

PHED 7630**LEGAL ISSUES IN PHYSICAL EDUCATION AND SPORT**

Credit Hours: 3

Semester/Year:

Instructor:

Office Location:

Office Hours:

Telephone:

E-mail:

Fax:

COURSE DESCRIPTION

In this course, major legal issues in physical education and sport are examined. Emphasis is on providing educationally and legally sound programs of activity.

CONCEPTUAL FRAMEWORK

The conceptual framework of the College of Education at UWG forms the basis on which programs, courses, experiences, and outcomes are created. By incorporating the theme “Developing Educators for School Improvement”, the College assumes responsibility for preparing educators who can influence positively school improvement through altering classrooms, schools, and school systems (transformational systemic change). Ten descriptors (decision makers, leaders, lifelong learners, adaptive, collaborative, culturally sensitive, empathetic, knowledgeable, proactive, and reflective) are integral components of the conceptual framework and provide the basis for developing educators who are prepared to improve schools through strategic change. National principles (INTASC), propositions (NBPTS), and standards (Learned Societies) also are incorporated as criteria against which candidates are measured.

The mission of the College of Education is to develop educators who are prepared to function effectively in diverse educational settings with competencies that are instrumental to planning, implementing, assessing, and re-evaluating existing or proposed practices. This course’s objectives are related directly to the conceptual framework and appropriate descriptors, principles or propositions, and Learned Society standards are identified for each objective. Class activities and assessments that align with course objectives, course content, and the conceptual

framework are identified in a separate section of the course syllabus.

COURSE OBJECTIVES

Students will:

1. examine physical education and sport programs and the legal structure within which they function
(*Lifelong Learners, Knowledgeable, Reflective*)
(Appenzeller, 2005; Carpenter, 2000; Champion, 2004, 2005; Clement, 2004; Cotten & Wolohan, 2007; Cozzillio & Levinstein, 1997; Dougherty, Goldberger, & Carpenter, 2002; Fischer, Schimmel, & Kelly, 1995; Sharp, 1990; van der Smissen, 1990; Weiler & Roberts, 1993);
2. develop an awareness, basic understanding, and working use of terminology used in the legal and judicial systems
(*Lifelong Learners, Knowledgeable, Reflective*)
(Appenzeller, 2005; Carpenter, 2000; Clement, 2004; Cotten & Wolohan, 2007; Dougherty, Gaskin, 2003; Goldberger, & Carpenter, 2002; van der Smissen, 1990);
3. analyze critically selected litigated cases that pertain to sport and physical education
(*Lifelong Learners, Knowledgeable, Reflective*)
(Champion, 2004; Champion, 2005; Clement, 2004; Cotten & Wolohan, 2007; Cozzillio & Levinstein, 1997; Dougherty, Goldberger, & Carpenter, 2002; van der Smissen, 1990; Weiler & Roberts, 1993);
4. comprehend fundamental legal concepts necessary for knowledge and understanding of legal issues in sport and physical education
(*Lifelong Learners, Knowledgeable, Reflective*)
(Carpenter, 2000; Champion, 2004; Clement, 2004; Cotten & Wolohan, 2007; Cozzillio & Levinstein, 1997; Dougherty, Goldberger, & Carpenter, 2002; Gaskin, 2003; Sharp, 1990; van der Smissen, 1990; Weiler & Roberts, 1993);
5. develop a working knowledge of the library through legal research utilizing a variety of educational and legal resources
(*Lifelong Learners, Knowledgeable, Reflective*)
(Carpenter, 2000; Clement, 2004; Cotten & Wolohan, 2007; Dougherty, Goldberger, & Carpenter, 2002);
6. assess current major issues in sport and physical education in relation to direction given by the courts
(*Lifelong Learners, Knowledgeable, Reflective*)
(Champion, 2004; Champion, 2005; Clement, 2004; Cotten & Wolohan, 2007; Dougherty, Goldberger, & Carpenter, 2002; Fischer, Schimmel, & Kelly, 1995; Sharp, 1990; van der Smissen, 1990; Weiler & Roberts, 1993)

