**KES – 4313-001**
**Legal and Ethical Issues**
**Spring 2016**

**Instructor:** James McDonald

**Required Text: none at this time use PPTs and Handouts**

**Course Description and Purpose:** We live in an increasingly litigious society and have seen a dramatic increase in the number of lawsuits in the field of KES. This trend is also evident within the realm of sport and physical activity. You, as future professionals in sport and exercise, will gain general understanding of the law as it pertains to this area, be able to prevent and forestall litigation against your organization, and identify when it is necessary to retain the services of an attorney.

**Southern Association of Colleges and Schools ( SACS )**

**Program Outcome One:** Degree candidates in the M.S. program in Health and Human Performance program will demonstrate content knowledge in physiology, nutrition, sports law, test and measurements, motor learning, group dynamics and health and human behavior necessary for successful performance in their field.

**Course Objectives:**
**After successful completion of this course, the students will:**
1. Understand fundamental legal concepts relevant to tort law, contract law, and constitutional law.
2. Have identified potential liability situations in the supervision, management and conduct of sport, recreation and physical activity, and therefore, be able to design and develop strategies for limiting liability.
3. Have analyzed a tort law scenario, constructed basic court cases based on the scenario, and predicted the outcome of a hypothetical court case.
4. Have used the basic elements of contract law to construct a contract and waiver for a sport and physical activity situation. In addition, critiqued an existing contract and determined whether it meets legal standards.
5. Have identified situations regarding discrimination in terms of race, sex, and disability as it pertains to sport and physical activity. Analyzed constitutional law scenarios, constructed basic court cases based on the scenarios, and predicted the outcome.
6. Have communicated both orally and in writing, a court case, its ramifications to the sport management profession, and debated the merits of the court's ruling.

**Methods of Evaluation:**

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| Final Exam | 200 pts |
| 5 Weekly Discussions @ 60 pts ea | 300 pts |

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| Assignment: Law Project Paper | 150 pts |
| Assignment 2: Case Study Powerpoint | 100 pts |
| Assignment 3:Risk Management Plan | 250 pts |
| **Total Points** | **1000 pts** |

**Explanation of Assignments:**

**1. Final Exam:** Tests will be a combination of objective, short answer, application of terminology and formula, and answering calculations. The final exam will be comprehensive. You can use your notes & internet to help answer questions. You will print the exam and take it by hand. You will need to find a way to scan your written responses and upload them to the final Exam assignment tab in a word attachment. You can begin working on the exam anytime and do bits and pieces of it as we learn. Final exam is Due **by 8AM Thursday August 14th.**

**2. Case Study Assignment**: You may choose any legal case that interests you and pertains to an area of sport, exercise, or recreation. **Due Midnight Friday 18th (respond to a classmates PPT by Sunday 7/20).** You will post your case as a **discussion for week 2** as a PowerPoint (PPT) presentation to the class. The PPT presentation should include but is not limited to the following:

1. A brief overview of the facts of the case- entitled **Facts 20 pts.**
2. The primary questions of law that the court is trying to answer- entitled **Issues 10 pts.**
3. The decision of the court and any previous decisions if the case had previously been appealed- entitled **Holding 10 pts.**
4. The rationale for the court's decision- entitled **Reasoning 10 pts.**
5. Your reactions/opinions to the case and the court's decision- entitled **Reaction 25 pts.**
6. Implications/critical analysis on how the case effects the future of sport/exercise. **Applications. 25 pts.**

**Notice your reaction/opinions/implications are worth HALF the points! You get 100 points for the PPT above. Then 60 points for the discussion.

**4. Risk Management Assignment**

As a final project, you will make up a business organization for which to write up a risk management plan (e.g. a gym; sports camp, etc….Latham's Summer Volleyball Camp…). Types of organizations need to be within the field of KES including, but not limited to: little league sport camps, club or AAU sport organizations, fitness facilities, physical therapy clinics, university or high school athletic programs, strength and conditioning clinics, ect. It is a good idea to choose a group and create a business to which you may be actually working upon graduation. It is also good practice to devote at least 1-2 hours per week to research and work on this assignment. It is a good idea to see if you can find an existing organization's RMP as an example. You do not have to reinvent the wheel for this project, however, it must be original work. Copy and pasting materials from the internet and/or from existing RMPs will NOT be tolerated. **See the**

**Academic Honesty Policy.** You will use all of the knowledge that you have gained from the entire course to come up with a plan that includes strategies, forms, and policies which will help your organization to PREVENT and protect itself from any legal problems before they happen. This project will be worth 250 points **See the APPENDIX A for more info.** **Due Week 5 Midnight 8/10**

**5. Law Project/Paper: See Appendix B** for details **Due Week 4 Midnight 8/3.**

6. **Weekly Discussions:** Each week there will be a discussion question posted under the discussion tab for you to respond to by Midnight Friday night. To respond to the discussion you click on the hyperlink to the discussion and then click on create new thread. Put your last name and the week in the subject line (eg. LathamWeek1). You can respond directly in the message area, however, I suggest you type your response in a word document, spell check, then copy and paste it into the message area. You can upload your response as an attachment, but please ALSO copy and paste it into the message area so we do not have to open an attachment to read your post. Each discussion post is worth 40 points. 10 points will be deducted for each day it is late. 10 points will be deducted for not following the instructions above, do follow all instructions in the directions of the discussion.

**Responses to others:** Under each discussion post you must respond to another classmate's original discussion post. The response is worth 20 points (so a total of 60 points for class discussion is available for you to earn each week). *Responses are Due by Sunday Midnight Each Week*. The response must be more than "good job", "I like what you said", etc., it must be a substantial response that would be as if you were having a discussion on the topic in class. A substantial response would include, but not limited to: adding to the discussion with further information you find (cite your source), asking relevant questions, as well as critiquing in a positive way the post. ALWAYS spell check and edit your responses. These should be academic responses and not chat room or informal language. Do be respectful of others, do use proper language – do NOT hurt others feelings. To respond to another's post, click on their post and reply. Title the subject of your response with your last name and "response to _____ week 1 post" (eg. Latham's response to Henderson's Week 1 post).

**Academic Honesty:**
Each student is expected to do his or her own work. Suspected cheating will be given the rightful due process, but will be subjected to an "F" given for the assignment/exam. Plagiarized work will receive an "F" for that assignment. All written work is subject to inspection for plagiarism through Turnitin.com.

**TOPIC OUTLINE AND DUE DATES**

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|---|---|
| Week 1  7/10-7/13 | Read Intro PPT, Legal Process PPT<br><br>Discussion Due by Midnight Friday 7/11<br>Response Due Sunday 7/13 |
| Week 2 7/14-20 | Reading Negligence PPT<br><br>Discussion (Case Study PPT) Due by Midnight Friday 7/18<br><br>Response (Comment/Analyze a classmates case study PPT) Due Sunday 7/20 |
| Week 3 7/21-7/27 | Reading Trespass, Intentional Tort, & Harm to persons PPTs<br><br>Discussion Due by Midnight Friday 7/25<br>Response Due Sunday 7/27 |
| Week 4 7/28-8/3 | Read Constitutional Rights PPT<br><br>Discussion Due by Midnight Friday 8/1<br>Response Due Sunday 8/3<br><br>Legal Project/Paper Due Midnight 8/3 |
| Week 5 8/4-8/10 | Read Waivers & Agreements PPT<br><br>Discussion Due by Midnight Friday 8/8<br>Response Due Sunday 8/10<br><br>Risk Management Plan (RMP) Due Midnight 8/10 |
| Week 6 8/11-8/14 | **Final Exam Due by 8AM 8/14** |

# Scroll Down For Appendices

# Appendix A
# Risk Management Plan

This plan constitutes a major portion of your grade and allows you to show that you can apply the principles that we have studied. Appearance of the plan is very important. It is crucial that you follow this outline very carefully. The only items on this outline that should not be included would be those that are not applicable to the situation.

Remember, this is not a research paper and should not be written as such. For example, footnotes and references are not required unless you are using materials that belong to another. This should be written as an aid to a risk management program for a hypothetical wellness or sports related business. You should use the 4-step risk management model and matrix (will be in the handouts) to work on all risk management areas finding out about the corporate structure, policies, and procedures. The final plan should be a description of exactly what the business will do regarding risk management policies and procedures. Copies of all appropriate documents should be included in the appropriate sections (all sections should be clearly and easily recognized).

The total value of the project is 250 points. The following are the expected parts of your RMP. Some portions of these parts may not apply to your organization, so be sure and check with me if you have any questions. Pages should be numbered. The table of contents should follow the outlined sections below and should appear after the title page. The title page should contain your name and the name of the organization.

**PART 1 (20 points) Business Description**

This is a general description of the wellness/Sports-related business-mission statement, location, services provided, and facility inventory with site map, personnel, sources of revenue and expenditures, clientele, and schematic or diagram of the corporate structure including all types of personnel.

**PART 2 (50 points) Facility/Program Risk Review Plan**

In this part of the plan, you attempt to identity all the risks and how the organization responds to those risks from an operational perspective. Create a matrix similar to the ones given in class. The explanation should summarize how to interpret the chart. You must also include a copy of any maintenance and equipment service records and program documents relating to the rules, safety instructions, etc. Explain the role of the risk manager, the risk management committee, and the risk management manual, (as it applies to your business) and how the effectiveness of the program would be evaluated.

**PART 3 (50 points) Catastrophic Injury Plan**

The questions that you need to address include, but are not necessarily limited to: How will the business respond to different emergency situations? Do they have a list of names and phone numbers of the contacts? You must provide examples of the following types of forms where appropriate: 1) Health Information Records; 2) Emergency Medical Treatment Authorization; 3) Accident/Injury Report. What are the things the business does from a public relations perspective to improve the public image of the organization

related to dealing with issues including a spokesperson, information sharing, written and verbal statements? You must include a copy of the plan and the pertinent forms.

**PART 4 (40 points) Participant Forms**
This part should include the appropriate text explaining the use of the forms and the procedures followed in their use. Include copies of all types of participant forms used by the organization. These may include parental permission forms, agreements to participate, membership, entry forms, exculpatory and indemnification clauses, waivers, releases, etc.

**PART 5 (40 points) Accommodation/Inspection Plans**
This plan should address the procedures used to ensure compliance with the Americans with Disabilities Act. Inspection plan should include issues such as timing, staffing, procedures, etc.

**PART 6 (50 points) Employee Training Plan**
This plan should include information related to areas of employment development. This should include but not be limited to hiring, training, discipline, sexual harassment, etc.

**VERY IMPORTANT THINGS TO CONSIDER…throughout the plan and you determine which part of the RMP they will fit according to the needs of your business/organization:**
Implementing the Plan Consists of:

1. Involve All Employees in the Risk Management Process
2. Use Printed Guidelines Outlining Risk Reduction Techniques
3. Utilizing a Sound Training Program

Managing the Plan Consists Of:

1. Hiring or Selecting a Risk Manager and a Risk Management Committee
2. Provide the Risk Manager or Committee With the Authority to Lead
3. Provide Employees With the Opportunity for Continual Input Into the Risk

Management Plan Includes:

- Communication Is the Key to the Risk Identification Process.
- Includes: Malpractice by Personnel, Product Liability, Intentional Torts, Employment Practices, Sexual Harassment, and Civil Liberty Violations
- Organizations Must Be Aware of Guarantees Made in the Constitution Establishing Various Rights for Citizens
- Financial Risks Related to the Ownership of Real and Personal Property.
- Loss May Occur As a Result of Fire, Natural Elements Like Lightning and Floods, Vandalism, and Floods.
- Financial Risks That Result From Business Interruption, Embezzlement and Theft, the Medical Condition of Employees, the Health of Key Personnel, and Employee Accidents and Injuries.
- Checklists and Questionnaires
- Discussions With Employees
- Reading Literature Published by Professional Organizations
- Consulting With Colleagues

- Examining Policies and Procedures
- Observing Employees at Work
    - Training of Personnel
    - Emergency Action Plans
    - Preventative Maintenance Programs
    - Programs of Inspection
    - Systems of Warning
    - Knowledge of Natural Environment
    - Informational Documentation Systems
    - Public Relations

Employment Practices
(Recruitment, Evaluation and Termination)

- Civil Liberty Violations
- Sexual Harassment
- Intentional Torts
- Contractual Agreements
- Dram Shop Liability
- Standards of Practice

Examine All Potential Risks in the Areas of:

- Personnel
- Facilities
- Conduct of Activities
- General Supervisory Practices
- Crisis Management and Emergency Action Plans
- Insurance Coverage

Once the Risk Has Been Treated, a Checklist With Which to Perform Periodic Facility Inspections on a Regular, On-going Basis Should Be Developed.
The Checklist Should Be Customized for Each Facility and Particular Situation.
Crisis Mgmt

- Personnel Issues
- Facility Issues
- Emergency Equipment
- Emergency Action Plan
- Communication Issues
- Post-Crisis Issues
- Documentation
- Follow-up Procedure

Emergency Plans

The Plan Should Account for:

- Personnel Educated to Render Emergency Care
- Procedures for Calling EMS and Incident Reporting Systems
- Communication Plan for Notifying Parents
- Follow-up Approach
- Personnel Should Know Who to Contact and How to Contact Them Depending on What Crisis Is

    - Immediate Notification of Proper Authorities: Train Staff Where and How to Make Emergency Communications
    - Communicate With Other Groups During and After Crisis: Provide for Police, Fire Department, Medical Personnel, Etc.

Crowd Mgmt

- An Effective Plan Should Address:
    - Managing the Movement and Activities of Guests,
    - Assisting in Emergencies, and
    - Assisting Guests With Specific Concerns Related to Their Visit to the Facility
    - 1. Trained and Competent Staff
    - 2. Crisis Management and Emergency Action Plan
    - 3. Procedures for Handling Disruptive, Unruly or Intoxicated Patrons
    - 4. Effective Communication Network
    - 5. Effective Signage
    - 6. Implementation and Evaluation of Plan

Effective Signage

- Directional Signs
    - Provide Patrons With Directions to Important Locations Such As Interstate Highway Entrances and Exits, Main Roadways, and Parking Areas. Other Signs Help Navigate In/around the Stadium.
- Informational Signs
    - Cite Prohibited Items (Bottles, Etc.) And Also Rules of the Facility.

# Appendix B

**Project Total: Worth 150 points.**

**Background**

You are in your seventh year as the athletic administrator (athletic director) at Sharp High School, the only high school in the Sharp School District. Prior to becoming the athletic administrator, you had taught science and coached boys basketball and tennis for fifteen years, the last five of these in the Sharp School District. You have a half-time secretary to assist you, and at times you make use of E.C.U. sports administration graduate students who elect to serve unpaid internships.

Sharp High School, which competes in Class 5A in most sports, fields fourteen sports teams. Boys participate in football, basketball, wrestling, golf, tennis, track and baseball, while girls compete in fast-pitch and slow-pitch softball, basketball, golf, tennis, track, and soccer.

**Part I 50 points**

Under your leadership, the Sharp School District has worked diligently to expand athletic opportunities for girls and to keep the boys and girls sports programs as comparable as possible. The Sharp School District equalizes as much as possible the size and salaries of coaching staffs, budgets, equipment and supplies, and travel and scheduling. As an example, the baseball and softball teams travel on equally modern activity buses, and the district provides drivers whenever possible so that the coaches do not have to drive their squads to away ballgames.

Sharp High School has had a softball program since 1977, when neighboring schools also began softball competition. The Sharp softball team generally wins more games than it loses each fall and spring, and it normally advances through district play into the regionals. Since 1977, Sharp has won one fast-pitch and one slow-pitch state 5A championship, finished second in fast-pitch once and been runner-up in slow-pitch two times. The most recent championship appearance was in the slow-pitch tournament four years ago. Attendance at softball games and membership in the Softball Boosters Club, both consisting predominantly of parents and other family members, are average for schools in the conference.

A group of parents of female athletes approaches you on February 2 with two concerns about the softball program. The parents' first concern is one you are aware of, and you had hoped the Sharp School District would have adequate time to solve the problem on its own. The baseball and softball facilities had generally been comparable. The baseball facility, Williams Stadium, had originally been built in 1957 and had undergone expansion and numerous renovations. The softball program had used the Williams Stadium during the 1977-78 school year while the district constructed a softball facility, Prather Stadium. The district had made minor renovations in the softball facilities during the 1990s, and two years ago Sharp High School had upgraded Prather Stadium to bring it up to the standards of Williams Stadium. Both programs were now comparable in the quality, size and condition of the field, dugouts, locker rooms and weight training facilities. Both programs have their own practice fields, each adjacent to their varsity stadiums. But more on the softball practice field later.

Last summer substantial contributions from the Baseball Boosters Club had funded improvements in the baseball facilities at Williams Stadium, improvements which Prather Stadium lacked. Specifically, the Baseball Boosters Club had paid to add on

approximately fifty additional, padded seats with generous foot room. Contributions had also improved the concession area, adding roofing for protection from rain and sun and upgrading equipment (stove, freezer, and popcorn maker). While the Sharp School District's annual funding for the baseball and softball programs was equal, the Baseball Boosters Club was larger in membership, more active, and annually raised considerably more money through fund-raising projects and private contributions than the Softball Boosters Club.

The girls' parents, armed with what they believe is a good understanding of Title IX, summarize the differences in the seating at the baseball and softball facilities. The parents then assert that the Sharp School District has an obligation, both legally and educationally, to fund improvements in seating and the concession area at Prather Stadium to make these comparable to Williams Stadium.

**Directions for Part I (general directions are at the end) 50 points**

Your task is to prepare a position paper for the Sharp School District Superintendent of Schools. Within that position paper:

(1) discuss the arguments on both sides of the issue of whether the Sharp School District legally must make additional renovations to Prather Stadium. To do this, you must review, summarize and explain the components of Title IX, including both statutory and regulatory provisions, what the courts have ruled, etc. Your discussion in this part should be in-depth, very detailed.

(2) make a highly educated prediction as to you think a federal district court would decide if this situation were litigated; and

(3) make a recommendation to the superintendent, possibly to go to the board of education, as to how you feel the Sharp School District should best proceed with this problem/challenge. You may choose either to make or refuse to make the renovations; but you are also encouraged to "think outside the box" and recommend some other legally sound option(s).

**Part II**

The parents raise another, this time unexpected, issue. They inform you that Bill Baker, the head softball coach for nine years, has told several of his players that he is planning to give up his coaching duties at the end of the school year to spend more time with his own school-aged children. Assuming that this information is accurate, you are, to say the least, miffed that you are learning of this from parents rather than Baker himself. The parents remind you that Sam Glover, Baker's assistant, has served as assistant for four years, is certainly capable and head coaching material, and will in all likelihood apply for the head softball coaching position. The parents then claim that there is strong sentiment among the softball players and Softball Boosters Club to have a female softball coach next year, with strong preference that she be the head coach.

Still reeling from the news of Baker's alleged resignation from coaching, you try to collect your thoughts. You do not express this thought to the parents, but you wonder if they accurately are reflecting the sentiment of the players and Booster Club or merely presenting their own wishes. You explain to the parents that you certainly do not object to the idea of one or even two female softball coaches next year. But you also express several concerns. One is that you have a capable and loyal assistant coach on staff, and that coach is male. You also doubt the legality of earmarking an employment vacancy, at least officially, for female applicants only. Moreover, you are concerned about restricting the size of the applicant pool, particularly since neither position pays more than the

average rate for 5A head and assistant softball coaches. And while the softball program has been competitive and successful, it does not have such state championship tradition that it will likely attract as applicants the most successful softball coaches in the state.

**Directions for Part II (general directions are at the end) 50 points**

Obviously your first step here would be to confirm Baker's alleged resignation. Assume that Baker is indeed going to give up his coaching duties and rather unprofessionally did not inform you first. Confirm, after talking to Glover, that he indeed intends to apply for the head coaching position.

