

**Western Kentucky University
School of Kinesiology, Recreation and Sport
–Sport Law (3 credits)
Fall 2021**

Professor: Dr. Drew Czekanski

Office: SS 1001

Office Hours: *In office* -MW 8:00–11:00 AM
Phone/Zoom – by request

Email Address: william.czekanski@wku.edu

Course Website: Blackboard

Office Phone: Work Office – 270-745-4047

Class Number: 517.700

Class Location: online

Meeting Time: N/A

Quarter, Year: Spring 2021

Course Description

The purpose of this course is to identify basic legal principles that are applicable to sports and fitness management careers and learn how to effectively manage potential legal issues associated with injury, contracts and employment relations in intercollegiate athletics.

Course Objectives

1. Introduce students to legal aspects of sport and recreation
2. Examine legal aspects, such as the courts system, tort law, constitutional law, risk management, and negligence law, as each component impacts the recreation and sport management field
3. Cultivate critical thinking through the evaluation of real-world legal cases
4. Expand legal lexicon
5. Provide opportunities to develop presentation skills

Student Learning Outcomes

Upon successful completion of the course, students should be able to do the following

1. Identify and analyze legal issues that could arise due to injury or other accidents
2. Identify and analyze the factors needed to create a safe working environment for your employees
3. Identify the key factors needed for contracts and develop strategies for creating both employment and sales contracts
4. Identify and analyze strategies for avoiding discrimination, harassment, or expression claims while still maintaining a safe and effective workplace
5. Communicate solutions to legal problems through an accurate discussion of the appropriate legal principles
6. Utilize legal principles to develop business strategies for the purpose of avoiding legal liability

Text

Required:

Cotton, D. J., & Wolohan, J.T. (2010). *Law for recreation and sport managers (6th Edition)*. Dubuque, IA: Kendall Hunt Publishing Company.

Recommended:

Wong, G.M. (2002). *Essentials of sports law: third edition*. Westport, CT: Greenwood Publishing Group, Inc.

Statement on COVID-19

Out of respect for the health and safety of the WKU community and in adherence with the CDC guidelines, **the University requires that a cloth face covering (reusable or disposable) that covers both the nose and mouth must be worn at all times when in public areas within all buildings**. Students must properly wear masks face coverings while in class regardless of the room size or the nature of the classroom activities. Students who fail to wear a face covering mask as required will be in violation of the WKU Student Code of Conduct and will be asked to comply or will face disciplinary action, including possible dismissal from the University. Accommodations to masks face coverings must be determined by the Student Accessibility Resource Center and documented before a student may attend class.

Course Format:

This course is an online class. Meaning the class will be held 100% online. We will utilize Blackboard throughout the semester as well as pre-recorded zoom lectures, YouTube lectures, and podcast lectures . Thus, it is important that you have a fast and reliable internet connection. The in-person classes will consist of traditional course lectures and activities. The online portion of class will consist of video lectures, podcast lectures, and online assignments.

Professionalism:

Parts of this class will be very interactive. In order to get the most out of class, and to prepare for your future endeavors, everyone is expected to be in class and contribute. Each student is expected to act professionally in this class. You can cooperate by...

- Coming to class regularly and on time
- Staying for the duration of the class
- Staying awake
- Participating in discussions and activities,
- Turning in assignments on time,
- Bringing proper materials to class,
- Not using your cell phone unless asked to by the professor.

Classroom Policies and Student Obligations:

