

Westfield State College
Liability and Risk Management in Physical Education
Movement Science: MOV0636501
An online course (3 graduate credits)

Peter D. Mazza, M.Ed., J.D.
Phone: 413-786-0362

E-mail: pmazza@westfield.ma.edu
May 2016

Advising Times: Any time throughout the course by e-mail, telephone, or appointment.

Course Description: This course provides the movement science practitioner with an understanding of the law and its development, taking into account the separation of governmental powers, the roles of federal and state governments, the state and federal judicial systems, and the legal principles pertaining to tort liability. To be examined are the legal issues, problems, and responsibilities inherent in conducting a physical education program, in addition to the components included in developing a risk management plan.

A range of approaches will be utilized including lecture notes, textbook readings, supplementary readings, online discussion, written homework assignments, legal research exercises, statutory and case analyses.

Course Rationale/Outcomes: This course provides the means for acquiring knowledge, skills, and dispositions relative to:

- developing and administering policies that provide a safe school environment and promote student health and welfare
- selected legal rights and responsibilities of students, teachers, and administrators
- structure and powers of state public school system
- the law and its impact on physical education programs, participants, and personnel
- negligence liability and defenses,
- intentional torts, strict liability, and product liability,
- controlling or minimizing liability risks,
- the importance of establishing a comfortable and safe environment for physical education participants and personnel.
- planning and developing a risk management plan for a specific athletic/physical education program or facility
- conducting legal research
- reading and understanding legal concepts located in primary and secondary legal sources
- developing confidence in grasping the law and eliminating its mystique
- communicating effectively through written reports and online discourse

Course Content Includes:

1. The state and federal judicial systems
2. Sources and development of law
3. Introduction to legal terminology
4. Legal research techniques

5. Analysis of judicial case opinions using a standard format
6. Judicial case briefs pertaining to physical education liability issues
7. Tort law including negligence, intentional torts, strict liability, product liability, and constitutional torts
8. Tort law defenses and immunities
9. Selected Constitutional Amendments pertaining to public schools and programs
10. Selected state statutes
11. Selected federal statutes including Title IX, IDEA-Special Education, and the Rehabilitation Act of 1973
12. Development of a risk management plan for a specific physical education program
13. Other germane matters

Required Reading: Primary sources including federal and state constitutions, statutes, regulations, and judicial court cases as well as secondary sources assigned or located for research exercises.

Required Textbook:

Risk Management in Sports. Issues and Strategies, 3rd Edition
Edited by Herb Appenzeller
Carolina Academic Press, 2012

Teaching Methods: Formal lectures and illustrations, question and answer class discussion, written judicial case presentations, use of handout materials *via* the course web site, and assigned legal research exercises.

Questions on any course matters or procedures may be freely presented anytime *via* the **mail feature** of the web site. Course-related **email questions are encouraged**, and responses will be distributed to the entire class as an extension of the classroom setting. Private concerns will be kept confidential.

Course Requirements: On-going exercises including full classroom attendance, participation in class discussion, written judicial case presentations, assigned written reports/narratives, research, electronic legal research, quizzes, a written final examination, and the development of a risk management plan for a specific site-based physical education/sports program.

Technology Used: The Blackboard Learning web site and extensive use of computer assisted legal research.