After discussing the situation with the Sharp School District Superintendent of Schools, schedule a meeting with the Softball Boosters Club. In preparing your comments, discuss ***at least*** the following:

(1) the federal laws against employment discrimination. Review the various applicable statutes, their provisions, etc. This explanation should be in-depth, very detailed. Explain to the Softball Boosters Club members in attendance what the laws prohibit, what they require, etc.

(2) the issue of having the current (and capable) assistant coach as an applicant; and

(3) the best interests of the softball program and the school as a whole.

End Part II by making a recommendation to the Sharp School District Superintendent of Schools, not the Softball Booster Club, as to how you think the Sharp School District should proceed in filling the vacancy. You may choose either to select Glover or hire a female from outside the district; but you are also encouraged to "think outside the box" and recommend some other legally sound option(s).

**Part III 50 points**

The softball program wasn't finished causing major headaches for you and the Sharp School District this spring. Angie Benson, a junior, is the starting centerfielder for the second consecutive year on the Sharp High School varsity softball team. Counting two years in junior high, this is Benson's fifth year of public school softball competition. On the day in question, February 13, Benson was practicing with the varsity softball team on the practice field (located on school property) adjacent to Prather Stadium, Sharp High School's softball facility.

Construction of the practice field next to Prather Stadium had begun approximately 12 months ago, and the surface of the playing field was still quite rough. There was grass in intermittent spots, with many bare patches and numerous small rocks in the field. Because the practice baseball field adjacent to Williams Stadium is currently of no better quality, the baseball team normally practices on the varsity field itself.

The Sharp School District Grounds Department [Grounds] was responsible for getting the softball and practice fields ready for the team's use. Through miscommunication, Grounds personnel thought that the softball team was practicing at Prather Stadium, when in reality it was using the practice field every afternoon. Therefore, Grounds personnel were spending most of their time each morning getting Prather Stadium (and Williams Stadium) facilities ready for upcoming interscholastic competition beginning on March 1. While they were preparing Prather Stadium bleachers and especially the field for softball games, little work was done on the practice field except for maintenance (emptying trash cans, mowing what grass there was, etc.).

Sam Glover was employed by the Sharp Board of Education as a science (primarily chemistry, physics) teacher and compensated to serve as the assistant coach of the girls' softball team. On February 13, Coach Glover had the outfield players, including Benson, fielding "grounders" for practice. During the drill, Glover stood at the edge of the infield approximately 70 feet from the players and hit hard groundballs into the roughly surfaced outfield for the players to field.

After approximately fifteen minutes of this drill, during which time each outfielder had at least several opportunities to field grounders, Glover hit a ground ball toward Benson's position. At the last moment, the ball hit either a clump of grass or a rock and took an erratic hop (a "bad hop") and hit Benson in the face. The force of the ball knocked out two of Benson's teeth and loosened several others. Benson's injuries required a dentist's care that afternoon, and she will have to undergo further dental treatment, possibly including surgery. Through her parents, Benson filed suit against Baker, Glover, the Sharp School District, the Sharp Board of Education, and yourself.

In her deposition, Benson stated that other players had been struck by balls taking erratic hops on the field. She testified that in the past other players had complained to Glover about the dangerousness of the practice field. The record also indicates that some of the parents of the players may have complained to the principal and to the head coach, Bill Baker, about the field. When asked if she considered the field to be unsafe before she was hurt, Benson responded "yes." Additionally, she asserted that Glover had remarked that practicing grounders on the rough field gave the players an advantage over other teams during games, because others would not be as familiar with balls taking erratic hops.

**Directions for Part III (general directions are at the end) Due to dropbox**

The Sharp School District Superintendent of Schools asks you, as the district's senior athletic administrator, to prepare a discussion of the legal factors underlying this situation. You will present your comments to the Board in executive session, since in Oklahoma threatened, pending and actual litigation constitute grounds for the board, if it chooses to, to go into executive session for discussion.

Specifically, the superintendent directs you to:

(1) Review the law on tort liability and athletics, by applying the traditional four-step negligence test, and its various factors, used in unintentional tort litigation.