1. **Professionalism is important.** Please make yourself familiar with the Professionalism section of this syllabus. Turning assignments in on time also reflects professionalism...see below.
2. **No late work is accepted.** For detailed policy please see below.
3. All assignments must be submitted via Blackboard in the appropriate areas unless otherwise instructed.
4. Unless otherwise instructed, **writing assignments must be written in APA style.** If sources are used, students must include those sources in a reference list, formatted for APA. For tips on how to do this, visit the Owl Purdue website. Grammar, punctuation, and spelling will be included in the evaluation of assignments (up to 10% of total possible points).
5. **Reading Assignments:** It is required that all class readings be completed on time given that they are part of class lectures, discussions, and assignments.
6. **Exams, etc.** will only be given on the scheduled dates. Exam questions will be taken from the text, lectures, handouts, videos, discussions and assignments. **If a study guide is given, it is no manner an all-inclusive representation of what will be tested on the exam.** Students are responsible for all materials throughout the duration of the semester, regardless of their attendance for the material.
7. **Phones, headphones, and other similar electronics are NOT permitted in class,** unless otherwise specified by the Professor ahead of time. All devices must be switched off and put away at all time during class. If you are caught using a device in class you will be given one (1) warning before being docked points from your participation/professionalism grade. If it becomes a continual problem or a distraction, student may be asked to leave the class and will therefore receive an absence for the day. **Laptops and iPads are permitted, unless you are caught doing work for another class or using it for a purpose other than taking notes or following along with PPT slides.** If you are caught doing so, you lose that privilege for the remainder of the course.
8. **Academic Integrity:**
Students who commit any act of academic dishonesty may receive from the instructor a failing grade in a course without possibility of withdrawal. The faculty member may also present the case to the Office of Student Life for disciplinary sanctions.” Students who are unfamiliar with the University's policy on plagiarism should consult the most recent edition of the Western Kentucky University Student Handbook. Students uncertain regarding what actions constitute plagiarism should consult the instructor and/or the student handbook

How Can Students Avoid Plagiarism?

To avoid plagiarism, you must give credit whenever you use

- another person's idea, opinion, or theory;
- any facts, statistics, graphs, drawings—any pieces of information—that are not common knowledge;
- quotations of another person's actual spoken or written words; or
- paraphrase of another person's spoken or written words.

University of Indiana, Writing Tutorial Services. (2004). *Plagiarism: What It is and*

How to Recognize and Avoid It. Retrieved January 8, 2009, from

<http://www.indiana.edu/~wts/pamphlets/plagiarism.shtml>.

For More Information on Plagiarism Visit These Sites:

<http://www.plagiarism.org/>

<http://owl.english.purdue.edu/owl/resource/589/01/>

http://www.writing.northwestern.edu/avoiding_plagiarism.html

Disciplinary measures including point deductions and removal from class can and will be taken if student behavior warrants it.

9. **Class Participation:**

For this to be a rewarding academic experience, everyone must contribute to class discussion. This requires that *EVERYONE* comes to class prepared (reading and written assignments completed), attend class regularly/punctually, and actively participate in all assignments and activities. The success of this class depends on your willingness to participate and ask question!

10. **Respect:**

In order to maintain a positive learning environment, the following ground rules will be followed:

- a. Personal perspectives will be valued. Degrading or discriminatory remarks or behaviors are not acceptable and will not be tolerated.
- b. Discussions will reflect an exchange of information, experiences, ideas, opinions, etc.
- c. **For group projects, it is the responsibility of group members to delegate work.**
- d. If a student's behavior in the classroom is disruptive, the instructor will give him/her an opportunity to correct the behavior without penalty. If the student's behavior continues to be disruptive, he or she will be asked to leave or stay after class and speak with the professor about the behavior so the future behaviors may be avoided. Additionally, points will be deducted from student's participation/professionalism grade.

11. Contacting the professor:

All communication with the professor should be handled in a **professional manner**. During regular academic school periods, on Monday through Friday, the professor will respond to emails within 24-48 hours; thus, please do not send multiple emails inquiring about the same topic within a 48-hour time span, unless otherwise notified.

For e-mail please use the following subject line: [RSA 517] your last name – subject

Important Note: When contacting the professor students should send a formal email addressing the professor as Dr. or Professor, state your name, which course you are in, and then state what your email is concerning. Students should begin getting into the habit of all correspondence being professional and respectful. If it is a question that can be answered from the syllabus, a rubric or instructions that I have handed out, I may simply direct you to that information.

Note about emails: The University will use students' WKU e---mail addresses exclusively for all university communication. Students may forward their WKU e-mail to another e-mail address, Blackboard is designed to use WKU addresses. If you experience difficulty with your email/Blackboard accounts, please contact WKU's IT Help Desk at 270-745-7000.

12. Statement of Student Rights and Disability Services

Any student in this course who has a disability that prevents the fullest expression of abilities should contact the instructor within the first week of class so that class requirements and accommodations can be discussed.

