

**DEPARTMENT OF HEALTH, HUMAN PERFORMANCE AND RECREATION
COLLEGE OF EDUCATION
PITTSBURG STATE UNIVERSITY**

Fall 2019

Course Number: **REC 426**

Credit Hours: **3 hours**

Instructor: **Dr. Rick Hardy, CHE**

Office: Room **101D SRC**

Email: *rhardy@pittstate.edu*

Title: **Law of the Profession: RSH**

Course Time/Sched/Rm: **9:00-9:50 MWF 216 SRC**

Office Phone: **620-235-4281**

Office Hours:

Monday: 10:55-11:55 & 14:00-16:30

Tuesday: 09:00-14:30

Wednesday: 10:55-11:55

And other times by appointment.

*****Most emails should be answered within 36 hours of receipt. Except on weekends.*****

I prefer CANVAS email/message.

If it a time sensitive matter text me with your first & last name and a time frame I may reach you.

REQUIRED TEXT: Moiseichik, M. & Young, S. (2019) *Risk Management for Parks, Recreation & Leisure Services*. Sagamore-Venture. Urbana, IL.

HELPFUL RESOURCES:

- Canvas
- Books related to legal concepts in sport, physical education, and parks and recreation by authors such as: Hronek, B. & Spengler, J., Baley, J. & Matthews, D., Peterson, J. & Hronek, B., and van der Smissen, B.
- State and federal case law, legal reference texts.
- Journals and periodicals such as *JOPERD*, *Parks and Recreation Magazine*, *The Sports Law Reporter*, the *Parks and Recreation Law Reporter* and the library's legal on-line reference tool.

PURPOSE OF THE COURSE: To assist each student in understanding legal issues related to the fields of health, physical education, and recreation.

COURSE OBJECTIVES: Upon completion of this course each student will have had the opportunity to:

1. become familiar with the law.
2. demonstrate an understanding of tort law.
3. study and analyze legal issues related to schools, as well as public and private businesses related to health, physical education, recreation, sport, and hospitality.
4. acquaint the students with appropriate procedures for reducing the incidents of injuries/lawsuits.
5. utilize critical thinking skills in the interpretation of legal issues as they relate to HPER.
6. Become familiar with and create a risk management plan

ASSUMPTIONS: Please note that I expect that all students in this course:

1. have High Speed Internet connection and access to PSU-GUS account for using the CANVAS;
2. have basic competencies in library skills and use of a word processor (including e-mail);
3. have a desire to learn and apply information in a real-world setting;
4. will be active learners; will seek clarification and guidance when needed;
5. will spend approximately two hours per class period on homework; and

6. will complete all assignments on the due date.

It is EASY to earn a good grade in this class if you do just 5 things:

- Come to class each class period and be here when roll is taken (if you are not here you will be counted as absent).
- Do the assigned reading before class. There may be unannounced quizzes during the semester based on the reading for a particular day.
- Prepare well for exams. At least 65% of every exam is taken from the book. You NEED the book.
- Turn assignments in on time. No late assignments accepted.
- Take advantage of all extra credit opportunities (these usually get you a grade bump).

IV. TEACHING STRATEGIES

- **Traditional Experiences: Lectures and CANVAS**

V. EXPECTATIONS and EVALUATION

EXPECTATIONS OF STUDENTS

This class is a professional preparation course. It is the first in a series of professional preparation courses for students planning a career in the field of recreation. A basic understanding of recreation behavior is important to those who will affect the lives of individuals over the course of their careers and make decisions concerning the use of funding that they are given stewardship over. This course is important and I am committed to a high expectation for myself as the instructor. I hope you will commit yourself to an equally high standard as a participant in the class. The following policies are intended to prevent disruption and distraction by those students for whom they are intended.

Class Attendance. Attendance will be taken each class period. You need to be here when the roll is taken and remain for the entire class or you will receive an unexcused absence. Absence for any reason will be counted if they are not excused. This includes absences for athletic competition. You ***must notify me in advance*** of any school sanctioned events to be excused. ***You are permitted 3 absences. Your 4th absence is when your grade will be affected. At 4 absences your final grade will be reduced one letter grade. If you reach 5 absences you may be dropped.*** Note, if you are not here when I take roll this will count as an absence.

Completion of Assignments. Assignments are due at the beginning of the class period that they are due. Unless, otherwise noted on canvas or in class. No late assignments will be accepted. Assignments may be added or retracted from the syllabus. If you are absent and miss an in-class assignment you will NOT be able to make-up that assignment.

Class Format. The scheduled class time is from 9:00-9:50 MWF. The class ends when the instructor finishes. Do not put things away early.

Academic Honesty. I expect absolute honesty from all students in the completion of assignments and will accept nothing less. Cheating in any form will not be tolerated and you will be dropped from the class and be given an F or XF.

Classroom Etiquette: It is really important in any class to be respectful of others, as well as, respectful of the instructor. Please follow these simple rules of decorum in the classroom.

