



International College of Management Sydney

In association with



**MACQUARIE
UNIVERSITY**

**FACULTY OF BUSINESS AND ECONOMICS
DEPARTMENT OF BUSINESS
GRADUATE STUDIES OFFICE**

Sport and the Law
ICMS 843

Unit Outline
Semester 2 - 2009

Lecturer:

Saul Fridman

sfridman@icms.edu.au

Prerequisites:

There are no prerequisites for this course.

1) ABOUT THIS UNIT

Sporting activity cuts across a number of disparate areas of law. Increasing professionalisation, the enormous growth in the Olympic Movement and the commercialisation of sport have all contributed to the development of Sport as a business, as well as a pastime. As a result there has been increasing intersection of the law with sporting activity. In this unit we will examine the following:

- the economics of sports leagues
- the structure of sporting organisations
- International and national governance of sport
- the impact of administrative law on the working of disciplinary tribunals
- Industrial law and the treatment of the athlete as employee
- Labour market controls and the impact of competition law
- Player agents
- the law and policy relating to doping of athletes, and
- The impact of intellectual property laws on sponsorship and promotion of sporting events.

While the course will be international in its focus, particular attention will be paid to recent events that have taken place in Australia including:

- Ongoing issues concerning the ownership and management of major sporting competitions (Rugby League (Superleague) and Cricket in particular)
- Issues concerning athlete selection for major sporting competitions (D'Arcy v AOC for example)
- Concerns about the use of recreational drugs and other antisocial behaviour by leading athletes

2) Teaching Staff

Lecturer **Saul Fridman** Email: sfridman@icms.edu.au

There are no formal consultation hours for this unit. However, the lecturer is available to students after class, online or by appointment.

3) Unit Time and Location

Friday Afternoon Classes (Manly)

- **Classes** will run from 2.00pm to 5.00pm at ICMS.

The timetable for classes can be found on the University web site at: <http://www.timetables.mq.edu.au/>

4) Textbook and related materials

Required textbook

Thorpe, D; Buti, A; Davies, C; Fridman, S and Jonson, P, Sports Law (2008) OUP

Supplementary material will be provided for various sessions in the course, to extend the textbook and class material to contemporary issues. In the list of topics at the end of this outline; this material is referred to as a “Reader”. The various readings will be made available online via the unit website.

Reference should be made to these documents to support personal learning and insight in the various assessments.

Other Recommended Reading

There is a wealth of material on sports law both in Australia and internationally. The lecturer will be happy to provide references to overseas material. Students might note the following journals:

- Australia and New Zealand Sports Law Journal
- International Journal of Sports Law and Business
- Marquette Journal of Sport and Law

There are two other Australian texts providing general coverage. They are Kelly (1987 Law Book Company), which is a good text but very much out of date and Healy (2009 UNSW Press); a good introductory text with broad coverage but limited depth. There is a good collection on International Sports Law and Business put together by Wise et al (Kluwer 1997) as well as English texts by Beloff and Gardiner. These are primarily legal publications. The historical, sociological and technical literature on sport is vast.

5) Unit Web Page

The unit outline, course syllabus, powerpoints, assessment papers, marking criteria, reading handouts and various external links are available at the course website: <http://learn.mq.edu.au>.

6) Unit Objectives – Learning Outcomes

This course is designed to provide opportunity to study a number of legal issues common to sporting activity. The objectives are:

- To acquire an understanding of the way in which law affects sporting activity

- To acquire sufficient skill to be able to recognise legal issues as they arise
- To appreciate the need to manage legal risk associated with sporting activity
- To develop a commercial understanding of the implications of legal issues affecting sporting activity.

Of course, there is no specific legal discipline of “sports law”. Rather, this is a course dealing with “sport and law”. As such, we will traverse a number of areas of law, some of which are unique to sporting activity (such as doping) and others (such as intellectual property and competition/trade practices law) of more general application (but with some issues unique to sporting activity).

