLICK Webstream PRLS 460 Video Lectures \(on demand\) GMU-TV website](#)

In addition, to prepare for each exam, students are encouraged to access and complete the practice questions provided on Blackboard.



- Students must adhere to the guidelines of the George Mason University Honor Code [See <http://academicintegrity.gmu.edu/honorcode/>].
- Students with disabilities who seek accommodations in a course must be registered with the George Mason University Office of Disability Services (ODS) and inform their instructor, in writing, at the beginning of the semester [See <http://ods.gmu.edu/>].
- Students must follow the university policy for Responsible Use of Computing [See <http://universitypolicy.gmu.edu/1301gen.html>].
- Students are responsible for the content of university communications sent to their George Mason University 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 must follow the university policy stating that all sound emitting devices shall be turned off during class unless otherwise authorized by the instructor.
- Students are expected to exhibit professional behaviors and dispositions at all times.
- The George Mason University 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 George Mason University Writing Center staff 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/>].
- For additional information on the College of Education and Human Development, School of Recreation, Health, and Tourism, please visit our website [See <http://rht.gmu.edu>].

COURSE SCHEDULE:

Week One:

Introduction, Control Test & Negligence Principles ([Webstream Video Lectures](#) 1a & 1b)

Video Lecture Notes pdf files: [Reasonable Perspective](#) [Mere Sponsorship](#) [Safety Review](#)
[Myricks](#) [Control Test IC](#) [Negligence Overview Nelson/Coleman](#) [Lead Paint](#) [Dad's Club](#)

[Reasonable Perspective On Recreational Injury Liability *Parks & Recreation* . Sep 1988.](#)

Control Test

[MERE SPONSORSHIP Y INSUFFICIENT CONTROL TO TRIGGER LIABILITY , Dec. 95 NRPA Law Review, *Parks & Recreation*](#)

[Safety Review Not Specified in Contract *Parks & Recreation*. Jul., 2008.](#)

[CALIFORNIA SCHOOL & CITY NOT LIABLE FOR FATAL ROADTRIP , MYRICKS v. LYNWOOD UNIFIED SCHOOL DISTRICT No. B117397 \(Cal.App. Dist.2 1999\)](#)

[Control Test Defines Independent Contractor or Employee Sports Official *Parks & Recreation* . Apr 1992.](#)

Negligence Principles

[OVERVIEW OF NEGLIGENCE LIABILITY PRINCIPLES IN RECREATION June 1996, *Parks & Recreation*, NRPA](#)

[NELSON BY TATUM v. COMMONWEALTH EDISON, LIABILITY FOR POWER LINES OVER PLAYGROUND](#)

[COLEMAN v. WINDY CITY BALLOON PORT, LTD. , POWERLINES KNOWN DANGER IN HOT AIR BALLOON MISHAP](#)

[Lead Paint Playground Hazard Evidence *Parks & Recreation*. Aug., 2007. Vol. 42, Iss.8.](#)

[Obvious Playground Danger Does Not Negate Duty *Grant v. South Roxana Dad's Club* \(Ill.App. 5 Dist.. 4/10/2008\)](#)

Week Two:

Standard of Care in Negligence Liability ([Webstream Video Lectures](#) 2a & 2b)

[Video Lecture Powerpoint Notes](#)

["LIFE OF THE COMMUNITY" DETERMINES LEGAL STANDARD FOR NEGLIGENCE LIABILITY July 1996, *Parks & Recreation*](#)

STANDARD OF CARE EVIDENCE IN PLAYGROUND SAFETY GUIDELINES; ELLEDGE v. RICHLAND/LEXINGTON SCHOOL DIST. 534 S.E.2d 289 (S.C.App. 2000)

NO DUTY TO WARN OF OBVIOUS RISK OF GOLFING IN LIGHTNING STORM: Hames v. State, December 1982 NRPA Law Review

CHOSEN LIGHTNING PROTECTION ON GOLF COURSE MUST BE PROPERLY UTILIZED, NRPA Law Review, July 1997, Parks & Recreation, NRPA

Duty To Follow Established Procedures To Warn Beachgoers Of Lightning Storms Parks & Recreation. Sep 2002. Vol. 37, Iss. 9

BIER v. CITY OF NEW PHILADELPHIA , LIGHTNING STRIKES METAL PICNIC SHELTER IN CITY PARK

SALLIS v. CITY OF BOSSIER CITY, BASE ANCHORS IN BASE PATH LACKED PROTECTIVE CAPS

Entrapment Danger In Playground Reported But Not Corrected , Parks & Recreation. Mar 2004.

