

SUL ROSS STATE UNIVERSITY  
COURSE SYLLABUS  
KES 4313  
LEGAL AND ETHICAL ISSUES IN EXERCISE AND SPORT SCIENCE  
Spring 2015

INSTRUCTOR: J.C. McDonald, Office PPGC  
e-mail james.c.mcdonald@sulross.edu  
Office hours: 11:00am – 12:00pm MWF  
Appointments can be made at other times.

**BLACKBOARD:** The **Course Syllabus** can be found on Blackboard. Your Grades and the Course Calendar will be available for your information on Blackboard. To access “Blackboard” you go to [www.sulross.edu](http://www.sulross.edu) click on My SRSU on the upper menu bar and then click on LoboPass. Your login and password will be the same as in the past. If you do not have your login or password or you can not get on Blackboard, or you have other technical problems then you can use the following resources:  
go to <http://www.sulross.edu/page/2554/lobolaunch-tech-tips>. **Phone:** You can call the LTAC helpdesk at 8888. Off Campus, dial 432-837-8888 or the toll free number, 1-888-837-2882. Please visit the LTAC website at [www.sulross.edu/oit](http://www.sulross.edu/oit) for current hours of operation.  
**Online:** <https://techassist.sulross.edu>. Access to the web service request system is available 24x7x365. Please have your user credentials (email login and password) handy because you will need to login to submit a service request. The user guide for creating your own ticket is located at <http://www.sulross.edu/LTAC>.  
**Walk-in:** We are located in the Briscoe Administration Building (BAB) room 101. Hours of operation are Mon-Friday 8 am - 7 pm during the Fall and Spring semester. Walk-in hours vary between semester, on holidays, and weekends [www.sulross.edu/oit](http://www.sulross.edu/oit).

**COURSE DESCRIPTION:** Legal and Ethical Issues in Exercise and Sport Science (3-0) Basic legal principles, terminology, and risk management approaches; applications of legal principles to protection of employees, and employers in kinesiology related fields, contemporary ethical issues.

**PROGRAM LEARNING OUTCOMES:** Upon successful completion of the Kinesiology and Sport Science Program students will:

1. Create and implement health and physical activity principles of performance within diverse populations.
2. Prepare, instruct, and assess developmentally appropriate physical education curricula and/or exercise prescription based on students'/clients' needs.

## **Standard X**

The physical education teacher understands the legal issues and responsibilities of physical education teachers in relation to supervision, planning and instruction, matching participants, safety, first aid, and risk management.

### ***Competency 013***

The teacher understands legal issues and responsibilities of physical education teachers in relation to supervision, planning and instruction, safety, first aid and risk management.

#### **STUDENT LEARNING OUTCOMES:**

At the conclusion of the course each student will be able to:

- Explain why we live in a litigious society and the importance of managing risk.
- Differentiate between civil and criminal law, the types of torts, and the place that negligence fits within the legal system.
- Describe the basic types of legal systems in other countries.
- Demonstrate how to do legal research, and utilize the citation system.
- Discuss the difference between the federal court system and the state court system, and why we find federal cases in the context of recreation, sport and tourism.
- Explain the discovery process, the trial procedure, and the appellate process.
- Analyze the elements of negligence and sources of information used to determine the standard of care.
- Define the concept of strict liability, how it differs from ordinary negligence, and the types of situations that might give rise to a strict liability claim.
- Summarize the defenses to negligence, which legal protections shift the responsibility to the plaintiff.
- Describe the elements that are needed to make a valid and enforceable waiver, and pitfalls in drafting and implementing a waiver.
- Define intentional torts, and their essential elements, where harm occurs to a person.
- Describe the intentional torts that apply to property, both real and personal, and the essential elements of these torts.
- Identify the common defenses to intentional torts discussed in chapters 6 and 7.
- Discuss human rights covered in the textbook.
- Describe the legal issues and civil legal actions that can arise associated with due process, privacy, speech and religion.
- Discuss the protections afforded by Title VII of the Civil Rights Act of 1964, in the context of discrimination, and recreation, sport, and tourism.
- Identify each of the four steps and their components of the risk management process.
- Discuss the key risk assessment issues of participant skill, supervision, weather conditions, the physical condition of participants, equipment and playing environment, and timeliness of implementing risk measures.

- Outline the process of developing and conducting a risk assessment plan
- Explain the basic types of insurance and how to manage an insurance policy.
- Describe how to protect yourself and your organization when hiring and terminating employees.
- Identify ways to avoid the pitfalls associated with claims of sexual harassment while at the same time protecting the rights of the individual(s) making the claim.
- Summarize the purposes, objectives, and methods in developing an employee safety and health program.