Generic skills

In addition to the discipline-based learning objectives, all academic programs at ICMS seek to develop students' generic skills in a range of areas. One of the aims of this unit is that students develop their skills in the following:

- *research review skills*
- *collaboration and leadership skills*
- *communication skills* for effective presentation and cultural understanding
- *problem-solving skills* to apply and adapt knowledge to the real world
- *critical analysis skills* to evaluate, synthesise and judge
- *creative thinking skills* to imagine, invent and discover.

7) Unit Approach – Teaching & Learning Strategy

Learning for the unit will require students to attend structured seminars (of 3 hours in length), read material from a number of sources and complete assignments both as an individual and in a group.

Structured seminars will consist of a mix of activities (lectures, group discussion, experiential learning, group tutorials and break-out sessions). Lectures will be limited wherever possible to 30-60 minutes in length and other activities will be structured to enable students to experience the practical realities of theory in action.

Please see the week by week list of topics at the end of this unit outline.

8) Assessments

a) Assessment Schedule:

<i>Component</i>	<i>Weighting</i>	<i>Assessment</i>
Individual Assignment	25%	Journal Article Review
Group Assignment	25%	A comprehensive analysis of a current sporting organisation and a strategy for their future
Final Exam	50%	Formal Exam
Total	100%	

Assessment guidelines

Each assignment will be marked with reference to the specific assessment criteria in accordance with the following grading guideline.

HD	High Distinction 85-100%	Denotes performance which meets all unit objectives in such an exceptional way and with such marked excellence that it deserves the highest level of recognition.
D	Distinction 75-84%	Denotes performance which clearly deserves a very high level of recognition as an excellent achievement in the unit.
Cr	Credit 65-74%	Denotes performance which is substantially better than would normally be expected of competent students in the unit.
P	Pass 50-64%	Denotes performance which satisfies unit objectives.
PC	Pass Conceded 45-49%	Denotes performance which meets unit objectives only marginally.
F	Fail 0-44%	Denotes that a candidate has failed to complete a unit satisfactorily.
FA	Fail Absent 0-44%	Denotes that a candidate has failed to complete a unit satisfactorily and was absent from a compulsory final examination
W	Withdrawn	No grade as student withdrew with permission prior to final examination
I	Incomplete	Grade yet to be determined as all assessment tasks have not yet been completed
IS	Incomplete Supplementary	Supplementary examination approved and yet to be completed

b) Assessment Components:**Individual assignment - 25%**

Case comment:

In consultation with the lecturer, choose from a selection of recent cases which will be provided, and complete a comprehensive analysis of the case, focusing on the way in which the applicable law was determined and applied to the facts, as well as any critical factual issues that needed to be resolved. Students will also be expected to comment on the implications of the decision selected. Some reference to secondary sources (provided in the reading material) may be helpful.

1500 words max.

Due Week 7.

Group assignment - 25%

In groups of 4/5 people, Select a sport, detail its organisation and governance (ie NRL, Super 14, International Cricket, NFL, NBA, PGA, etc.). In your paper you may wish to consider any or all of the following:

- Status of players (employees or independent contractors)
- Rules regarding eligibility for competition
- Structure of league management
- Ability of sporting organisation to control team entry and movement (in case of team competitions and leagues)
- Freedom of movement of players
- Variations in doping rules
- Competitiveness of the sport with other sports/pastimes and impact this has on sport governance
- Relationship with government, the IOC, professional leagues

Present your report both in hard copy and electronic form, and as a brief (10 minute) presentation to the class in Week 12.

12/15 pages.

Due Week 12.

Reports will be required to be electronically submitted through the course website before 5PM on the due date, with a hardcopy and signed plagiarism declaration to be lodged with the Lecturer at the commencement of class on the due date

The purpose of the class sessions is to provide an opportunity to reinforce and clarify essential concepts, promote class interaction and discuss the application of theory to managerial practice. Classes proceed on the assumption that participants have prepared at home for this class work by completing essential reading, reviewing the business press and in particular considering the impact of contemporary and technological developments.

Attendance in class is compulsory. It is the prerogative of the Lecturer to **fail** any student who does not attend at least **80%** of lectures.