Fear Drives Non-Wood Baseball Bat Controversy . Parks & Recreation. Aug... 2008.

Age Appropriate Playground Safety Guidelines Parks & Recreation. Mar.. 2007

Week Three:

Landowner Liability General Principles ([Webstream Video Lectures 3a & 3b](#))
[Video Lecture Powerpoint Notes](#)

LANDOWNER DUTY: ASSURE PREMISES NO MORE DANGEROUS THAN IT APPEARS TO BE ,February 1996, Parks & Recreation,

IN SEARCH OF THE ADEQUATE WARNING SIGN: COMMUNICATION IS THE KEY, October 1998, Parks & Recreation,

Park Pot Hole Bike Fatality Parks & Recreation. Sep 2006. Vol. 41, Iss.9.

Burning Ring of Fire Parks & Recreation. Dec. 2007. Vol. 42, Iss.12.

Trespasser Liability

NO DUTY TO KEEP PREMISES REASONABLY SAFE FOR ADULT TRESPASSERS, May 1997, Parks & Recreation,

INTOXICATED TRESPASSER DROWNS IN CLOSED CITY POOL , March 1995, , Parks & Recreation

[Park Visitor Trespasser After Dark](#) *Parks & Recreation*. May.. 2007.

Landowner Liability for Animals & Insects

[Enjoying Natural Environment Includes Risk Of Dangerous Insects](#) *Parks & Recreation*. Apr 1999

[Governmental Immunity & Liability For Wild Animal Attacks](#) *Parks & Recreation*. Mar 1999.

[Notice of vicious propensities determines animal liability.](#) *Parks & Recreation* August 1986

Week Four:

Exam # 1 accessible on [Blackboard](#) One Attempt, 3 Hour Time Limit

Week Five:

Landowner Liability for Criminal Activity ([Webstream Video Lecture 4a](#))

[Video Lecture Powerpoint Notes](#)

[LIMITED LIABILITY FOR CRIMINAL ASSAULTS IN PARK FACILITIES](#), May 1996, *Parks & Recreation*, NRPA

[SHOOTING AFTER CHEERLEADING EVENT: BAILEY v. D.C. \(1995\)](#)

[SWEET 16 PARTY AT REC. CENTER ENDS IN FATAL PARKING LOT SHOOT OUT: Henry v. Parish of Jefferson, \(La.App. 5 Cir, 12/30/02\)](#)

[SHOOTING AT PRIVATE DANCE ON PARK DISTRICT PREMISES: WILBERT v. METROPOLITAN PARK DISTRICT OF TACOMA \(1998\)](#)

[Parking Lot Security Questioned In Rock Festival Mishap](#) *Parks & Recreation*. Jul 2002. Vol. 37, Iss. 7

[VILLAGE LIABILITY FOR ASSAULT AFTER ROCK CONCERT COMASTRO v. VILLAGE OF ROSEMONT, 461 N.E.2d 616 \(Ill.App. 1 Dist. 1984\)](#)

[FAN ALLEGES INADEQUATE SECURITY AFTER PARKING LOT ASSAULT NOBLE v. LOS ANGELES DODGERS, \(Cal.App. 2 Dist. 1985\)](#)

[ROCK CONCERT DANCER ASSAULTED BY INTOXICATED PATRON LEVANGIE v. DUNN, 356 S.E.2d 88 \(Ga. App. 1987\)](#)

Recreational Use Immunity Law ([Webstream Video Lecture 4b](#))

[Video Lecture Powerpoint Notes](#)

[BEACH FATALITY TESTS PUBLIC RECREATION IMMUNITY STATUTE, January 1997, *Parks & Recreation*,](#)

[Virginia Liability of localities in the operation of parks, recreational facilities and playgrounds § 15.2-1809](#)

[VIRGINIA RECREATIONAL USE IMMUNITY FOR CITY CONVENTION CENTER: FRAZIER v. CITY OF NORFOLK, Va. Sup.Ct. 1987](#)

[VIRGINIA PUBLIC RECREATION IMMUNITY INAPPLICABLE TO TRANSPORTATION, DePRIEST v. PEARSON, Va. Sup.Ct. 1990](#)

[Decker v. Harlan Va. Sup. Ct. 2000\)](#)

[Town of Big Stone Gap v. Johnson, Va. Sup. Ct. 1945](#)

[Virginia Immunity for Park and Rec Facility Maintenance City of Lynchburg v. Brown \(Va. 6/9/2005\)](#)

[CITY OF VIRGINIA BEACH v. FLIPPEN , VIRGINIA RECREATIONAL USE IMMUNITY FOR CITY BEACH ACCESS](#)

[Virginia Recreational Use Statute § 29.1-509 Duty of care and liability for damages of landowners to hunters, fishermen, sightseers,](#)

[Virginia Tort Claims Act § 8.01-195.3 Commonwealth Limited Liability](#)

[Virginia Charitable Immunity for Fall on Ropes Course Kuykendall v. Young Life \(E.D. Va. 11/7/2006\)](#)

[Virginia Code § 8.01-220.1:2 Civil immunity for teachers under certain circumstances](#)

Week Six:

Lifeguard & Aquatics Liability ([Webstream Video Lectures 5a & 5b](#))
[Video Lecture Powerpoint Notes](#)

[LIFEGUARD SUPERVISION LIABILITY IN REVIEW, April 1996 NRPA Law Review *Parks & Recreation*](#)

[LIFEGUARDS HAD NO TRAINING OR POLICY FOR DIALING "911" , December 1998, , *Parks & Recreation*](#)

Evidence of Lifeguard Negligence in Bay Drowning Estate of Powell v. City and County of Honolulu (Dist. Hawaii 2/26/2007)

Lifeguard Supervision of Pool "Diving Sticks" Blohm v. Clark (N.C App. 4/17/2007)

PRIMARY DUTY ON DIVER TO DETERMINE WHETHER IT IS SAFE TO DIVE, September 1997
Parks & Recreation

LIMITED LIABILITY FOR DROWNING IN NON-SWIMMING AREA OF PARK, November 1998,
Parks & Recreation

Child Assumed Risk of Drowning in Closed Pool Rice v. Oak Investors II (Ga.App. 6/26/2008)

Unguarded Beach Appeared to be Designated Swimming Area Parks & Recreation. Aug 2005.

Entrapment Hazard in Pool Drains Parks & Recreation. Nov.. 2007.

Week Seven:

Exam # 2 accessible on [Blackboard](#) One Attempt, 3 Hour Time Limit

Week Eight:

Sports Coach Liability ([Webstream Video Lecture 6a](#))
[Video Lecture Powerpoint Notes](#)

SPORTS COACH & PHYSICAL ACTIVITY INSTRUCTORS LEGAL DUTIES OF CARE January
1996, Parks & Recreation

COACH BREAKS PLAYER'S ARM DEMONSTRATING TECHNIQUE: Koffman v. Garnett,
SUPREME COURT OF VIRGINIA, 574 S.E.2d 258, January 10, 2003

DUTY TO INSTRUCT, WARN, & DEMONSTRATE UNFAMILIAR JUMPING EXERCISE, NRPA Law
Review, April 1998, Parks & Recreation

LACK OF SAFETY INFORMATION & TRAINING FAULTED IN CHEERLEADING INJURY , NRPA
Law Review, June 2001, Parks & Recreation

PALMER v. MOUNT VERNON TOWNSHIP HIGH SCHOOL DISTRICT 201 COACH DUTY TO
REGARDING SELF-FURNISHED PROTECTIVE EQUIPMENT

Alleged Coach Negligence in High Risk Gymnastics Move Wilson v. O'Gorman High School (Dist.
S.D. 6/26/2008)

