

**KES 4313 – Legal and Ethical Issues in Kinesiology and Sports**  
**Department of Kinesiology & Human Performance**  
**Sul Ross State University**  
**Fall 2019**

**INSTRUCTOR INFORMATION**

Instructor: Alonzo Maestas, JD, MCJ, MLS, MA

Email (preferred): [amaest77@unm.edu](mailto:amaest77@unm.edu) (Response time: 24hrs Monday – Thursday; 48hrs Friday – Sunday)

Phone: 505-277-3181 (Please leave a message with your name and call back number if I am unavailable)

**COURSE DESCRIPTION**

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.

**Required Textbook:**

Title: Legal Aspects of Sports, 2<sup>nd</sup> Edition

Author: Miller and Schoepfer

Publisher: Jones & Bartlett Learning

ISBN: 9781284141337R30

You will also need to access the SRSU Library to locate and download peer-reviewed, scholarly articles. For assistance, you may [Ask the Library](#) or contact the [Graduate Student Center](#) for help.

Finally, the following link is a great resource for the intersection between law and sports:

<https://www.si.com/author/michael-mccann>

**EXPECTATION OF STUDENTS**

Students are responsible for keeping up with the reading and are expected to read the assigned chapters and/or other posted readings prior to class in order to contribute to online discussion. Handouts distributed through Blackboard should be kept in a notebook in order to be referred to as necessary.

**DROP POLICY**

Students are responsible to register and withdrawal from courses themselves, either through Banner (LoboOnline) or by contacting the University Registrar by published deadlines. For information regarding enrollment/registration changes please review the website at:

<http://www.sulross.edu/page/967/schedule-changes-withdrawals>

**METHOD OF INSTRUCTION:**

Textbook readings, Blackboard PowerPoint slides, activities and discussions.

## **BLACKBOARD**

Navigating Blackboard and this course is essential to your success as a student. If you have problems submitting assignments, contact the support staff listed below.

Mon-Fri 9:00 am - 6:00 pm

Sandy Bogus: email [sbogus@sulross.edu](mailto:sbogus@sulross.edu); phone 432-837-8523

Sat-Sun 11:00 am - 6:00 pm

Rusty Klein: email [rklein@sulross.edu](mailto:rklein@sulross.edu); phone 432-837-8595

## **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. 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.
5. Analyze the elements of negligence and sources of information used to determine the standard of care.
6. 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.
7. Summarize the defenses to negligence, which legal protections shift the responsibility to the plaintiff.
8. Describe the elements that are needed to make a valid and enforceable waiver, and pitfalls in drafting and implementing a waiver.
9. Define intentional torts, and their essential elements, where harm occurs to a person.
10. Describe the intentional torts that apply to property, both real and personal, and the essential elements of these torts.
11. Identify the common defenses to intentional torts discussed in chapters 6 and 7.
12. Discuss human rights covered in the textbook.
13. Describe the legal issues and civil legal actions that can arise associated with due process, privacy, speech and religion.
14. Discuss the protections afforded by Title VII of the Civil Rights Act of 1964, in the context of discrimination, and recreation, sport, and tourism.
15. Identify each of the four steps and their components of the risk management process.
16. Describe how to protect yourself and your organization when hiring and terminating employees.
17. 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.
18. Summarize the purposes, objectives, and methods in developing an employee safety and health program.

## Learning Objectives

Students will learn the following standard and competency:

1. 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.
2. 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.

## 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. **Unit tests.** Five unit tests will be based on the chapter(s) for the unit and reading completed. Reviewing the PowerPoints for the unit's chapters will be help in selecting important concepts to understand and answer the unit test questions. Each unit test will be completed and submitted on Blackboard. There are five unit tests at 50 points each, for a total of 250 points.

III. **Short Answer.** Each unit will have a list of questions on Blackboard. Each student will answer one of the questions listed per unit. Your answer must be a minimum of one page, double-spaced. There are five short answer prompts at 100 points each, for a total of 500 points.

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).

V. **FINAL EXAM.** The Final Exam is worth 150 points. The final exam will be primarily taken from the unit test concepts.

## GRADING POLICIES/TESTING/ASSIGNMENTS/ATTENDANCE/EXPECTATIONS

Grade calculation	% of Grade (Points)	Grading Scale
Unit Test	5 @ 50 points (250points)	90% and Above A
Unit Short Answers	5 @ 100 points (500 points)	80 to 89.9% B
Final 5-Page Research Paper	1 @ 250 points (250 points)	70 to 79.9% C
Final Exam	1 @ 100 points (100 points)	60 to 69.9% D
Total Points	1100	59.9% and Below F

### **LATE WORK POLICY**

All coursework must be submitted by the provided due dates in Blackboard. Late work will carry a 5% deduction per day late; up to 30% maximum deduction.

<b>Assignment</b>	<b>Due Date</b>
<b>Unit 1 (Chapter 1) Test</b>	<b>9/6/2019</b>
<b>Unit 1 Short Answer</b>	<b>9/6/2019</b>
<b>Unit 2 (Chapters 2, 3, &amp; 4) Test</b>	<b>9/27/2019</b>
<b>Unit 2 Short Answer</b>	<b>9/27/2019</b>
<b>Unit 3 (Chapters 5, 6, &amp; 7) Test</b>	<b>10/18/2019</b>
<b>Unit 3 Short Answer</b>	<b>10/18/2019</b>
<b>Unit 4 (Chapters 8, 9, 10, &amp; 11) Test</b>	<b>11/8/2019</b>
<b>Unit 4 Short Answer</b>	<b>11/8/2019</b>
<b>Unit 5 (Chapters 12 &amp; 13) Test</b>	<b>11/22/2019</b>
<b>Unit 5 Short Answer</b>	<b>11/22/2019</b>
<b>Final 5-page Research Paper</b>	<b>11/29/2019</b>
<b>Final Exam</b>	<b>12/4/2019</b>

### **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 Schwartz, 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: [mschwartz@sulross.edu](mailto:mschwartz@sulross.edu).