7. differentiate the legal rights, privileges, and duties of administrators, coaches, teachers, and other personnel in inschool and nonschool settings
(*Decision Makers, Leaders, Lifelong Learners, Adaptive, Culturally Sensitive, Knowledgeable, Reflective*)
(Appenzeller, 2005; Appenzeller & Lewis, 2000; Carpenter, 2000; Champion, 2004; Champion, 2005; Clement, 2004; Cotten & Wolohan, 2007; Cozzillio & Levinstein, 1997; Dougherty, Goldberger, & Carpenter, 2002; Fischer, Schimmel, & Kelly, 1995; Gaskin, 2003; Sharp, 1990; van der Smissen, 1990; Weiler & Roberts, 1993);
8. translate legal information into meaningful risk reduction in sport and physical education
(*Decision Makers, Leaders, Lifelong Learners, Adaptive, Culturally Sensitive, Knowledgeable, Reflective*)
(Appenzeller, 2005; Appenzeller & Lewis, 2000; Carpenter, 2000; Clement, 2004; Cotten & Wolohan, 2007; Dougherty, Goldberger, & Carpenter, 2002; Sharp, 1990; van der Smissen, 1990);
9. reduce the risk of involvement in litigation
(*Decision Makers, Leaders, Lifelong Learners, Adaptive, Culturally Sensitive, Knowledgeable, Proactive, Reflective*)
(Appenzeller, 2005; Appenzeller & Lewis, 2000; Carpenter, 2000; Champion, 2005; Clement, 2004; Cotten & Wolohan, 2007; Dougherty, Goldberger, & Carpenter, 2002; Gaskin, 2003; Sharp, 1990; van der Smissen, 1990; Weiler & Roberts, 1993); and
10. apply knowledge of the law as it relates to physical education and sport, specifically in respect to unique, identified areas of concern in the work place
(*Decision Makers, Leaders, Lifelong Learners, Adaptive, Culturally Sensitive, Knowledgeable, Proactive, Reflective*)
(Appenzeller, 1970; Appenzeller, 2005; Appenzeller & Lewis, 2000; Champion, 2004; Champion, 2005; Clement, 2004; Cotten & Wilde, 1997; Cozzillio & Levinstein, 1997; Dougherty, Goldberger, & Carpenter, 2002; Gaskin, 2003; Sharp, 1990; van der Smissen, 1990; Weiler & Roberts, 1993).

TEXT, READINGS, AND INSTRUCTIONAL RESOURCES

On Closed Reserve in Library

Clement, A. (2004). *Law in sport and physical activity* (3rd ed.). Dania, FL: Sport and Law Press.

References

- Appenzeller, H. (Ed). (2003). *Managing sports and risk management strategies* (2nd ed). Durham, NC: Carolina Academic Press.
- Appenzeller, H. (Ed). (2005). *Risk management in sport: Issues and strategies* (2nd ed.). Durham, NC: Carolina Academic Press.

- Appenzeller, H. & Lewis, G. (Eds.). (2000). *Successful sport management* (2nd ed.). Durham, NC: Carolina Academic Press.
- Carpenter, L. J. (2000). *Legal concepts in sport: A primer* (2nd ed.). Champaign, IL: Sagamore.
- Carpenter, L. J., & Acosta, R. V. (2005). *Title IX*. Champaign, IL: Human Kinetics.
- Champion, W. T., Jr. (2004). *Fundamentals of sports law*. Deerfield, IL: Clark, Boardman, Callaghan.
- Champion, W. T., Jr. (2005). *Sports law in a nutshell*. St. Paul, MN: West.
- Clement, A. (2004). *Law in sport and physical activity* (3rd ed.). Dania, FL: Sport and Law Press.
- Cotten, D. J., & Wolohan, J. T. (Eds.). (2007). *Law for recreation and sport managers* (4th ed.). Dubuque, IA: Kendall/Hunt.
- Cozzillio, M. J., & Levinstein, M. S. (1997). *Sports law: Cases and materials*. Durham, NC: Carolina Academic Press.
- Dougherty, N. J., Goldberger, A. S., & Carpenter, L. J. (2002). *Sport, physical activity, and the law* (2nd ed.). Champaign, IL: Sagamore.
- Fischer, L., Schimmel, D., & Kelly, C. (1999). *Teachers and the law* (5th ed.). White Plains, NY: Longman.
- Gaskin, L. P. (2003). Supervision. In D. J. Cotten & J. T. Wolohan (Eds.), *Law for recreation and sport managers* (3rd ed.) (pp. 138-148). Dubuque, IA: Kendall/Hunt.
- Hart, J. E., & Ritson, R. J. (1993). *Liability and safety in physical education and sport: A practitioner's guide to the legal aspects of teaching and coaching in elementary and secondary schools*. Reston, VA: National Association for Sport and Physical Education.
- Sharp, L. A. (1990). *Sport law*. Topeka, KS: NOLPE.
- van der Smissen, B. (1990). *Legal liability and risk management for public and private entities*. Cincinnati, OH: Anderson.
- Weiler, P. C., & Roberts, G. R. (1993). *Cases, materials and problems on sports and the law*. St. Paul, MN: West.