ADA Accommodation Statement

In compliance with University policy, students with disabilities who require academic and/or auxiliary accommodations for this course must contact the Student Accessibility Resource Center located in Downing Student Union, 1074. SARC can be reached by phone number at 270-745-5004 [270-745-3030 TTY] or via email at sarc.connect@wku.edu. Please do not request accommodations directly from the professor or instructor without a faculty notification letter (FNL) from The Student Accessibility Resource Center.

13. Title IX Misconduct/Assault Statement

Western Kentucky University (WKU) is committed to supporting faculty, staff and students by upholding

WKU's Title IX Sexual Misconduct/Assault Policy (#0.2070) at <https://wku.edu/eoo/documents/titleix/wkutitleixpolicyandgrievanceprocedure.pdf> and

Discrimination and Harassment Policy (#0.2040) at https://wku.edu/policies/hr_policies/2040_discrimination_harassment_policy.pdf.

Under these policies, discrimination, harassment and/or sexual misconduct based on sex/gender are prohibited. If you experience an incident of sex/gender-based discrimination,

harassment and/or sexual misconduct, you are encouraged to report it to the Title IX Coordinator, Andrea Anderson, 270-745-5398 or Title IX Investigators, Michael Crowe, 270-745-5429 or Joshua Hayes, 270-745-5121.

Please note that while you may report an incident of sex/gender based discrimination, harassment and/or sexual misconduct to a faculty member, WKU faculty are “Responsible Employees” of the University and **MUST** report what you share to WKU’s Title IX Coordinator or Title IX Investigator. If you would like to speak with someone who may be able to afford you confidentiality, you may contact WKU’s Counseling and Testing Center at 270-745-3159.

14. Writing Center Assistance: *The Writing Center on the Bowling Green campus* is offering **only** remote assistance to writers during the covid-19 pandemic. WKU students may request feedback on their writing via email or arrange a real-time Zoom conference to discuss a paper. See instructions and how-to videos on the website (www.wku.edu/writingcenter) for making online synchronous (Zoom) or asynchronous (email) appointments. Students may also get short writing questions answered via email; just put “Quick question” in the subject line to (writingcenter@wku.edu).

15. Technology

The use of web technology will be employed in this course for the dissemination of course materials such as syllabus, handouts and course notes. Additional means of communication between the instructor and students is available through the use of web-based email.

Syllabus Disclaimer:

The enclosed schedule, policies, procedures, and assignments in this course are subject to change in the event of extenuating circumstances, by mutual agreement, and/or to ensure better student learning. **Total overall points may change due to dropped test questions, changed assignments or Professor discretion.**

LEGAL DISCLAIMER:

I am not a licensed attorney, DO NOT ASK ME FOR LEGAL AD

Below you will find the participation/professionalism rubric, as well as a tentative course calendar for intended subjects and important dates.

Topical Outline (*subject to change*)

Week	Dates	Topics/Assignment
1	8/23 – 8/29	<p>What are we doing this week...</p> <ul style="list-style-type: none"> • Lectures <ul style="list-style-type: none"> ➤ <i>Introduction to law & sport law</i> • Assignments <ul style="list-style-type: none"> ➤ Review Syllabus ➤ Purchase book ➤ Reading – Cotton & Wolohan, pp. 1-11 ➤ Watch the following videos on judiciary and going to court <ul style="list-style-type: none"> ✓ http://www.youtube.com/watch?v=_dnp_01e4Qw ✓ http://www.youtube.com/watch?v=2maleYYiFks ➤ Take Syllabus Quiz <ul style="list-style-type: none"> ✓ ON BLACKBOARD (BB) DUE 8/29 by 11:59 PM ➤ Take Term Quiz <ul style="list-style-type: none"> ✓ ON BLACKBOARD (BB) DUE 8/29 by 11:59 PM
2	8/30 – 9/5	<p>What are we doing this week...</p> <ul style="list-style-type: none"> • Lectures <ul style="list-style-type: none"> ➤ <i>Finding & dissecting court cases</i> ➤ <i>Legal research</i> • Assignments <ul style="list-style-type: none"> ➤ Find and read one of the following court cases: <ul style="list-style-type: none"> ✓ <i>Eastman v. Yutzy</i> ✓ <i>Rostai v. Neste</i> ✓ <i>Brahatcek v. Millard</i> ➤ Dissect selected court case <ul style="list-style-type: none"> ✓ Submit outline of dissection on BB ✓ Due 9/5 by 11:59 PM