Exam – 50%

- The final examination will have a 50% weighting. An exam will be held at the end of the term and will be based on the material covered in the course. This “material” comprises the content of the classes, the textbook, the assignments, project and the supplementary readings.
- The final examination will be two hours duration, and will be a combination of short answers and an essay.
- **Critical Pass:** Besides having to pass this unit *overall* (i.e. achieving a final mark of minimum 50 out of 100 points), **students must also pass the final exam in order to pass this unit.** Hence students must achieve a minimum of 25 out of 50 maximal points for the final exam (regardless of the mark achieved for the individual & group assignments). Students failing to meet this requirement will be awarded an F grade and will be required to repeat the unit.

No correspondence will be entered into directly with any student regarding *academic performance*, i.e. marks/grades of assignments or final exams. *Please also note that emails will not be replied to after the final exam.* Students wishing to appeal their grade must do so through the authorised University channel. The only time marks can be changed is due to an error in adding up. As this is done automatically through a spread-sheet, it is highly unlikely that this situation will ever arise.

The final exam *must* be taken when scheduled. The only exception to not sitting an examination at the designated time is because of documented illness or unavoidable disruption. In these circumstances you may wish to consider applying for Special Consideration. Information about unavoidable disruption and the special consideration process is available at: <http://www.reg.mq.edu.au/Forms/APSCons.pdf>

If a Supplementary Examination is granted as a result of the Special Consideration process the examination will be scheduled after the conclusion of the official examination period. You are advised that it is Macquarie University policy not to set early examinations for individuals or groups of students. Students should also note

that supplementary exams are subject to a more rigorous marking procedure owing to the benefit of extra study time for the student.

9) Assessment Objectives and Rationale

The learning experience is not intended to make students subject matter experts in what is a significant field of theory and practice that overlaps extensively with the related disciplines of organisation behavior, strategy, operations management and international business. Rather it will provide students with sufficient requisite information to understand the theoretical principles involved, their interrelationships, and their practical application in organisations. Assessment objectives are to ensure that students have a solid grasp of the theoretical foundations of sport management theory and are able to articulate and apply these in a variety of real-world situations.

Students will be expected to come to some personal understandings of the implications of the content covered and a personal view of how it is best applied in real life.

Students are expected to take full responsibility for managing their own learning, just as they are expected to do so in managing their own careers. Assessment results for the subject will reflect the degree to which individual students have come to grips with understanding the principles involved and demonstrated this understanding in practical application or real-world scenarios.

One of the key assessment objectives is to ensure the early identification of students having difficulties with the subject. This will be achieved by using a mixed and continuous assessment process – particularly by encouraging a challenging and lively discussion of the subject matter in group discussion.

As well as personal insights, the course also aims to promote the student's graduate skills with practical exercises, workshops and presentations that contribute to the development of communication skills in terms of persuasion and presentation ability - a necessary attribute for today's corporate culture. Additionally presentations and assessment papers will be limited in time or word count, requiring students to develop a refined and concise ability to argue persuasively and critically.

Other assessment requirements

On equity grounds, assignments that are late (ie, without formal extensions) will have marks deducted at a rate of 5% of the total awarded per day. Recognising that participants may have unexpected events arise during the term of study it may become necessary in some instances to grant extensions. Please make application prior to the due deadline by email or phone.

All assignments should be presented as original documents in **hard copy form** and lodged to the lecturer in person on the due date. An **electronic copy** of the document must be uploaded into the course website before 5PM on the due date. Email and faxes are not acceptable except when agreed with the lecturer. These should be followed by printed originals at the next opportunity.

To reduce the volume of paper handling and assist with marking, each paper should be stapled or riveted in the top left hand corner only. Please do not bind the spines or submit documents with plastic or cardboard covers.

A completed cover sheet and **signed plagiarism declaration** for each assessment must be attached to every assessment. Copies of the relevant form are included with the assessment in the assignment section of the course website. As all papers are marked blind only the cover page should identify the name of the student. Page headers and footers should have no names.

Where specified, limits on word counts are indicative and allowance may be made for +/- 5%. The underlying objective for all assessments is to produce focused, well argued and succinctly worded reports.

