

**The University of Western Ontario
School of Kinesiology**

Course Outline (Revised July 30, 2015)

KIN 4459B: Sport and the Law

2nd Term, January 2016
MWF 10:30-11:20
WL 258

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Course description

Kinesiology 4459 is designed to study the application of some very basic legal principles to sport in the areas of Torts, Criminal Law, Administrative Law, and Human Rights. The first part of the course deals with the basics of who creates the laws in the four areas above, how the laws are administered and applied, who is responsible for enforcement, the relationship between creation and enforcement, and how to read legal literature. The model for the rest of the course is a guest professor from the Faculty of Law gives a lecture outlining the general legal principles in his area of specialization within the four areas being studied. Then professor Watson discusses the fact scenarios of assigned sport cases so that students gain insight about how the law governs their behaviour in various **roles** as athletes, coaches, administrators, officials, and spectators. While the course introduces students to basic legal principles and their application to sport, and while this might be of some benefit to those who are considering law school, the course is not designed to prepare students for this. Nor are the experiences in the course a substitute for competent legal advice if ever needed.

Course objective

Generally, the course is designed to make the students aware of the how the legal system works and the responsibilities placed on them in the roles identified above. Specifically the students will be expected to:

1. Know basic elements of the sources, organization, administration, and citation methods of law
2. Know the language, facts and legal principles appropriate to the cases studied
3. Demonstrate knowledge of the differences between criminal and civil law

4. Distinguish intentional tort, negligence, and criminal law from one another in terms of the elements, tests, and defences applicable to each
5. Demonstrate a fact based knowledge of their legal rights and duties that arise from Torts, Criminal Law, and Administrative Law and Human Rights. **Most of the course focuses on this objective.**
6. Outside of class the students must follow the news for reports of Canadians connected to sport in any of the roles who have encountered legal problems.

Course Prerequisite

Completion of third year honours Kinesiology

Required course material

There will be no Canadian Sport Law Casebook in 2016. Readings and cases will be assigned on a week by week basis from on line sources.

Course content

I. Basic Law Information

- 1.0 Sources of Law
- 2.0 Materials
- 3.0 Criminal and Civil Procedure
- 4.0 Development of Law Affecting Sports

II. Torts - Intentional

- 1.0 Elements of Liability
- 2.0 Battery and Assault
- 3.0 Defences
 - 3.1 Consent
 - 3.2 Self-Defence
 - 3.3 Discipline
- 4.0 Cases Raising Issues of Liability
 - 4.1 Athletes
 - 4.2 Supervisors
 - 4.3 Spectators

III. Torts - Negligence

- 1.0 Elements of Negligence
 - 1.1 Duty
 - 1.2 Standard
 - 1.3 Breach
 - 1.4 Causation
 - 1.5 Remoteness

- 1.6 Damages
- 1.7 Defences
- 2.0 Cases Raising Issues of Liability
 - 2.1 Athletes
 - 2.2 Supervisors
 - 2.3 Officials
 - 2.4 Spectators

IV. Criminal Law

- 1.0 Essential Elements
 - 1.1 Actus Reus
 - 1.2 Mens Rea
- 2.0 Defences
 - 2.1 consent
 - 2.2 self defence
 - 2.3 Discipline
- 3.0 Cases Raising Issues of Criminal Liability
 - 3.1 Athletes
 - 3.2 Supervisors
 - 3.3 Spectators

V. Administrative Law and Sport

- 1.0 Elements
 - 1.1 Jurisdiction
 - 1.2 Procedure
- 2.0 Natural Justice
 - 2.1 Sport cases reflecting application of the elements

VI. Human Rights and Sport

- 1.0 Elements
 - Process
 - Area
 - Grounds
 - Acceptable Discrimination
- 2.0 Sport cases reflecting Discrimination on the Basis of Gender
- 3.0 Sport cases dealing with Human Rights and Drug Testing

Methodology/format

The CASE STUDY method will be used to accomplish the objectives of the course. **Selected** cases, assigned on a week by week basis, will be the basis for discussion. It is expected that students read the cases assigned and be prepared to answer questions about the cases.

For the Law of Torts the first lecture will be given by an invited lecturer from the Faculty of Law (see schedule below). Each will present the general law in his area of expertise, followed by the assigned case(s) so that students will see how the general legal

principles have been applied to sports. **IT HAS NOT BEEN DETERMINED YET WHETHER VISITING PROFESSORS WILL BE UTILIZED IN 2016. An announcement will be made on OWL later in the year.**

Student Evaluation

Fifty percent of the mark will be given for work done during the course. This includes: reading the assigned cases, being prepared to answer questions in a manner that reflects preparation and understanding (10%); early term exam (10%); following the NEWS in preparation for the NEWS quiz (10%); lab report (20%). The other 50% will be given for **the final multiple choice examination which is CUMULATIVE with scoring best answer only.**

Case preparation and understanding	10%	on going
Early term multiple choice Exam	10%	TBA
NEWS quiz	10%	Mar. 9
Case report	20%	Mar. 21
Final exam	50%	TBA

Complete explanation of the evaluation components and their requirements will be elaborated on in detail at the beginning of the course.

News Quiz

If a student misses the **NEWS quiz** for **REASONS** given **IN WRITING** by the student and approved by Dr. Watson (documented and certified personal illness, family circumstances, examination conflict, or other serious matters are considered), its value will be assigned to one or more of the other evaluations pending discussions with Dr. Watson.

If a makeup is required for a missed final, it will be scheduled on date(s) provided by central administration in Kinesiology.

Students who anticipate issues with any of their evaluation components must provide Professor Watson with **WRITTEN explanation** and verification of the reasons.

Guest Lecture Schedule (TENTATIVE)

January (TBA) Professor X (Intentional Tort)
 January (TBA) Professor Y (Negligence)

Varia

The use of plagiarism software and personal response systems are not relevant to Kin 4459. Computer software may be used to analyze the final examination for unusual coincidences that may reflect cheating.