Syllabus
Fall 2018
BLW 355: Sports and Entertainment Law
Rusche College of Business
Stephen F. Austin State University

Instructor: Drew Thornley, J.D.
Office: McGee Business Building, Room 229H
Office Phone: (936) 468-1630
SFA Email: thornleyam@sfasu.edu

Class Days/Time/Room:
TR, 11:00 AM - 12:15 PM, McGee 167

Office Hours:

Office:
Tuesday: 1:50-3:50 PM
Wednesday: 1-4 PM
Thursday: 10-11 AM
Otherwise, by appointment.

Online (Skype, Google Hangout, etc.):

*If you desire online office hours during the designated times below, schedule an appointment with me in person or via email.

Wednesday: 8-11 AM
Thursday: 8-9 AM
Otherwise, by appointment.


Course Description: An introduction to the basics of the U.S. legal system and to common sport- and entertainment-law topics/issues, such as those pertaining to agency law, contract law, tort law, constitutional law, employment law, labor law, antitrust law, and intellectual-property law. Specific examples & cases will be used from the areas of sports and entertainment, to bring to life the legal doctrines and rules covered in the
course. Particular attention will be paid to current events/issues in sports and entertainment, such as player protests, collective-bargaining agreements, television contracts’ impacts on players’ contracts, and issues surrounding and affecting the amateur status of collegiate athletes. Prerequisite: Junior Standing.

**Program Learning Outcomes:** Program learning outcomes define the knowledge, skills, and abilities students are expected to demonstrate upon completion of an academic program. These learning outcomes are regularly assessed to determine student learning and to evaluate overall program effectiveness. You may access the program learning outcomes for your major and particular courses at [http://www.sfasu.edu/cob/ug-plo.asp](http://www.sfasu.edu/cob/ug-plo.asp).

**Student Learning Outcomes/Course Goals and Objectives:** Upon completion of the course, the student should be able to:

1. Possess an understanding of the structure/function of the U.S. legal system.
2. Possess an understanding of the fundamentals of sport law in the U.S.
3. Possess an understanding of the fundamentals of entertainment law in the U.S.
4. Recognize the legal terms introduced in the course and apply or relate these terms to specific situations.
5. Explain the important role law plays in the fields of sports and entertainment.
6. Analyze information to recognize legal issues and legal problems in fact situations and to determine what legal principle(s) should be applied.
7. Integrate knowledge of the legal principles that are covered to solve problems that are unfamiliar.
8. Apply problem-solving skills to legal issues, using logic and critical thinking.
9. Develop an awareness of the need for a continuing acquisition of new knowledge about changes in the law.
10. Debate controversial and/or important topics intelligently and respectfully.

**Course Calendar:** The course is divided into four stand-alone units. The semester will be divided (roughly) evenly among these four units. In other words, each unit will consume approximately 25% of the semester. Topics, by unit, are as follows (subject to change and not exhaustive):

1. U.S. legal system; constitutional law
   a. U.S. legal system
      i. U.S. law
      ii. U.S. courts
   b. Constitutional law (federal)
      i. First Amendment
         1. Religion
            a. Prayer at school sporting/entertainment events
b. Religious signs/banners at school sporting/entertainment events
2. Speech – player protests (e.g. NFL & the National Anthem)
3. Assembly – forming of leagues/associations (e.g. National Collegiate Athletic Association, Little League)
   ii. Fifth Amendment – due process (loss/denial of job; loss/denial of scholarship; Title IX & sexual harassment)
   iii. Fourteenth Amendment – racial discrimination & affirmative action (hiring & firing; minority representation in coaching/administration)
2. Contract law; agency law; employment/labor law
   a. Contracts
      i. General concepts
         1. Terms
         2. Formation
         3. Termination/discharge
         4. Remedies
      ii. Sports contracts
         1. Coaches
            a. Terms
            b. Buyouts
            c. For-cause dismissal
         2. Players
            a. Professional – collective bargaining
            b. Collegiate – scholarships
         3. Patrons/fans
            a. Seating
            b. Tickets
         4. Others
            a. Sponsorships
            b. Vendors/concessions
            c. Venue/property
      iii. Entertainment contracts
         1. Studios/companies
         2. Performers
         3. Patrons
         4. Vendors/concessions
   b. Agency
      i. General concepts
         1. Terms
         2. Formation
         3. Termination
         4. Duties
      ii. Sports
1. Coach representation
2. Player representation
3. Regulation of agents