Assessment criteria and reports will distributed to each participant but original documents may be retained. Participants should therefore keep a copy of all assessment work submitted for use during any discussion session and for taking further notes from comments of class members and the lecturer.

All students are required to complete any assigned reading; prepare for and attend all classes (i.e. class attendance and participation is compulsory); participate in class

discussions; complete assignments (including group assignment presentations); and complete the final examination.

10) Cheating and Plagiarism

The University defines plagiarism in its rules: “Plagiarism involves using the work of another person and presenting it as one’s own”. Plagiarism is a serious breach of the University’s rules and carries significant penalties. You must read the University’s practices and procedures on plagiarism. These can be found here: <http://www.student.mq.edu.au/plagiarism/>

The policies and procedures explain what plagiarism is, how to avoid it, the procedures that will be taken in cases of suspected plagiarism, and the penalties if you are found guilty. Penalties may include a deduction of marks, failure in unit, and/or referral to the University Discipline Committee.

A completed cover sheet and signed plagiarism declaration for each assessment must be attached to every assessment. Copies of the relevant form are included with the assessment in the assignment section of the course website and can be found below:

11)University Policy on Grading

Academic Senate has a set of guidelines on the distribution of grades across the range from fail to high distinction. Your final result will include one of these grades plus a standardised numerical grade (SNG).

On occasion your raw mark for a unit (i.e. the total of your marks for each assessment item) may not be the same as the SNG which you receive. Under the Senate guidelines, results may be scaled to ensure that there is a degree of comparability across the university, so that units with the same past performance of their students should achieve similar results. A description of the grading system is on page 5 of the unit outline.

It is important that you realise that the policy does not require that a minimum number of students are to be failed in any unit. In fact it does something like the opposite, in requiring examiners to explain their actions if more than 20% of students fail in a unit. The process of scaling does not change the order of marks among students.

12)Student Support Services

ICMS and Macquarie University provides a range of Academic Student Support Services. Details of these services can be accessed at <http://www.student.mq.edu.au/>.

13)Dress Code for students at the International Campus in Manly

The International College of Management Sydney is a leading educator in hotel management, tourism and associated service industries. To encourage a spirit of excellence in personal appearance as part of our education program, preparing graduates for careers in service industries, the College expects all staff and students to conform to a professional level of dress while on College premises.

The College has a mandatory dress code for all its undergraduate students which Masters students are asked to respect. Below is the dress code that currently applies:

Female acceptable	Male acceptable
<ul style="list-style-type: none"> - Coordinated business suit - Skirts knee length and below - Make up simple and natural - Panty hose are not compulsory but recommended - Boots only with business pants - Business like shoes - Business skirt or pants with shirt or high neck long sleeve top - Jumpers and vests over shirt/top 	<ul style="list-style-type: none"> - Business suit - Business pants with shirt or high neck long sleeve top - Polo neck tops - Conventional haircut above the collar - Long hair in one ponytail - Trimmed and clean beards or moustaches - Business like shoes preferred however ankle boots permitted - Jumpers and vests over shirt/top
Female not acceptable	Male not acceptable
<ul style="list-style-type: none"> - Any denim - Open toe, platform or sports shoes - Wearing visible earrings or studs apart from on ear lobes - Visible tattoos - T-shirts - Revealing necklines - Extreme hair colours or styles - Stirrup pants - Midriff tops 	<ul style="list-style-type: none"> - Any denim - Open toe, platform or sports shoes - Wearing visible earrings, studs, necklaces or bracelets - Visible tattoos - T-shirts - Extreme hair colours or styles - Rings on thumb or index finger

All students taking MIB and MCom units at the International Campus are expected to abide by the dress code while attending classes or elsewhere on the Campus, including the computer laboratories or the Courtyard Café. Please note that the Pollard Resource Centre is free of dress rules.

Students who do not respect the dress code may be asked to leave the campus. The College reserves the right to determine whether specific items of dress are within the code or not.