SNYDER v. MORRISTOWN CENTRAL SCHOOL DISTRICT GIRL INJURED IN GYM CLASS CO-
EDUCATIONAL TOUCH FOOTBALL GAME

[NYDEGGER v. DON BOSCO PREPARATORY HIGH SCHOOL, OPPOSING PLAYER SUES COACH FOR ENCOURAGING AGGRESSIVE PLAY](#)

Post-Injury Procedures Liability ([Webstream Video Lecture 6b](#))

[Video Lecture Powerpoint Notes](#)

[POST-INJURY PROCEDURE: SUMMON MEDICAL ASSISTANCE & AVOID AGGRAVATING APPARENT INJURY, October 1997 NRPA Law Review, *Parks & Recreation*](#)

[MOGABGAB v. ORLEANS PARISH SCHOOL BOARD, COACHES DELAY EMERGENCY TREATMENT FOR PLAYER SUFFERING HEAT STRESS, January 1992, *Parks & Recreation*](#)

[TRAINER FAILS TO REPORT HEAD INJURY SYMPTOMS TO PHYSICIAN, February 2004, NRPA Law Review, *Parks & Recreation*](#)

[GEHLING v. ST. GEORGE'S UNIVERSITY SCHOOL OF MEDICINE, LTD.](#)

[APPLEBAUM v. NEMON NO DUTY TO PROVIDE CPR IN PLAYGROUND DEATH](#)

[AED "Heart Shock Box" Whereabouts Unknown James C. Kozlowski. *Parks & Recreation*. Oct. 2007. Vol. 42, Iss.10.](#)

[Prompt 911 Call Satisfied Duty to Heart Attack Victim *L.A. Fitness International v. Mayer* \(Fla.App. 4/23/2008\)](#)

[Prompt 911 Call for Health Club Cardiac Victim *Brown v. Atlas-Kona Kai, Inc.* \(Cal.App. 3/18/2009\)](#)

[AED Not Customary in Industry at Time of Cardiac Arrest *DeLibero v. Q Clubs, Inc.* \(Fla..App. 6/6/2007\)](#)

RELATED LINKS:

[Virginia "Good Samaritan" Statute: Va. Code § 8.01-225 Persons rendering emergency care exempt from liability](#)

Week Nine:

Sports Spectator Liability ([Webstream Video Lecture 7a](#))

[Video Lecture Powerpoint Notes](#)

[SPECTATORS ASSUME OBVIOUS RISKS IN UNPROTECTED AREAS OF BALLFIELD, April 1997, *Parks & Recreation*](#)

[Baseball Spectator Assumes Normal Risk Of Foul Ball Injury? *Parks & Recreation*. Jun 2003.](#)

[ADEQUACY OF SPECTATOR PROTECTION IN DANGER ZONE A JURY ISSUE, MAY 1993., *Parks & Recreation*](#)

[Spectator Injury Outside the Stands *Parks & Recreation*. Jan. 2006.](#)

[LOWE v. CALIFORNIA LEAGUE OF PROFESSIONAL BASEBALL, TEAM MASCOT ANTICS NOT ASSUMED SPECTATOR RISK](#)

[HOCKEY PUCK "FACIAL" A FORESEEABLE RISK FOR SPECTATORS , NRPA Law Review, August 1998, *Parks & Recreation*](#)

[Limited Duty to Protect Professional Hockey Spectator *Sciarrotta v. Global Spectrum* \(N.J. 4/10/2008\)](#)

[CORTWRIGHT v. BREWERTON INTERNATIONAL SPEEDWAY, SPECTATOR INJURED BY FLYING DEBRIS](#)

[JUSSILA v. UNITED STATES SNOWMOBILE ASSOCIATION, SNOWMOBILE RACE SPECTATOR ASSUMES RISK](#)

[Rodeo Spectator Injury Not Inherent Risk in Sport *Goettsch v. El Capitan Stadium Association, INC.* \(Cal.App. 6/14/2007\)](#)

Sport Participant Liability & Assumption of Risk ([Webstream Video Lecture 7b](#))
[Video Lecture Powerpoint Notes](#)

[CONTACT SPORT EXCEPTION ALLOWS FOR PARTICIPANT NEGLIGENCE, May 1998, *Parks & Recreation* , plus case notes](#)