## COURSE OUTLINE:

### Chapter 1 Introduction to Legal Issues

- A. Trends
- B. Categories of Legal Issues
- C. Legal Research

### Chapter 2 Introduction to the Legal Process

- A. The Judicial System
- B. Civil Procedure

### Chapter 3 The Negligence Cause of Action

- A. Elements of Negligent Action
- B. Degrees of Negligence

### Chapter 4 Strict Liability

- A. Hazardous Situations
- B. Equipment
- C. Dangerous Materials
- D. Protection of Individuals

### Chapter 5 Legal Protections

- A. Defense to Negligence
- B. Contractual Protection
- C. The Agreement to Participate

### Chapter 6 Harm to Persons

- A. Battery
- B. Assault
- C. Infliction of Emotional Distress
- D. Defamation of Character

### Chapter 7 Trespass

- A. Trespass to Land
- B. Trespass to Chattel and Conversion

- Chapter 8 Defenses to Intentional Torts
- A. Expressed and Implied Consent
  - B. Defense and Necessity
  - C. Discipline

- Chapter 9 Human Rights Liability
- A. Right of Personal Freedom
  - B. Civil Rights
  - C. Right of Due Process
  - D. Right of Personal Safety

- Chapter 10 Due Process, Privacy, Speech and Religion
- A. 14<sup>th</sup> Amendment
  - B. Privacy
  - C. Speech and Religion

- Chapter 11 Discrimination
- A. Race
  - B. Age
  - C. Gender

- Chapter 12 The Risk Management Process
- A. Loss prevention
  - B. Risk management process
  - C. Risk management applications

- Chapter 13 Risk Assessment Overview
- A. Skill and physical condition of participant
  - B. Supervision
  - C. Weather Conditions
  - D. Equipment and environment
  - E. Terrorism

- Chapter 14 Approaches to Risk Assessment
- A. Documenting Risk Evaluations
  - B. Standard Forms

- Chapter 16 Employee Termination
- A. Constitutional Protections
  - B. Property Rights

- Chapter 17 Sexual Harassment in the Workplace
- A. Definitions
  - B. Component of gender discrimination

## Chapter 18 Employee Safety and Health

- A. Basic needs
- B. Five additional needs

METHOD OF INSTRUCTION: Web delivered readings, power points, activities and discussions.

### COURSE REQUIREMENTS:

- I. A final exam with 150 points possible. Quiz questions will be posted each week and the final questions will be primarily taken from these concepts.
- II. Weekly Quizzes. Fifteen weekly quizzes will be based on the chapter(s) for the week and reading completed. Reviewing and analyzing the powerpoint presentation for each chapter will be helpful in selecting important concepts to understand and answer quiz questions. Each quiz will be completed and submitted on Blackboard and will be worth 20 pts. each for 300 points possible.
- III. Weekly Discussion Questions. Each student will be assigned a discussion question for the assigned chapter each week. The question will be answered and posted on a blackboard blog. The number of the question for each student to answer each week will be located on assignments. There will be one question each week, 15 questions at 20 points each equals 300 points possible. Points for each question will be awarded based on the following:
  - Accuracy 10 points
  - Completeness (effort) 5 points
  - Grammar 5 pointsTotal Possible = 20 points each
- IV. Weekly Discussion Blogs. At least one comment should be made on each Discussion Question Answer posted on Discussion Board. Points will be awarded based on the quality, thought and effort for each comment blog. A maximum of 20 pts. will be awarded each week. Total possible pts. 15 weeks x 20 pts. = 300 pts..
- V. Semester Project: Each student must locate a risk assessment plan for physical education. Make a copy of it (after checking copyright status), write an assessment of the plan. Include the following: who developed it, how was it developed, when it was developed, how was it implemented, how is it evaluated and updated and other relevant information.

The paper will be evaluated and points awarded based on the following rubric:

50 pts. for selecting and copying a current physical education risk assessment plan.

50 pts based on the quality of the written assessment of the plan using knowledge acquired in the class

30 pts for grammar, and form

20 pts. , using reliable sources and documenting correctly.

VI. Computation of the final grade will be based on the following:

**Exam =150 pts.**

**Weekly Chapter Quizzes 15@ 20 pts. Each = 300 pts.**

**Weekly Discussion Question Answers 15 @ 20 pts. Each = 300 pts.**

**Weekly Comments Blog 15 @ 20 pts. each = 300 pts.**

**Risk Plan Assessment = 150 pts.**

**Total possible = 1200 pts.**

**A = 1080-1200 pts. B=960-1079 C=800-959 D=700-779 F=Below 700 pts.**

VII. Academic Honesty: Students are expected to do their own work. Cheating in any form will be subject to disciplinary action that can result in dismissal from the class with a grade of F. This includes plagiarism.

All of the following are considered plagiarism: (taken from:  
<http://www.plagiarism.org/>)

- turning in someone else's work as your own
- copying words or ideas from someone else without giving credit
- failing to put a quotation in quotation marks
- giving incorrect information about the source of a quotation
- changing words but copying the sentence structure of a source without giving credit
- copying so many words or ideas from a source that it makes up the majority of your work, whether you give credit or not

VIII. COURSE ACCESSIBILITY INFORMATION:

Sul Ross State University supports equal employment and educational opportunities for all persons. No person shall be excluded from participation in, denied the benefits of, or

be subject to discrimination under any program or activity sponsored by Sul Ross State University on any basis prohibited by applicable law, including but not limited to race, Color, national origin, religion, sex, age or disability.