14)ICMS843 Week by Week Outline**ICMS843 Sport and the Law - Semester 2, 2009 – Fridays 2pm to 5pm**

Week	Date	Topic	Chapter	Other
1	7 Aug	Introduction and Organisation of Sporting Associations	1	Reader Topic 1
2	14 Aug	The International Sports Movement	2	Reader Topic 2
3	21 Aug	Doping	8	Reader Topic 3
4	28 Aug	Doping	8	
5	4 Sept	Sports Arbitration and Discipline	3	Reader Topic 4
6	11 Sept	Selection and sports agents	10,14	Reader Topic 5
7	18 Sept	Intellectual Property	12,13	Reader Topic 6
	25 Sept	Mid Semester Break		
	2 Oct	Mid Semester Break		
8	9 Oct	Competition Law and Sport	11	Reader Topic 7
9	16 Oct	Torts and Sport Violence	4,5,6	Reader Topic 8
10	23 Oct	Misconduct and Discrimination	15,16	Reader Topic 9
11	30 Oct	Class presentations		
12	6 Nov	Review		
13	13 Nov	Final Exam		



ASSIGNMENT COVER SHEET

Assignment Title: _____ Group Name & Number _____
 Subject: _____ Lecturer's Name: _____
 Due Date: _____ Word Count: _____

Please confirm that your assignment meets the requirements (by ticking each box) before submitting it:

- The declaration below has been read, signed and dated
- A **duplicate copy** of the assignment has been kept by the student
- The assignment has **not been submitted previously** for assessment in another unit
- An electronic copy has been lodged** in the assignment folder/manager on the course website.
- All other requirements as detailed in the Unit Outline have been checked and complied with.

Academic Honesty

All forms of plagiarism and unauthorized collusion are regarded seriously by the College and could result in penalties including failure and possible disciplinary action. If you are in doubt please consult with the course unit instructor for further information, or visit the College website for further information on Academic Honesty.

Declaration

I am aware of ICMS' policy on plagiarism. This assessment does not breach those requirements nor has it been previously submitted for evaluation contributing to any other Diploma or Degree Course. The ideas and information that are not those of the writer have been referenced accordingly, including personal communication. I have read the information available from <http://www.student.mq.edu.au/plagiarism/>.

I give my permission for my assessments to be held electronically by the College for checks against plagiarism now and in the future.

I certify that:

- This assignment is my own work, based on my personal study and/or research.*
- I have acknowledged all material and/or sources cited in this assignment.*
- The assignment has not been previously submitted in whole or in part for assessment.*
- I have not copied in part, or whole or otherwise plagiarised the work of others.*
- The assignment is within the word or page limit specified in the Unit Outline.*
- I have read and I acknowledge the criteria used for assessment.*

Note: Assignments will not be accepted for marking unless the certification is signed and dated. If you do not understand the implications of the certification, or the criteria used for assessment, ask the Unit Convenor before starting the assignment.

Name / SID	Signature	Date

Student Declaration:**All contributory assessments must contain this declaration.**

Student:
Subject: <i>ICMS843 Sport and the Law</i>
Lecturer: <i>Saul Fridman</i>
Assessment:
Word Count:
Due Date:
<p><i>I am aware of ICMS' policy on plagiarism. This assessment does not breach those requirements nor has it been previously submitted for evaluation contributing to any other Diploma or Degree Course. The ideas and information that are not those of the writer have been referenced accordingly, including personal communication. I have read the information available from http://www.student.mq.edu.au/plagiarism/. I give my permission for my assessments to be held electronically by the College for checks against plagiarism now and in the future.</i></p> <p><i>I certify that:</i></p> <ul style="list-style-type: none"> • <i>This assignment is my own work, based on my personal study and/or research.</i> • <i>I have acknowledged all material and/or sources cited in this assignment.</i> • <i>The assignment has not been previously submitted in whole or in part for assessment.</i> • <i>I have not copied in part, or whole or otherwise plagiarised the work of others.</i> • <i>The assignment is within the word or page limit specified in the Unit Outline.</i> • <i>I have read and I acknowledge the criteria used for assessment.</i> <p><i>Note: Assignments will not be accepted for marking unless the certification is signed and dated. If you do not understand the implications of the certification, or the criteria used for assessment, ask the Unit Convenor before starting the assignment.</i></p>
Signed:
Student No: