

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 Credits, Spring 2022
Thursdays 7:20pm – 10:00 pm Horizon Hall 3014–Fairfax Campus

Faculty

Name: Ryan Becker, Esq.
Office Hours: By appointment
Office Location: Krug Hall 213
Office Phone: 703.993.9923
Email Address: Rbecker8@gmu.edu

Prerequisites/Corequisites

Graduate Status or Permission of Instructor

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 School of Sport/Rec/Tour Mgmt. 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.). Jones & Bartlett Learning. ISBN: 978-1-2840-7247-1

Additional readings will include class handouts or Blackboard postings.

Course Performance Evaluation

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

- **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

Class Number	Topic	Pages
1	Chap. 1: Sports in Society - What is Sports Law Additional Reading: https://www.sportico.com/law/analysis/2022/mlb-lockout-1234650868/ https://scholarship.law.marquette.edu/cgi/viewcontent.cgi?article=1517&context=sportslaw	1-16

2	Chap. 2: Unintentional Torts <ul style="list-style-type: none"> - Negligence - Concussion Litigation 	17-35
3	Chap. 3/4: Intentional Torts / Tort Defenses <ul style="list-style-type: none"> - Intentional Torts (Assault, Battery, Defamation, etc.) - Assumption of Risk - Waivers and Releases 	39-70
4	Chap. 5: Risk Management / NCAA v. Alston <ul style="list-style-type: none"> - Concept of Risk Management - Role of Risk Management - NCAA v. Alston 	71-90
5	Chap. 6: Discrimination Issues <ul style="list-style-type: none"> - 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
6	Chap. 8: Contracts <ul style="list-style-type: none"> - Introduction to Contract Law - Contract Negotiation - introduction 	131-149
7	Chap. 7: Drug Testing in Sports <ul style="list-style-type: none"> - Issues of drug testing in professional sports - Issues of drug testing in amateur sports - Contract Negotiation - debrief 	113-128
8	Chap. 9: Antitrust Law <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
9	Chap. 10: Labor Relations in Sports <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
10	Chap. 11: The Athlete-Agent Industry <ul style="list-style-type: none"> - Nature of the Relationship - Regulations and Legislation 	197-214
11	Chap. 12: Intercollegiate and Interscholastic Athletic Issues Contract Law	215-235

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.

Core Values Commitment

The College of Education and Human Development is committed to collaboration, ethical leadership, innovation, research-based practice, and social justice. Students are expected to adhere to these principles: <http://cehd.gmu.edu/values/>.

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 VIA should be directed to viahelp@gmu.edu or <https://cehd.gmu.edu/aero/assessments> . 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, sexual harassment, interpersonal violence, and stalking:

As a faculty member, I am designated as a “Non-Confidential Employee,” and must report all disclosures of sexual assault, sexual harassment, 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 or support measures 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/> .