(2) Apply tort law which you discussed in (1) to the current situation, including the four-step negligence test and its various factors. Be as specific as possible.

(3) Within your discussion, be certain to present the arguments on both sides of the issues, i.e., explain the arguments both Benson's attorney and the Sharp School District attorney would make.

(4) Make a prediction to the Sharp School District Superintendent of Schools as to the outcome of this case if it proceeds to litigation.

(5) Make a personal recommendation to the superintendent and the board of education how you feel the Sharp School District should best proceed with this problem. You may choose either to fight the claim or settle outside of court; but you are also encouraged to "think outside the box" and recommend some other legally sound option(s).

**General Directions for the Project**

Each of the three parts of the project/paper is worth 50 points each (150 total pts.) apiece. You are expected to respond to each of the three problem situations in as much detail as possible, citing court cases, statutory provisions, federal regulations, etc., whenever possible (use APA format if/when citing sources). The writing is expected to include in-depth and specific legal analysis, revealing a broad understanding of the concepts and provisions of sport law.

Suggested length per part is a 3-4 four double-spaced pages.

Format:
* use 12 pt. size font;
* use a font commonly used in academic writing, such as Times New Roman (other acceptable styles, not necessarily an exclusive list, include Arial Narrow, Bookman Old Style, and Courier);
* use normal margins (1.25" on the left and right sides, 1" on the top and bottom sides);
* use double spacing; and
* use the spell check tool in whatever word processing program you use. Points will be taken off for those typographical errors that a spell check program would have caught if you don't use one.
* Use APA formatting

| Project Rubric | Sup Or Met | Met with Weakness | Not Met | Pts. Possible | Pts. Earned |
|---|---|---|---|---|---|
| Part I | | | | | |
| 1. Present arguments for both sides | | | | 5 pts. | |
| a. Review IX statutes, regulations | | | | 10 pts. | |
| b. IX case law | | | | 20 pts. | |
| 2. Educated prediction about outcome if litigated | | | | 5 pts. | |
| 3. Recommendation to superintendent | | | | 5 pts. | |
| Part I exhibits acceptable writing skills | | | | 5 pts. | |
| Part II | | | | | |
| 1. Review emplt. discrim. laws | | | | 20 pts. | |
| 2. Issues of current, capable assistant coach applying | | | | 10 pts. | |
| 3. Best interests of program, and school | | | | 10 pts. | |
| 4. Recommendation to superintendent | | | | 5 pts. | |
| Part II exhibits acceptable writing skills | | | | 5 pts. | |
| Part III | | | | | |
| 1. Review tort laws, test, factors | | | | 10 pts. | |
| 2. Apply tort laws, test to this situation | | | | 10 pts. | |
| 3. Present arguments for both sides | | | | 10 pts. | |
| 4. Educated prediction about outcome if litigated | | | | 10 pts. | |
| 5. Recommendation to superintendent | | | | 5 pts. | |
| Part III exhibits acceptable writing skills | | | | 5 pts. | |
| Total | | | | 150 pts. | |

**Project Rubric CheckList**

**Rubric Standards for Items in the Final Examination**

**Superior**: This is assigned if any of these conditions exist.

- Required item is complete.
- Analysis demonstrates competency understanding.
- There are no spelling, typographical or usage errors.
- Assignment is excellent, showing superior understanding of the competencies and including goal statements and objectives which clearly and directly tie into student achievement and are developed in measurable, quantifiable format.

**Met**: This is assigned if any of these conditions exist.

- Required item is complete.
- Analysis demonstrates competency understanding.
- There are no spelling, typographical or usage errors.

**Met with Weakness**: This is assigned if any of these conditions exist.

- Required item is included partially.
- Analysis mentions theory or words of the competency, but it does not demonstrate understanding of the competencies covered.
- Occasional or isolated spelling, typographical or usage errors.

**Not Met**: This is assigned if any of these conditions exist.

- Required item is not present.
- The items do not show understanding of the covered competencies,.
- The items are not tied to theory or language of the covered competencies.
- There is a pattern of spelling, typographic or usage errors.
- One or more items are not included.