



COURSE OUTLINE

BUS 111

Sports Law

Credits: 3

Hours: 3
lecture/Lab/Other

Co-or Pre-requisite: None

**Implementation: FALL
2015**

Catalog description: Examines legal issues that impact the world of sports and sports management. Affecting professional, intercollegiate and other areas of athletics, matters explored include those involving agencies, contracts, torts, crimes, gender, disabilities, antitrust, internationalism, drugs, intellectual property, and alternative dispute resolution.

Is course New, Revised, or Modified? NEW

Required texts/other materials: Sports Law, 1st Edition (2013) by Adam Epstein

ISBN-10: 1111971668 | ISBN-13: 9781111971663

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Course coordinator: Jonathan Rowe, ext. 3479, rowejo@mccc.edu

Information resources: Various Internet sites, videos, library databases, expert lectures.

Other learning resources: Tutoring may be available at the Learning Center.

Course Competencies/Goals:

The student will be able to:

1. Demonstrate knowledge of the common areas of law as they impact the sports industry.
(GE Goal 1, 5, 8, 9 MCCC CS Goals A, B, C, D, F, G)
2. Understand legal differences among professional, intercollegiate, scholastic, and other areas of sports. **(GE Goal 1, 5, 8, 9 MCCC CS Goals A, B, C, D, F, G)**
3. Comprehend major court decisions and precedents that pertain to American sports law.
(GE Goal 1, 5, 8, 9 MCCC CS Goals A, B, C, D, F, G)

Course-specific General Education Knowledge Goals and Core Skills:

General Education Knowledge Goals

Goal 1. Communication. Students will communicate effectively in both speech and writing.

Goal 2. Mathematics. Students will use appropriate mathematical and statistical concepts and operations to interpret data and to solve problems.

Goal 3. Science. Students will use the scientific method of inquiry, through the acquisition of scientific knowledge.

Goal 4. Technology. Students will use computer systems or other appropriate forms of technology to achieve educational and personal goals.

Goal 5. Social Science. Students will use social science theories and concepts to analyze human behavior and social and political institutions and to act as responsible citizens.

Goal 6. Humanities. Students will analyze works in the fields of art, music, or theater; literature; philosophy and/or religious studies; and/or will gain competence in the use of a foreign language.

Goal 7. History. Students will understand historical events and movements in World, Western, non-Western or American societies and assess their subsequent significance.

Goal 8. Diversity. Students will understand the importance of a global perspective and culturally diverse peoples.

Goal 9. Ethical Reasoning and Action. Students will understand ethical issues and situations.

MCCC Core Skills

Goal A. Written and Oral Communication in English. Students will communicate effectively in speech and writing, and demonstrate proficiency in reading.

Goal B. Critical Thinking and Problem-solving. Students will use critical thinking and problem solving skills in analyzing information.

Goal C. Ethical Decision-Making. Students will recognize, analyze and assess ethical issues and situations.

Goal D. Information Literacy. Students will recognize when information is needed and have the knowledge and skills to locate, evaluate, and effectively use information for college level work.

Goal E. Computer Literacy. Students will use computers to access, analyze or present information, solve problems, and communicate with others.

Goal F. Collaboration and Cooperation. Students will develop the interpersonal skills required for effective performance in group situations.

Goal G. Intra-Cultural and Inter-Cultural Responsibility. Students will demonstrate an awareness of the responsibilities of intelligent citizenship in a diverse and pluralistic society, and will demonstrate cultural, global, and environmental awareness.

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Units of study in detail:

Unit I: Sports & the Common Law

Learning Objectives

The student will be able to:

1. Demonstrate knowledge of sports agency law by [CG1,3]:
 - a. understanding the roles of the agent and principal;
 - b. discussing how duties of care, loyalty, good faith and accounting reinforce principal-agency relationships;
 - c. addressing how the advent of television led to more money in the sports industry leading to the influx of agents;
 - d. explaining current sports agent regulations, certifications and qualifications;
 - e. articulating the development of state and federal laws involving sports agents; and
 - f. addressing potential sports agent improprieties, including conflicts of interest, breaches of confidence and trust, and even agents stealing clients from other agents.
2. Demonstrate knowledge of how contract law and principles affect the sports industry by [CG1,3]:
 - a. emphasizing their personal services nature, which involves discussing the unique talents, abilities, and skills of players and coaches;
 - b. understanding the general law of contracts, including basic principles--offer, acceptance, and consideration to establish the fundamentals and a foundation for more advanced concepts, including the statute of frauds or even how the Uniform Commercial Code (UCC) might apply in sports law;
 - c. being able to divide sports contracts into three major categories: standard player contracts (SPK); endorsement contracts; and appearance contracts;
 - d. exploring how loyalty clauses are built into many new sports contracts;
 - e. analyzing how "morals clauses" proscribe certain off the field conduct, in light of the outrageous incidents that involve professional athletes;
 - f. exploring how "force majeure" clauses in sports contracts and how Hurricane Katrina and other weather issues have impacted sports law;
 - g. understanding the contractual nature of sports at that intercollegiate level and how such claims have fared in modern court cases;
 - h. exploring the role of third parties to a contractual relationship, including assignment, delegation, and beneficiary designations;
 - i. discussing of Personal Seat Licenses (PSL) and special professional sports contracts such as the NHL's unique "two-way" contract and the NBA's "ten-day" contract; and
 - j. discussing contract waivers like those found on sporting event admission tickets and the role of restrictive agreements in sports such as non-compete clauses;
or;
 - k. explore bankruptcy law and how various teams, leagues, and players have filed for bankruptcy.
3. Demonstrate knowledge of how the world of sports deals with various tort liability concerns by [CG1,3]:
 - a. defining the terms tort and tortfeasor;
 - b. describing the differences among the various theories of tort law including negligence, intentional torts, product liability, and strict liability;

- c. explaining the difference between the English and American rules related to tort law;
 - d. considering the role of risk management and reducing liability for injury to persons who attend sporting events;
 - e. discussing the importance and legality of waivers in sports law;
 - f. providing various examples of misrepresentation (fraud) in sports law;
 - g. describing what worker's compensation is and its relationship to tort law;
 - h. discussing whether waivers on ticket stubs are legally enforceable;
 - i. discussing the issues related to product liability, including issues related to warranties and labeling of products; and
 - j. explaining how strict liability might be relevant in sports law.
4. Demonstrate knowledge of how the world of sports deals with various criminal liability concerns by [CG1,3]:
- a. exploring the relationship between legitimate and illegitimate sports violence and ask them: whether illegitimate sports violence should be addressed by internal league controls such as fines and suspensions or by the local police;
 - b. discussing of the relationship between the criminal law and sports fans;
 - c. exploring circumstances where sports crimes can occur in high school youth, and other amateur sports;
 - d. exploring the state laws related to protecting sports officials, sports agent crimes, and the various state and city ticket-scalping laws; and
 - e. understanding the difference between the concepts of criminal liability (guilt in criminal law) and civil liability (actions arising under tort law).

Unit II: Sports & Modern Statutory Law

Learning Objectives

The student will be able to:

1. Demonstrate knowledge of Title XI and other women's and gender issues by [CG2,3]:
 - a. asking whether or not the word "equity" means "equal" or "equitable" and see where the conversation goes;
 - b. analyzing Title IX's federal law's history and development;
 - c. considering the strides women have made since the 1960s generally; in the sports realm;
 - d. discovering Title IX cases, claims, resources, statistics, and opinions;
 - e. considering the decline in volume of male athletic programs since the enactment of Title IX;
 - f. discussing the contact sports (purpose or major activity of the sport involves bodily contact) exception to Title IX; and
 - g. inquiring whether or not competitive cheerleading counts as a sport for Title IX compliance.
2. Understand how disabilities related legislation impacts sport by [CG2,3]:
 - a. studying intensely the three most relevant federal statutes: the Rehabilitation Act of 1973, the Individuals with Disabilities Education Act (IDEA), and the Americans with Disabilities Act (ADA);
 - b. addressing how these aforementioned laws relate to interscholastic and intercollegiate sports with a focus on the degree that courts should get involved in the daily administrative activities of high schools and state athletic associations;

- c. including knowledge of maximum participation rules that exclude students who have spent more than eight semesters in school or four seasons in the particular sport. Likewise, with “no pass, no play rules” establish minimum academic requirements for participation eligibility;
 - d. exploring various cases involving students and disabilities; and
 - e. emphasizing the distinction between the Special Olympics and the Paralympic Games.
3. Confront issues relating to drugs and sports by [CG2,3]:
- a. asking a simple yet broad question: “Why should we test for drugs at all?”;
 - b. understanding how different sources of law have led to various policies on drug testing in sports;
 - c. focusing specifically on the NCAA drug-testing policies;
 - d. examining the policies found in the collective bargaining agreements of the Big Four sports;
 - e. exploring the role of the World Anti-Doping Agency (WADA), which promulgates a growing list of banned substances and polices for Olympic competition;
 - f. learning how to practice the proper pronunciation of the drugs prior to class in order to establish credibility; and
 - g. understanding the nature of “consent” for drug tests athletes will be required to take as a condition of their competitive play.

Unit III: Specialized Areas of Legal Concerns in Sports

Learning Objectives

The student will be able to:

1. Understand relevant current international legal sports issues by [CG2]:

 - a. studying the Olympic structural hierarchy;
 - b. surveying the political landscape of the Olympic Games; and
 - c. briefly exploring the Canadian Football League (CFL) and policies that favors players of Canadian citizenship (classified as “non-imports”) over American players (“imports”).

2. Demonstrate knowledge of antitrust and labor issues in sports by [CG1,2,3]:

 - a. discussing the Sherman and Clayton Acts to introduce students the fundamental federal laws that govern anticompetitive business behavior;
 - b. exploring the collective bargaining process and the role of collective bargaining agreements (CBA);
 - c. addressing the various league strikes and lockouts in historical context;
 - d. understanding the non-statutory labor exemption, a judicially created rule that protects union activity from anti-trust scrutiny, as a key concept in antitrust and labor law;
 - e. discussing the plethora of antitrust cases from the NFL;
 - f. understanding the history of antitrust litigation of the NBA and the NHL;
 - g. understanding the complex nature of NCAA antitrust litigation that focuses on a combination of amateurism, antitrust, and eligibility issues;
 - h. looking at the federal Sports Broadcasting Act of 1961, which exempts television agreements entered into by professional football, baseball, basketball, and hockey leagues from the federal antitrust laws;
 - i. relating federal and state employment laws to antitrust issue; and
 - j. discussing hot topics in labor law such as the dress code instituted by the NBA in the 2005-2006 season, and minimum age issues.

3. Demonstrate knowledge of intellectual property issues in sports by [CG1,2,3]:

- a. focusing on the fundamentals of establishing copyrights, patents, and trademarks, and protecting against IP infringement;
 - b. discussing the federal Lanham Act and the role of the U.S. Patent and Trademark Office (USPTO);
 - c. reviewing the role of the World Intellectual Property Organization (WIPO);
 - d. addressing controversies relating to the use of nicknames or mascots associated with Native American tribes by high school, college, and professional sports teams;
 - e. understanding the numerous trademarked phrases such as the terms “Final Four,” “Sweet 16,” and “March Madness”;
 - f. addressing the numerous cases of trademark infringement involving the Olympics; and
 - g. understanding such intellectual property issues as stadium naming rights, digital media rights, and fantasy sports.
4. • Demonstrate knowledge of how Alternate Dispute Resolution functions in sports by [CG2,3]:
- a. understanding the arbitration procedures the Big Four have set forth in their respective collective bargaining agreements;
 - b. emphasize the general success of arbitration in Olympic sports;
 - c. reinforcing the principle that an arbitrator’s decision is final and binding;
 - d. exploring the role that technology plays in ADR for resolving on-court disputes, such as instant replay; and
 - e. emphasizing how disputes can be resolved outside the courts.
5. Understand religious issues that sometimes confront sports by [CG2,3]:
- a. reflecting on changing views and perceptions related to religious tolerance in sports law;
 - b. asking where do we draw the line between permissible religious actions in sports and those that violate the Establishment Clause and exploring the numerous notable court cases that deal with such;
 - c. addressing the Brigham Young University (BYU) rule that existed at the intercollegiate level until 1998 and articulating the current policy that replaced it; and
 - d. offering various examples of somewhat controversial displays of religious expression.

Note: This course outline was created with the help of the law review article, linked below, entitled “The Fundamentals of Teaching Sports Law.” The writer is Adam Epstein who also authors the text used in this course.

<http://www.willamette.edu/wucl/pdf/sportslaw/spring07/art1.pdf>

Evaluation of Student Learning:

The course will be divided into three units and each unit will be followed by an examination. Each exam is worth 25% of one’s grade. Examinations will consist of a mixture between objective (multiple choice and true/false questions) and essay questions. There will also be a research paper and class participation score that will count as 25% of one’s grade. Exams and one’s final course grade will be based on the following scale:

A = 93-100

A- = 90-92

B+ = 87-89

B = 83-86

B- = 80-82

C+ = 77-79

C = 70-76

D = 60-69

F = 59 and below

Classroom Environment:

Mercer welcomes all students who wish to be part of a learning community. The faculty and staff strive to maintain an environment of pride in our diverse community and mutual respect among all persons within it.

An important responsibility is to respect the rights of your classmates to learn. Your instructors are authorized to establish reasonable rules of conduct within their courses. The college welcomes all students into an environment that creates a sense of community of pride and respect; we are all here to work cooperatively and to learn together.

Violations of Academic Integrity:

A student will be guilty of violating ACADEMIC INTEGRITY if he/she knowingly represents work of others as his/her own, (b) uses or obtains unauthorized assistance in the execution of any academic work, or (c) gives fraudulent assistance to another student.

CONSEQUENCES FOR VIOLATIONS OF ACADEMIC INTEGRITY

For a single violation, the faculty member will determine the course of action to be followed. This may include assigning a lower grade on the assignment, assigning a lower final course grade, failing the student in the course, or other penalty appropriate to the violation. In all cases, the instructor shall notify the Chairperson of the Academic Standards Committee of the violation and the penalty imposed. When two (or more) violations of academic integrity are reported on a student, the Academic Standards Committee may impose disciplinary penalties beyond those imposed by the course instructors. The student shall have the right to a hearing before the ASC or a designated subcommittee thereof.