[RECKLESSNESS STANDARD FOR RECREATION PARTICIPANTS REAFFIRMED October 1999, *Parks & Recreation*](#)

[Contact Sports Exception in Martial Arts Demonstration *Bevolo v. Carter* \(7th Cir. 4/20/2006\)](#)

[Participant Immunity for Ordinary Contact Sport Misconduct *Karas v. Strevell* \(Ill.. 2/22/2008\)](#)

[BUSHNELL v. JAPANESE-AMERICAN RELIGIOUS AND CULTURAL CENTER, PARTICIPANT ASSUMES RISK OF CHALLENGING INSTRUCTION](#)

[RACING DIVE BREAKS NECK OF FEARFUL NOVICE SWIMMER , NRPA Law Review, January 2004, *Parks & Recreation*](#)

[JUNIOR LIFEGUARD COMPETITION PARTICIPANT ASSUMES RISK OF INJURY \(*Lupash v. City of Seal Beach*, Cal.App . Dist.4, 1999\)](#)

[Participant Assumes Risk of Injury Integral to Sport *American Powerlifting v. Cotillo* \(Md. 10/16/2007\)](#)

Week Ten:

Liability Releases & Waiver Agreements in Recreation

([Webstream Video Lectures](#) 8a & 8b)

[Video Lecture Powerpoint Notes](#)

[LIABILITY WAIVERS & RELEASES OVERVIEW, CAN YOU SAY "EXCULPATORY AGREEMENT"?](#)
March 1996, *Parks & Recreation*,

[LEON v. FAMILY FITNESS CENTER \(Cal.App . 1998\), LIABILITY RELEASE AMBIGUOUS, NOT ENFORCEABLE](#)

[SEIGNEUR v. NATIONAL FITNESS INSTITUTE, INC., \(Md.Sp.App . 2000\)](#)

[Waiver in Health Club Membership Valid and Enforceable Moore v. Waller, 930 A.2d 176 \(D.C., 8/2/2007\)](#)

[Health Club Waiver Unenforceable for Pool Safety Negligence Slowe v. Pine Creek Court Club, Inc. \(Del Sup. 2008\)](#)

[COUGHLIN v. T.M.H. INTERNATIONAL ATTRACTIONS, INC., WAIVER IN CAVE TOUR FATALITY INEFFECTIVE](#)

[WHITEWATER RAFTING WAIVERS ILLUSTRATE EXPRESSED ASSUMPTION OF RISK, March 1998, *Parks & Recreation*,](#)

PARENT/CHILD WAIVERS

[Tradition and Trends in Parentt/Child Waivers *Parks & Recreation*. Nov. 2009](#)

[Commercial Waiver Signed by Parent *Parks & Recreation*. Jun.. 2007.](#)

[Waiver for Disabled Teen Drowning *Parks & Recreation*. Jan. 2007.](#)

[STATE HIGH COURT UPHOLDS WAIVER SIGNED BY PARENT, October 1998 *Parks & Recreation*](#)

[HAWKINS v. PEART No. 01AP ?422 \(Utah u2001\) UTAH PARENT MAY NOT WAIVE CHILD'S NEGLIGENCE CLAIM](#)

[Supervised Field Trip Permission Slip. *Parks & Recreation*. Jul. 2009](#)

Week Eleven: Exam # 3

accessible on [Blackboard](#) One Attempt, 3 Hour Time Limit

Week Twelve:

Agency Liability for Sexual Misconduct ([Webstream Video Lectures](#) 9a)

[Video Lecture Powerpoint Notes](#)

[MOLESTATION LIABILITY EXAMINES SCOPE OF EMPLOYMENT & FORESEEABILITY, NRPA Law Review, February 1997, Parks & Recreation](#)

[WILLIAMS v. BUTLER. 577 So.2d 1113 \(La.App. 1991\), DUTY TO SCREEN RECREATION SUPERVISOR APPLICANT](#)

[HADDOCK v. CITY OF NEW YORK, PLAYGROUND RAPE BY EX-CONVICT EMPLOYEE, 3/89 NRPA Law Review](#)

[DUTY TO EDUCATE YOUTH ABOUT RISK OF SEXUAL ABUSE BY VOLUNTEERS? NRPA Law Review, Parks & Recreation, December 2000](#)

