

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 2021
Thursdays 7:20pm – 10:00 pm Merten 1200–Fairfax Campus

Faculty

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Prerequisites

Graduate Status or Permission of Instructor

Returning to Class

All students taking courses with a face-to-face component are required to have completed Safe Return to Campus Training prior to visiting campus. Training is available in Blackboard (<https://mymason.gmu.edu>). Students are required to follow the university's public health and safety precautions and procedures outlined on the university Safe Return to Campus webpage (www2.gmu.edu/safe-return-plan). Similarly, all students in face to face and hybrid courses must also complete the Mason COVID Health Check daily, seven days a week. The COVID Health Check system uses a color code system and students will receive either a Green, Yellow, or Red email response. Only students who receive a "green" notification are permitted to attend courses with a face-to-face component. If you suspect that you are sick or have been directed to self-isolate, please quarantine or get testing. Faculty are allowed to ask you to show them that you have received a Green email and are thereby permitted to be in class.

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 15-30 minutes of class, we will start class bantering about the latest in sports law issues which may be found on Twitter, ESPN, *Sportico* 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

Miller, J., John & Schoepfer, K. (2017). *Legal aspects of sports* (2nd ed.). Burlington, MA: Jones & Barlett Learning. ISBN: 978-1-2840-7247-1

Additional readings will include class handouts or Blackboard postings.

Class Recordings/Class Materials

All course materials posted to Blackboard or other course site are private to this class; by federal law, any materials that identify specific students (via their name, voice, or image) must not be shared with anyone not enrolled in this class. All of our synchronous meetings in this class will be recorded to provide necessary information for students in this class. Recordings will be stored on Blackboard and will only be accessible to students taking this course during this semester

Videorecordings — whether made by instructors or students — of class meetings that include audio, visual, or textual information from other students are private and must not be shared outside the class.

Live Video Classes (e.g., Collaborate or Zoom) that include audio, textual, or visual information from other students must be viewed private

Course Performance Evaluation

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

- **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 Tuesday 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. Due to the ongoing COVID-19 pandemic, if you are unable to attend class in person you may respond to class discussion board questions and participate via Zoom (either in the chat or video).
 - 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**

Grading Scale	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. Any assignment that is late will be reduced by 50%.
- **Attendance Policy:** Though attendance is required, due to the ongoing pandemic, it is understandable if you are unable to or otherwise uncomfortable attending class in-person. If you are feeling sick or are simply uncomfortable being in-person there will be a Zoom link each week. If you know that you are going to miss class and traditional are attending class in-person, please e-mail and arrange to make up any assignments with as much notice as possible. If you are uncomfortable attending class in-person, please let me know so alternative arraignments can be made.
- **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*.

Class Number	Topic	Pages
1	Chap. 1: Sports in Society - What is Sports Law Additional Reading: https://www.sportico.com/law/analysis/2021/2021-sports-law-trends-1234619431/ https://scholarship.law.marquette.edu/cgi/viewcontent.cgi?article=1517&context=sportslaw	1-16
2	Chap. 2: Unintentional Torts - Negligence - Concussion Litigation	17-35
3	Chap. 3/4: Intentional Torts / Tort Defenses - Intentional Torts (Assault, Battery, Defamation, etc.) - Assumption of Risk - Waivers and Releases	39-70
4	Chap. 12: Intercollegiate and Interscholastic Athletic Issues Contract Law Labor Law Representing Players and Teams: The Athlete-Agent Industry - Nature of the Relationship - Regulations and Legislation	215-235
5	Chap. 5: Risk Management - Concept of Risk Management - Role of Risk Management - Name Image Likeness Debate	71-90
6	Chap. 6: Discrimination Issues - Race and Racial Equity in Modern Sports - Gender Equity Issues in Athletics - Gender-Based Exclusion from a Particular Sport - Equal Athletic Participation Opportunities, Benefits, and Treatment	91-111
7	Chap. 8: Contracts - Introduction to Contract Law - Contract Negotiation - introduction	131-149
8	Chap. 7: Drug Testing in Sports - Issues of drug testing in professional sports - Issues of drug testing in amateur sports - Contract Negotiation - debrief	113-128

9	<p>Chap. 9: Antitrust Law</p> <ul style="list-style-type: none"> - Origin and Evolution of Modern Professional Sports Industries - Internal League Governance and Commissioner Authority - Antitrust Limits on Leagues 	151-172
10	<p>Chap. 10: Labor Relations in Sports</p> <ul style="list-style-type: none"> - National Labor Relations Act, Logos, and Other Identifying Insignia - Real-Time Game Accounts and Broadcasting Rights Athletes' Lanham Act and State Law Privacy, Reputation and Publicity Rights 	173-196
11	<p>Chap. 11: The Athlete-Agent Industry</p> <ul style="list-style-type: none"> - Nature of the Relationship - Regulations and Legislation 	197-214
12	<p>Chap. 13: International Sports</p> <ul style="list-style-type: none"> - Origin, History, and Objectives of the Olympic Games - Regulation of Olympic Sports within the United States - Doping Violations 	237-255
13	<p>Intellectual Property Issues in Sports</p> <ul style="list-style-type: none"> - Trademarks, Logos, and Other Identifying Insignia - Real-Time Game Accounts and Broadcasting Rights - Athletes' Lanham Act and State Law Privacy, Reputation and Publicity Rights <p>Reading to be assigned</p>	
14	<p>Sports Gambling: Discussing PAPSA and Murphy v. National Collegiate Athletic Association</p> <p>Reading:</p> <ul style="list-style-type: none"> - https://www.forbes.com/sites/marcedelman/2018/05/16/explaining-the-supreme-courts-recent-sports-betting-decision/#639392b6537c - http://georgemasonlawreview.org/wp-content/uploads/2019/01/26-2_Edelman-working.pdf - https://scholars.law.unlv.edu/cgi/viewcontent.cgi?article=1147&context=glj 	

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 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.

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