ASSIGNMENTS, EVALUATION PROCEDURES, AND GRADING POLICY

Link to the Conceptual Framework

The focus of this course is to analyze and determine how case law affects students, teachers, coaches, and administrators. Assignments are sequential in nature and are designed to encourage

students to apply legal knowledge. At the completion of the course, students will have demonstrated that they are knowledgeable, good decision makers, proactive, and adaptive. They also will have demonstrated that they are culturally sensitive, collaborative, reflective, leaders, and lifelong learners.

Class Activities and Assignments

1. Prepare for class by reading the assigned materials.
2. Because this course will be conducted during summer session, preparing for each day's session is instrumental in making this a meaningful, productive course. The quality of daily participation will be a critical factor in the *class contributions* portion of the final grade for the course. The final, written assessment for the course will be a comprehensive examination.

Evaluation Procedures

Student Evaluation:

Final examination	60%
Class Contributions (See activity sheets for each project/activity)	40 %

Grading Policy

A = 90 – 100%

B = 80 - 89%

C = 70 - 79%

F = below 70%

CLASS POLICIES

E-mail

University of West Georgia students are provided a MyUWG e-mail account. The University considers this account to be an official means of communication between the University and the student. The purpose of the official use of the student e-mail account is to provide an effective means of communicating important University related information to UWG students in a timely manner. It is the student's responsibility to check his or her email.

Work Credit

No material prepared to meet requirements in one course may be used to fulfill the requirements in another course without prior permission of the instructor.

Americans with Disabilities Statement (ADA)

The ADA is a federal anti-discrimination statute that provides comprehensive civil rights for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of his/her disabilities. If you believe you have a disability requiring an accommodation, please contact the Disability Services Office in Room 272 of the Student Development Center located in Parker Hall. The phone number is (678) 839-6428, and the fax number is (678) 839-6429.

Academic Integrity and Honor Code Pledge

At the University of West Georgia we believe that academic and personal integrity are based upon honesty, trust, fairness, respect, and responsibility. Students at West Georgia assume responsibility for upholding the honor code. West Georgia students pledge to refrain from engaging in acts that do not maintain academic and personal integrity. These include, but are not limited to, plagiarism, cheating, fabrication, aid of academic dishonesty, lying, bribery, or threats, and stealing.

Pledge: Having read the Honor Code for UWG, I understand and accept my responsibility to uphold the values and beliefs described and to conduct myself in a manner that will reflect the values of the institution in such a way as to respect the rights of all UWG community members. As a West Georgia student, I will represent myself truthfully and complete all academic assignments honestly. I understand that if I violate this code, I will accept the penalties imposed, should I be found guilty of violations through processes due me as a university community member. These penalties may include expulsion from the University. I also recognize that my responsibility includes willingness to confront members of the University community if I feel there has been a violation of the Honor Code.

**If plagiarism or another act of academic dishonesty occurs, a grade of zero will be given for the course assignment and, if further actions are warranted, the misconduct will be dealt with in accordance with the academic misconduct policy as stated in *The Student Handbook*, the *Undergraduate Catalog* and *Graduate Catalog*.

CLASS SCHEDULE

Week 1	Distribution of course materials, discussion of class assignments, and dates assignments are due Library orientation to legal resources in physical education, sport, and education in general Conducting legal research in the library
Week 2	Lexis/Nexis as a finding tool Locating cases appropriate for area of interest—tort cases
Week 3	Supreme Court decisions The legal system
Week 4	Briefing cases Negligence in Physical Activity Premise Liability

- Week 5 Case Analysis in Negligence
Negligence cases selected and presented by students
- Week 6 First, Fourth, and Fourteenth Amendments to the Constitution
Fourteenth Amendment to the Constitution
- Week 7 Gender Equity, Title IX, and Sexual Harassment
- Week 8 Individuals with Disabilities
Final Assessment