[SOUTHPORT LITTLE LEAGUE v. VAUGHAN No. 49A02-9912-CV-882 \(Ind.App . 2000\) LITTLE LEAGUE LIABLE FOR MOLESTATION BY VOLUNTEER](#)

[Molestation by Registered Sex Offender J.A. v. Little League Baseball \(Cal.App. 4 Dist.. 5/3/2007\)](#)

[Unforeseeable Molestation by Volunteer Coach Doe v. Church of St. Christopher \(N.Y. Sup.Ct.. 10/10/2006\)](#)

RELATED LINKS:

[Virginia Code § 19.2-392.02. National criminal background checks by businesses and organizations regarding employees or volunteers providing care to children, the elderly and disabled.](#)

[§ 22.1-272.1. Responsibility to contact parent of student at imminent risk of suicide; notice to be given to social services if parental abuse or neglect](#)

[Virginia Code § 19.2-390.1. Sex Offender and Crimes Against Minors Registry; maintenance; access. Virginia State Police, Sex Offender & Crimes Against Minors Registry](#)

[Guidelines for the Screening of Persons Working With Children... \(April 1998, Office of Juvenile Justice & Delinquency Prevention, U.S. Justice Dept.\) Adobe Acrobat File](#)

[State Sex Offender Registries](#)

Supervision Liability ([Webstream Video Lectures](#) 9b)

[Video Lecture Powerpoint Notes](#)

[PLAYGROUND SUPERVISION LIABILITY: OPPORTUNITY TO PREVENT INJURY?, June '98 NRPA Law Review, Parks & Recreation](#)

[IS PLAYGROUND SUPERVISION NEGLIGENT FOR FAILURE TO WITNESS INJURY?
NOVEMBER '97, NRPA LAW REVIEW, *Parks & Recreation*](#)

[ROLLINS v. CONCORDIA PARISH SCHOOL BOARD , FAILURE TO SUPERVISE SCHOOL
PLAYGROUND MERRY-GO-ROUND](#)

[COLLINS v. BOSSIER PARISH SCHOOL BOARD, PLAYGROUND SUPERVISION IN FALL FROM
MONKEY BARS](#)

[FOSTER v. HOUSTON GENERAL INSURANCE COMPANY HANDICAPPED ATHLETE FATALLY
INJURED ENROUTE TO GYM](#)

[GLORIOSO v. YOUNG MENS CHRISTIAN ASSOCIATION OF JACKSON, CITY PARK FATALITY
CAUSED BY LIGHT POLE](#)

[BRAHATCEK v. MILLARD SCHOOL DISTRICT , WRITTEN SUPERVISION STANDARD NOT
FOLLOWED IN GOLF MISHAP](#)

[McGARR v. BOY SCOUTS OF AMERICA, FAILURE TO SUPERVISE BOY SCOUT ON
WILDERNESS HIKE](#)

Week Thirteen:

Gender Discrimination ([Webstream Video Lectures](#) 10a & 10b)
[Video Lecture Powerpoint Notes](#)

[Constitutional Test for Gender Discrimination in Public Facilities *Parks & Recreation* March 2002](#)

[Sexual Harassment Claim Against Women's Soccer Coach Jennings v. University of North Carolina
\(4th Circuit 4/9/2007\)](#)

[Girl Banned From Privately Sponsored Boys Basketball Tournament *Parks & Recreation*.Mar 2000.](#)

[City Failed To Prevent Sexual Harassment By Lifeguard Supervisors *Parks & Recreation*. Sep 1998.](#)

[Recreation Supervisor Gender Discrimination *Parks & Recreation*. Aug 2006.](#)

[City Responds Appropriately to Sexual Harassment Claim *Parks & Recreation*. Jun 2005.](#)

[Transsexual Advantage in Women's Competition? *Parks & Recreation*. Aug. 2009](#)

[Park Police Pregnancy Discrimination Claim *Parks & Recreation*. Jan. 2010](#)

Week Fourteen:

Exam # 4 accessible on [Blackboard](#) One Attempt, 3 Hour Time Limit

Note: Faculty reserve the right to revise the course schedule.