iii. Entertainment
1. Studios/companies
2. Performers
3. Regulation of entertainment agents

c. Employment/labor
   i. General concepts
   ii. Discrimination
      1. Title VII of the Civil Rights Act of 1964
      2. Affirmative action
      3. Age Discrimination in Employment Act
      4. Americans with Disabilities Act of 1990
   iii. Sexual harassment
      1. General (e.g. Harvey Weinstein)
      2. Title IX of the Education Amendments of 1972 (e.g. Baylor University)
   iv. Federal labor laws
      1. Family and Medical Leave Act
      2. Fair Labor Standards Act
      3. Occupational Safety and Health Act

3. Tort law; intellectual-property law
   a. Torts
      i. General concepts
         1. Types
            a. Intentional torts
            b. Negligent torts (i.e. negligence)
         2. Elements & defenses
            a. Intentional torts
            b. Negligent torts
      ii. Sports/entertainment
         1. Intentional torts – gray areas
            a. Baseball (e.g. intentionally pitching at a batter)
            b. Football (e.g. targeting)
            c. Hockey (e.g. fighting)
         2. Negligence
            a. Schools/administrators/coaches (e.g. player-to-player negligence)
            b. Studios (e.g. stunt-actor injuries/death)
   b. Intellectual property
      i. General concepts
         1. Sources of IP laws
            a. Federal
b. State
2. Types of IP
3. Remedies for infringement
   ii. Licensing/broadcasting
      1. NCAA
      2. Professional sports
      3. Television/Movies/Radio/Internet
   iii. Names/logos
      1. United States Olympic Committee
      2. Washington Redskins
4. Antitrust law
   a. General concepts – federal laws
   b. Professional sports
      i. Drafts
      ii. Free agency
      iii. Player restrictions
      iv. Salary caps
      v. Exemptions
   c. Collegiate sports
      i. NCAA bylaws
      ii. Amateurism & player payments

Course Calendar:

*Note: The following schedule is a projection of weekly topics, subject to change. Students will be notified in class and/or electronically of any material deviation from the schedule.

Week 1: U.S. legal system
Week 2: Constitutional law
Week 3: Constitutional law
Week 4: Contracts law
Week 5: Agency law
Week 6: Agency law
Week 7: Employment/Labor law
Week 8: Employment/Labor law
Week 9: Torts
Week 10: Torts
Week 11: Intellectual property
Week 12: Intellectual property
Week 13: Antitrust law
Week 14: Antitrust law
Week 15: Antitrust law
Course Requirements:

**Exams:** Each of the course’s four (4) in-class exams covers only the material assigned for that exam. Thus, after the first exam, exams are not cumulative. Dates for Exams 1, 2, & 3 will be announced during class. Exam 4 will be given during the Final Exam period, on the day and time and in the location chosen by the University [http://www.sfasu.edu/registrar/194.asp](http://www.sfasu.edu/registrar/194.asp): Thursday, December 13, 10:30AM – 12:30 PM, McGee 167. Students are not permitted to use the textbook, notes, or any other resources during the exams. Any instance of the following results in an exam grade of zero (0): talking of any kind, wearing a forward-facing hat/cap, use of headphones or earpieces of any kind, & any personal belongings (other than pencils, erasers, & drinks that I have pre-approved, each of which must be placed on your desk) not placed against the wall at the front of the class. **If an exam conflicts with a university-excused absence, you must contact me at least seven (7) days before the exam. Failure to do so will result in an exam grade of zero (0).** (Note: Field trips for other classes are not excused absences, nor are meetings for other classes’ group projects or any other choice by you to spend time working on other classes during our class meeting times.) In case such an event arises within seven (7) days of the exam, notify me immediately upon learning of it. Failure to do so will result in an exam grade of zero (0). In case of an extreme emergency that prevents you from taking an exam, contact me before the scheduled exam, if possible. (In the case of illness, a doctor’s note specifying that you are too ill to attend class is required, in order for me to consider your illness as reason for an exam makeup.) If it is not possible to contact me before the exam, contact me no later than 2 days after the emergency is resolved. Failure to do so will result in an exam grade of zero (0). Any excused exams must be scheduled for make-up within two (2) days of the missed exam or two (2) days after the emergency has resolved itself, or students will receive an exam grade of zero (0). It is entirely the student’s responsibility to make arrangements with me to take a missed exam.