3	9/6 – 9/12	<p>What are we doing this week...</p> <ul style="list-style-type: none"> • Lectures <ul style="list-style-type: none"> ➤ <i>Torts Law – Negligence Theory</i> ➤ <i>Torts in Sports – Who is Liable</i> • Assignments <ul style="list-style-type: none"> ➤ Reading – Cotton & Wolohan, pp. 39 – 65 & 163 – 177 ➤ Watch the following video on negligence <ul style="list-style-type: none"> ✓ http://www.youtube.com/watch?v=poc2bzIRO8E ➤ Complete blackboard assignment <ul style="list-style-type: none"> ✓ Answer the following questions/prompts and post on BB: <ul style="list-style-type: none"> • Find one example (e.g., video, article, picture, etc.) of negligence in sports or recreation that we did not discuss in class and post it/a link to it on BB. • Identify the potential plaintiff and defendant, define the duty owed, discuss whether or not the duty was breached, and if that breach caused damages. • Respond to at least 2 classmates' posts <p>✓ All posts must be up on BB by 9/12 at 11:59 PM</p>
4	9/13 – 9/19	<p>What are we doing this week...</p> <ul style="list-style-type: none"> • Lectures <ul style="list-style-type: none"> ➤ <i>Tort Law – Premise Liability</i> ➤ <i>Tort Law – Emergency Care & Product Liability</i> ➤ <i>Tort Law – Defenses, Waivers, and Consent</i> • Assignments <ul style="list-style-type: none"> ➤ Reading – Cotton & Wolohan, pp. 95 – 120 & pp. 121 – 133 ➤ Watch the following video on product liability <ul style="list-style-type: none"> ✓ http://www.youtube.com/watch?v=x6h11ztPPyI ✓ https://www.youtube.com/watch?v=RMdJQqaVAaM
5	9/20 – 9/26	<p>What are we doing this week...</p> <ul style="list-style-type: none"> • Lectures <ul style="list-style-type: none"> ➤ <i>Tort Law – Defamation, image rights, and privacy</i> ➤ <i>Assault & Battery</i> • Assignments <ul style="list-style-type: none"> ➤ Reading – Cotton & Wolohan, pp. 215 – 225, 226 – 237 & 238 – 241 & 632 – 643 ➤ Watch the following video on defamation and assault and battery <ul style="list-style-type: none"> ✓ https://www.youtube.com/watch?v=ncdvSzxYolo ✓ https://www.youtube.com/watch?v=RHX_zPcPxWE ➤ Case analysis <i>Cohen v. Five</i> due on BB by 9/26 at 11:59 PM

6	9/27 – 10/3	<p>What are we doing this week...</p> <ul style="list-style-type: none"> • Lectures <ul style="list-style-type: none"> ➤ <i>Risk Management</i> • Assignments <ul style="list-style-type: none"> ➤ Reading – Cotton & Wolohan, p. 281 – 350 ➤ Complete BB assignment ✓ EXAM 1 due BB by 10/3
7	10/4 – 10/10	<p>What are we doing this week...</p> <ul style="list-style-type: none"> • Lectures <ul style="list-style-type: none"> ➤ <i>Introduction to Contract Law</i> ➤ <i>Contract law – Dispute resolutions</i> • Assignments <ul style="list-style-type: none"> ➤ Reading – Cotton & Wolohan, pp. 371 – 382 & 242 – 243 & 383 – 394 ➤ Watch the following videos on contract law <ul style="list-style-type: none"> ✓ https://www.youtube.com/watch?v=Y7tbQ6zbNxw ✓ https://www.youtube.com/watch?v=Hi4fOXfqJJw
8	10/11 – 10/17	<p>What are we doing this week...</p> <ul style="list-style-type: none"> • Lectures <ul style="list-style-type: none"> ➤ <i>Contract law – Game, event, and sponsorship contract</i> • Assignments <ul style="list-style-type: none"> ➤ Reading – Cotton & Wolohan, pp. 406 – 416 & 395 – 405 ➤ Watch the following videos on contract law <ul style="list-style-type: none"> ✓ https://www.youtube.com/watch?v=vcBrRsR04DM ➤ Complete Contract Test on blackboard <ul style="list-style-type: none"> ✓ Must be completed on BB by 10/17 at 11:59 PM
9	10/18 – 10/24	<p>What are we doing this week...</p> <ul style="list-style-type: none"> • Lectures <ul style="list-style-type: none"> ➤ <i>Introduction to the United States Constitution</i> ➤ <i>1st Amendment</i> • Assignments <ul style="list-style-type: none"> ➤ Reading – Cotton & Wolohan, pp. 417 – 439 & 471 – 482 & 461 – 470 ➤ Watch the following videos on constitutional law <ul style="list-style-type: none"> ✓ http://www.youtube.com/watch?v=tl6R1KD4E0 ➤ Complete BB assignment <ul style="list-style-type: none"> ✓ Submit Final Paper topic on BB by 10/24

10	10/25 – 10/31	<p>What are we doing this week...</p> <ul style="list-style-type: none"> • Lectures <ul style="list-style-type: none"> ➤ <i>4th Amendment</i> • Assignments <ul style="list-style-type: none"> ➤ Reading – Cotton & Wolohan, pp., pp. 417 – 439 & 471 – 482 & 461 – 470 ➤ Complete BB assignment <ul style="list-style-type: none"> ✓ Read the scenario present on BB and assess, given the information if the individuals 4th Amendment rights were violated. ✓ All posts must be up on BB by 10/31 at 11:59 PM
11	11/1 – 11/7	<p>What are we doing this week...</p> <ul style="list-style-type: none"> • Lectures <ul style="list-style-type: none"> ➤ <i>5th Amendment & 14th Amendment</i> • Assignments <ul style="list-style-type: none"> ➤ Reading – Cotton & Wolohan, pp. 440 – 460 & 505 – 516 & 596 – 605 & 528 – 536 ➤ Complete Due Process & Equal Rights Quiz <ul style="list-style-type: none"> ✓ ON BB DUE 11/7 at 11:59 PM
12	11/8 – 11/14	<p>What are we doing this week...</p> <ul style="list-style-type: none"> • Lectures <ul style="list-style-type: none"> ➤ NO LECTURES • Assignments <ul style="list-style-type: none"> ➤ Reading - NONE ➤ Final Paper Outline Due on BB by 11/14 at 11:59 PM
13	11/15 – 11/21	<p>What are we doing this week...</p> <ul style="list-style-type: none"> • Lectures <ul style="list-style-type: none"> ➤ <i>Disability Law</i> • Assignments <ul style="list-style-type: none"> ➤ Reading – Cotton & Wolohan, pp. 440 – 460 & 505 – 516 & 596 – 605 & 528 – 536 ➤ Watch the following videos on ADA <ul style="list-style-type: none"> ✓ https://www.youtube.com/watch?v=vtUhfePde6s ➤ Complete Disability Assignment on BB due 11/21 at 11:59 PM

14	11/22 – 11/28	<p>What are we doing this week...</p> <ul style="list-style-type: none"> • Lectures <ul style="list-style-type: none"> ➤ <i>Title IX & Gender Equity</i> • Assignments <ul style="list-style-type: none"> ➤ Reading – Cotton & Wolohan, pp. 537 – 547 & 548 – 572 & 573 – 586 ➤ Complete Title IX Quiz on BB due 11/28 at 11:59 PM ➤ Final Paper & Presentation Due <ul style="list-style-type: none"> ✓ Both to be submitted ON BB DUE 11/28 at 11:59 PM
15	11/29 – 12/3	<p>What are we doing this week...</p> <ul style="list-style-type: none"> • Lectures <ul style="list-style-type: none"> ➤ <i>Antitrust Law – History in Sport</i> ➤ <i>Antitrust Law – History in NCAA</i> ➤ <i>Antitrust Law – Current day NCAA</i> • Assignments <ul style="list-style-type: none"> ➤ Reading – Cotton & Wolohan, ➤ Final Paper Due <ul style="list-style-type: none"> ✓ To be submitted ON BB DUE 12/3 at 11:59 PM

Final Exam December 6 – 10

Course Evaluation

Syllabus Quiz	20 points
Term Quiz	30 points
Blackboard Assignments (5)	100 points
Case Analysis 1 (<i>Cohen v. Five</i>)	50 points
Exam 1	100 points
Contract Test	100 points
Final Exam	150 points
Final Paper Topic	20 points
Final Paper Outline	30 points
Final Paper	100 points
Total Points	700 points

Grading Scale

90% - 100%	= A
80% - 89%	= B
70% - 79%	= C
60% - 69%	= D
59% - below	= F

Note: Grades will not be rounded up. For example, students finishing with an 89.5% will receive a B.

Course Assignments

1) Case Analysis (50 points total)

Each student will be required to submit a case analysis for *Cohen v. Five*. An example court case deconstruction is provided on Blackboard. This will give the students practice reading and dissecting cases and help prepare students for the final paper.

2) Exam 1 (100 points)

Exam 1 will consist of various vignettes given to students that speak of potential legal situations in sport and recreation as discussed in the first seventeen (17) classes of the semester. After reading each vignette students will be asked to pick one of the two vignettes and dissect it in the following manner: (1) Identify all possible lawsuits; (2) Deconstruct each possible lawsuit in regard to the legal principles discussed in the book and class lectures; (3) Determine and justify the likely outcome the court would reach; and (4) Answer the additional questions posed at the end of each vignette.

Exam 1 will be distributed on Blackboard at the beginning of Week 5 and due at the end of Week 5 (Sunday at 11:59 PM). The exam will be an open book/open notes take home exam.

Failure to submit the exam at the end of Week 6 will result in automatic zero on the exam. All exams must be submitted via Blackboard.

3) Final Exam (150 points)

The Final Exam will be held during finals week. The exam will be cumulative and thus cover all topics from the semester. Question format will include; multiple choice, short answer, vignettes, and essays. The exam will be on Blackboard and must be completed by the ascribed date. Failure to do so will result in students receiving an automatic zero (0).

4) Contract Test (100 points total)

The Contract Assignment will be distributed during Week 7. For the assignment individuals will be provided with two different contracts. Students will be allowed look over the contracts during the exam. The exam will include questions that reference the contracts and require students to read over the contract to find the correct answer.

5) Final Project (100 points total)

This is designed to be a project that students are working on throughout the course of the entire semester. Students will choose a legal topic or problem in sport or recreation that is of interest to them and conduct an in-depth legal analysis. The analysis will consist of three main parts: (1) An introduction to the topic/problem/issue and an explanation of why the study is important; (2) A review and analysis of prudent legal cases and documents that will include providing case facts, decisions and reasoning. Students must have a minimum of 12 sources (8 primary and 4 secondary); (3) A discussion of the conclusions and implications of the findings with emphasis on how the topic affects sport and recreation management currently and in the future.

Students must submit their final paper topic to the professor at the end of **Week 8** and gain approval before continuing. Submissions should be one (1) page in length and include a brief description of the topic and its relevance to sport and/or recreation management.

Students must submit a final paper outline to the professor at the end **Week 11**. The outline should include a breakdown of the layout of the paper including but not limited to (1) Introduction Section, (2) Review of cases (e.g., what cases you will be using, elements of those cases), (3) Review of law reviews (e.g., citations of the law reviews you will be using, breakdown of what they say), (4) Implications/effect section, (5) Reference list. The outline can include additional information as well, but please use this list of “things” as a guide.

More information about the project is provided on Blackboard.

6) Quizzes and Blackboard Assignments (150 points total).

As a means of helping students engage with the material throughout the semester various Blackboard assignments and quizzes will be assigned over the course of the semester. The assignments and quizzes are designed to test students’ knowledge of the constructs covered that week and will be **Sunday at 11:59 PM** on the week they were assigned. Before completing each assignment and quiz please remember to consume all the lectures, videos, podcasts, and readings for the week as they will help assure you perform well. Details about each assignment will be provided on Blackboard the week of the assignment. There are a total of five (5) assignments/quizzes (no including the syllabus quiz and term quiz) worth 20 points each, for a total of 100 points. The syllabus quiz and the term quiz are each stand alone grade items worth 20 and 30 points respectfully. All together then, the quizzes and Blackboard assignments are worth a total of 150 points. Failure to complete any of these assignments by the ascribed date will result in students receiving an automatic zero (0) on the assignment.

Syllabus Disclaimer:

The above schedule, policies, procedures, and assignments in this course are subject to change in the event of extenuating circumstances, by mutual agreement, and/or to ensure better student learning.