The University is committed to equal access in compliance with the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973. The Career/Life Center Coordinator has the responsibility to assist students with disabilities in gaining opportunities for full participation in programs, services and activities.

It is Sul Ross State University policy to provide reasonable accommodation to students with disabilities. For information and help go to <http://www.sulross.edu/page/1384/srsu-accessibility-services>. If you would like to request such accommodation because of a physical, mental, or learning disability, please contact

Mary Schwartze  
Counselor, ADA Coordinator  
[mschwartze@sulross.edu](mailto:mschwartze@sulross.edu)  
(432) 837-8691

IX. REQUIRED TEXTBOOK: Legal Liability in recreation, Sport, and Tourism. Fourth Edition, 2011. John O. Spengler and Bruce B. Hronek. Sagamore Publishing.

X. Additional sources for reading and researching case material etc. can be found in a number of professional and reliable locations.

Lexis-Nexis Database

Lexis-Nexis academic universe

Westlaw database

Sports Law Blog

Findlaw.com

A recently acquired Wildenthal Library database might be useful.

<http://libit.sulross.edu:2048/login?url=http://search.ebscohost.com/login.aspx?authtype=ip&profile=ehost&defaultdb=s3h>

The description reads:

Comprehensive, full-text database for sports and sports medicine, includes over 1500 journals covering biomechanics, drugs, exercise, kinesiology, movement science, nutrition, occupational health and therapy, physical fitness, physical therapy, rehabilitation, sports and exercise psychology, coaching and education, and sports medicine. Funding provided by Title V PostBacc grant.

**Tentative Course Calendar**  
**KES 4313 Legal and Ethical Issues in Exercise and Sport Science**  
**Spring 2015**

**Web Delivered Course Calendar Also posted on Blackboard Menu Bar as “Weeks by number”**

**All work must be posted before midnight on the assigned date. No points will be awarded for work posted after midnight on the assignment date except for exceptional reasons approved by Dr. Grant.**

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**Oct 19 Sunday – Post a brief introduction on Blackboard Discussion Board. (only individuals enrolled in the class will be able to read the introductions and submit personal contact information for Dr. Grant only)**

**Week #1**  
**Chapter 1 Introduction to Legal Issues**

**Saturday**  
**Sunday Discussion Question 1**  
**Tuesday Discussion Blogs 1**

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**Week #2**  
**Chapter 2 Introduction to the Legal Process**

**Saturday Quiz 2**  
**Sunday Discussion 1 Questions 2**  
**Tuesday Discussion Blogs 2**

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**Week #3**  
**Chapter 3 The Negligence Cause of Action**

**Saturday Quiz #4**  
**Sunday Discussion Questions 4**  
**Tuesday Discussion Blogs 4**

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**Week #4**  
**Chapter 4 Strict Liability**

**Saturday Quiz #5**  
**Sunday Discussion Questions 5**  
**Tuesday Discussion Blogs 5**

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**Week #5**  
**Chapter 5 Legal Protections**  
**Saturday Quiz # 5**  
**Sunday Discussion Questions 5**



**Tuesday Discussion Blogs 5**

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**Week #6**

Chapter 6 Harm to Persons

**Saturday Quiz #6**

**Sunday Discussion Questions 7**

**Tuesday Discussion Blogs 6**

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**Week #7**

Chapter 7 Trespass

**Saturday Quiz # 7**

**Sunday Discussion Questions 7**

**Tuesday Discussion Blogs 7**

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**Week #8**

Chapter 8 Defenses to Intentional Torts

**Saturday Quiz # 8**

**Sunday Discussion Questions 8**

**Tuesday Discussion Blogs 8**

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**Week #9**

Chapter 9 Human Rights Liability

**Saturday Quiz #9**

**Sunday Discussion Questions 9**

**Tuesday Discussion Blogs 9**

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**Week #10**

Chapter 10 Due Process, Privacy, Speech and Religion

**Saturday Quiz # 10**

**Sunday Discussion Questions 10**

**Tuesday Discussion Blogs 10**

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**Week #11**

Chapter 11 Discrimination

**Saturday Quiz # 11**

**Sunday Discussion Questions 11**

**Tuesday Discussion Blogs 11**

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**Week #12**

**Chapter 12 The Risk Management Process**

**Saturday Quiz # 12**

**Sunday Discussion Questions 12**

**Tuesday Discussion Blogs 12**

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**Week #13**

**Chapter 13 Risk Assessment Overview**

**Chapter 14 Approaches to Risk Management**

**Saturday Quiz # 13**

**Sunday Discussion Questions 13**

**Tuesday 8 Discussion Blogs 13**

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**Week #14 Monday**

**Chapter 16 Employee Termination**

**Chapter 17 Sexual Harassment in the Workplace**

**Saturday Quiz #14**

**Sunday Discussion Question 14**

**Tuesday Discussion Blogs 14**

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**Week #15 Monday**

**Chapter 18 Employee Safety and Health**

**Saturday Quiz #15**

**Sunday Discussion Question 15**

**Tuesday Discussion Blogs 1**

**Wednesday Risk Assessment Plan Paper due.**

**Thursday Final Exam Due**

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