**Assignments:** The remainder of your grade will be comprised of various assignments. Examples of assignments are in-class writing assignments, out-of-class writing assignments, pop quizzes, attendance grades, classroom discussion, completion/participation grades, and group assignments. The number of assignments is not pre-determined. Assignments will be announced during class only, so if you miss class, you run the risk of missing the announcement of one or more assignments. It is your responsibility to find out from a classmate what you missed in class. Do not email me to ask what we covered during a class you missed. The policy for making up missed assignments is the same policy as for exams, as stated (in bold and underlined) in the section immediately above.
Grades:

Each of the four (4) unit exams will count 15% of the overall grade, and the assignments will, collectively, count 40% of the overall grade.

Exam 1: 15%
Exam 2: 15%
Exam 3: 15%
Exam 4: 15%
Assignments: 40%

UNIVERSITY POLICIES

Academic Integrity (A-9.1)

Academic integrity is a responsibility of all university faculty and students. Faculty members promote academic integrity in multiple ways including instruction on the components of academic honesty, as well as abiding by university policy on penalties for cheating and plagiarism.

Definition of Academic Dishonesty

Academic dishonesty includes both cheating and plagiarism. Cheating includes but is not limited to (1) using or attempting to use unauthorized materials to aid in achieving a better grade on a component of a class; (2) the falsification or invention of any information, including citations, on an assigned exercise; and/or (3) helping or attempting to help another in an act of cheating or plagiarism. Plagiarism is presenting the words or ideas of another person as if they were your own. Examples of plagiarism are (1) submitting an assignment as if it were one's own work when, in fact, it is at least partly the work of another; (2) submitting a work that has been purchased or otherwise obtained from an Internet source or another source; and (3) incorporating the words or ideas of an author into one's paper without giving the author due credit.

Please read the complete policy at
http://www.sfasu.edu/policies/academic_integrity.asp

Withheld Grades Semester Grades Policy (A-54)

Ordinarily, at the discretion of the instructor of record and with the approval of the academic chair/director, a grade of WH will be assigned only if the student cannot complete the course work because of unavoidable circumstances. Students must complete the work within one calendar year from the end of the semester in which they receive a WH, or the grade automatically becomes an F. If students register for the same course in future terms the WH will automatically become an F and will be counted as a repeated course for the purpose of computing the grade point average.
Students with Disabilities

To obtain disability related accommodations, alternate formats and/or auxiliary aids, students with disabilities must contact the Office of Disability Services (ODS), Human Services Building, and Room 325, 468-3004 / 468-1004 (TDD) as early as possible in the semester. Once verified, ODS will notify the course instructor and outline the accommodation and/or auxiliary aids to be provided. Failure to request services in a timely manner may delay your accommodations. For additional information, go to http://www.sfasu.edu/disabilityservices/.

Student Code of Conduct: Policy 10.4

Classroom behavior should not interfere with the instructor’s ability to conduct the class or the ability of other students to learn from the instructional program. Unacceptable or disruptive behavior will not be tolerated. Students who disrupt the learning environment may be asked to leave class and may be subject to judicial, academic or other penalties. This policy applies to all instructional forums, including electronic, classroom, labs, discussion groups, field trips, etc. The instructor shall have full discretion over what behavior is appropriate/inappropriate in the classroom. Students who do not attend class regularly or who perform poorly on class projects/exams may be referred to the iCare: Early Alert Program at SFA. Information regarding the iCare program is found at https://www.sfasu.edu/judicial/earlyalert.asp or call the office at 936-468-2703.