



SUL ROSS
KINESIOLOGY DEPARTMENT

KES 4313

Legal and Ethical Issues in Kinesiology and Sports

Spring 2019

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Office Hours: MW 10-11 & 12-4, TR 9-11 & 12-4, and F 9-12 **By appointment** (email to set up an appointment)

Required Text: Legal Liability in Recreation, Sports, and Tourism

Legal Concepts in Sport

Meeting: On-line via Blackboard

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

1. The Kinesiology and Sport Science students will understand the principles of motor learning; understand the practice for developing motor skills; apply knowledge to biomechanical principles; apply knowledge of individual and teams sports and understand the principles of dance, personal performance activities, recreational activities and outdoor pursuits (Movement Skills and Knowledge Domain).
2. The Kinesiology and Sport Science students will understand major body systems, principles of physical fitness and benefits of a healthy lifestyle; understand the principles and activities for developing cardiovascular endurance; understand principles and activities for developing and maintaining flexibility, muscular strength and endurance; and understand health and wellness concepts (Health-Related Physical Fitness Domain).
3. The Kinesiology and Sport Science students will know how to use effective instruction and assessment to prepare physically educated individuals; understand factors relevant to learning and performance in physical education and use knowledge to promote students' development; understand the structure and purposes of physical education programs; and understand legal issues and responsibilities of physical education teachers (The Physical Education Program Domain).

Learning Objectives

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:

1. Explain why we live in a litigious society and the importance of managing risk.
2. Differentiate between civil and criminal law, the types of torts, and the place that negligence fits within the legal system.
3. Describe the basic types of legal systems in other countries.
4. Demonstrate how to do legal research, and utilize the citation system.
5. 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.
6. Explain the discovery process, the trial procedure, and the appellate process.
7. Analyze the elements of negligence and sources of information used to determine the standard of care.
8. 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.
9. Summarize the defenses to negligence, which legal protections shift the responsibility to the plaintiff.
10. Describe the elements that are needed to make a valid and enforceable waiver, and pitfalls in drafting and implementing a waiver.
11. Define intentional torts, and their essential elements, where harm occurs to a person.
12. Describe the intentional torts that apply to property, both real and personal, and the essential elements of these torts.
13. Identify the common defenses to intentional torts discussed in chapters 6 and 7.
14. Discuss human rights covered in the textbook.
15. Describe the legal issues and civil legal actions that can arise associated with due process, privacy, speech and religion.
16. Discuss the protections afforded by Title VII of the Civil Rights Act of 1964, in the context of discrimination, and recreation, sport, and tourism.
17. Identify each of the four steps and their components of the risk management process.
18. Describe how to protect yourself and your organization when hiring and terminating employees.
19. 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.
20. 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. 14th 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 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. **ATTENDANCE/PARTICIPATION.** Participation in this class is mandatory. Although the class is self-paced, any student not making progress towards completion of the class by the midway point of the semester may be dropped at the professor's discretion.
- II. **QUIZZES.** Eight quizzes will be based on the chapter(s) for the day 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. The first seven quizzes cover two chapters each and will be worth 40 points. The eighth quiz covers one chapter and will be worth 20 points for a total of 300 points possible.
- III. **Chapter Papers.** A 600 word minimum, APA formatted, minimum of 2 sources discussion paper will be assigned for each chapter, 15 questions at 20 points each equals 300 points possible. Points for each question will be awarded based on the following:
- IV. **SEMESTER PROJECT:** Each student must write a 5 page paper on an approved Legal and Ethical Issue in physical education. Make a copy of it (after checking copyright status).

VI. A **FINAL EXAM** with 150 points possible. Quiz questions will be posted each day and the final questions will be primarily taken from these concepts.

GRADING POLICIES/TESTING/ASSIGNMENTS/ATTENDANCE/EXPECTATIONS

Grade calculation	% of Grade (Points)	Grading Scale
Chapter Quizzes	30% (300 points)	89.5% and Above A
Chapter Papers	30% (300 points)	79.5 to 89.4% B
Final 5-Page Paper	20% (200 points)	69.5 to 79.4% C
Final Exam	20% (200 points)	59.5 to 69.4% D
Total Points	1000	59.4% and Below F

No Late Assignments Will Be Accepted. Also, No Credit Will Be Given For Any Late Assignments

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

Academic Integrity Statement

Academic integrity represents the choice to uphold ethical responsibility for one's learning within the academic community, regardless of audience or situation.

Academic Civility Statement

Students are expected to interact with professors and peers in a respectful manner that enhances the learning environment. Professors may require a student who deviates from this expectation to leave the face-to-face (or virtual) classroom learning environment for that particular class session (and potentially subsequent class sessions) for a specific amount of time. In addition, the professor might consider the university disciplinary process (for Academic Affairs/Student Life) for egregious or continued disruptive behavior.

Academic Affairs Service Statement

Sul Ross faculty, staff, and students are expected to model responsible citizenship through service activities that promote personal and academic growth while enhancing the university, local, regional, national, and global communities. These activities will foster a culture of academic/public engagement that contributes to the achievement of the university's mission and core values.

Academic Excellence Statement

Sul Ross holds high expectations for students to assume responsibility for their own individual learning. Students are also expected to achieve academic excellence by:

- Honoring the core values of Sul Ross.
- Upholding high standards of habit and behavior.
- Maintaining excellence through class attendance and punctuality.
- Preparing for active participation in all learning experiences.
- Putting forth their best individual effort.
- Continually improving as independent learners.
- Engaging in extracurricular opportunities that encourage personal and academic growth.
- Reflecting critically upon feedback and applying these lessons to meet future challenges.

ADA Statement

Sul Ross State University is committed to equal access in compliance with the Americans with Disabilities Act of 1973. It is the student's responsibility to initiate a request for accessibility services. Students seeking accessibility services must contact Mary Schwartze, M. Ed., L.P.C., in Counseling and Accessibility Services, Ferguson Hall, Room 112. The mailing address is P.O. Box C-122, Sul Ross State University, Alpine, Texas 79832. Telephone: 432-837-8691. E-mail: mschwartze@sulross.edu .