1. If you are late for class please slip in as quietly as possible and take the first available seat so as to minimize the disturbance you have created.
2. Take care of personal needs BEFORE class. If you need to leave class for ANY reason you are not allowed to disturb the class a second time by coming back in.
3. **Cell phones and other electronic devices** – please be sure your cell phone is either turned off or set to ‘silent’ (not vibrate). Calls or text messages are **NEVER** to be taken during class. DO NOT send text messages during class. This is not only rude but a distraction for students and a huge distraction for the instructor. **I will give you a warning the first time. The second time you will be asked to leave class. The third time you WILL be dropped.**
4. Laptops, iPads, etc. – In this classroom are a privilege not a right. There is no problem with using your laptop for note taking purposes. Any other use of your laptop during class time is extremely rude and inconsiderate. It is easy to tell when people are using laptops for purposes other than note taking and you will lose the laptop privilege if you are discovered chatting, e-mailing, web browsing, Facebook, Twitter, etc.
5. All written work is required to be typed, double-spaced. In general, assignments should follow the APA format.

Classroom Dress Code: **No hats, hoods, or sunglasses worn in class. I need to be able to see your eyes.**

Communication with Instructor: Any form of communication, besides in-person meetings, with instructor (e-mails, phone messages, etc.) must contain students first and last names and course title. Subject title e-mails with the course number “REC 160” with your name and reason (i.e. REC 160 – Usain Bolt – Meeting?). Time is valuable; to make sure we are all using our time valuably, schedule a meeting with me via email to make sure I will be there and can be prepared to discuss the issue at hand.

ACADEMIC HONESTY POLICY and DUE PROCESS

Academic honesty is required in all academic endeavors. Violations of academic honesty include any instance of plagiarism, cheating, seeking credit from another’s work, falsifying documents or academic records, or any other fraudulent activity. Violations of academic honesty may result in a failing grade on the assignment, failure in the course, or expulsion from the University. When a student’s grade has been affected, violations of the academic honesty will be reported to the Provost or designated representative on the Academic Honesty Violation Report forms. The Code of Student’s Rights & Responsibilities is available online:

<http://www.pittstate.edu/audiences/current-students/policies/rights-and-responsibilities/>

Violations of Academic Honesty

Violations of academic honesty include, but are not limited to, the following activities:

1. *Copying another person’s work and claiming it as your own;*
2. *Using the work of a group of students when the assignment requires individual work;*
3. *Looking at or attempting to look at an examination before it is administered;*
4. *Using materials during an examination that are not permitted;*
5. *Allowing another student to take your exam for you;*
6. *Intentionally impeding the academic work of others;*

7. *Using any electronic device to transmit portions of questions or answers on an examination to other students;*
8. *Using any electronic device to improperly store information for an exam;*
9. *Knowingly furnishing false information to the University or its representatives;*
10. *Assisting other students in any of the acts listed above.*

STUDENTS WITH DISABILITIES

If any member of this class feels that he/she has a qualified disability and needs special accommodations, he/she should notify the instructor and request verification of eligibility of accommodations from the **Center for Student Accommodations**. Please advise the instructor of such a disability and the desired accommodations at some point before, during, or immediately after the scheduled class period. The telephone number for **the Center for Student Accommodations** is 620-235-4309.

STUDENT RECORDING CLASSROOM LECTURES

As a professional courtesy, students are expected to inform an instructor if they plan to make audio or video recordings of a class. However, students should understand that there are times when the instructor may prohibit this activity (ex., in order to protect patient confidentiality in health-discipline classes, discussions pertaining to protected patient information, etc.).

The redistribution of audio or video recordings of statements or comments from the course to individuals who are not students in the course is prohibited without the express permission of the instructor and of any students who are recorded. Unauthorized distribution of such materials is a **violation of academic standards** and may violate **copyright laws** and/or **privacy rights**. *Violations may result in disciplinary action.*

HARASSMENT, DISCRIMINATION, AND SEXUAL MISCONDUCT

Consistent with its mission, Pittstate seeks to assure all community members learn and work in a welcoming and inclusive environment. Title VII, Title IX and University policy prohibit harassment, discrimination and sexual misconduct. Missouri Western encourages anyone experiencing harassment, discrimination or sexual misconduct to talk to someone from the Campus at 620-235-4452 also take a look at <http://www.pittstate.edu/audiences/current-students/policies/rights-and-responsibilities/> about what happened so they can get the support they need and Pittsburg State can respond appropriately.

There are both confidential and non-confidential resources and reporting options available to you. Pittstate is legally obligated to respond to reports of sexual misconduct, and therefore we cannot guarantee the confidentiality of a report, unless made to a confidential resource. Responses may vary from support services to formal investigations. As a faculty member, I am required to report incidents of sexual misconduct and thus cannot guarantee confidentiality. I must provide our Title IX coordinator with relevant details such as the names of those involved in the incident. For more information about policies and resources or reporting options, please visit the following website:

<http://www.pittstate.edu/office/eoaa/title-ix/>

Students have received information via email regarding training regarding Title IX. Student employees may have additional required training. Please follow the link in the email sent to your PSU student account to complete the training. Students who do not complete the training will receive a hold on their account, prohibiting future semester enrollment until the training is complete. These training courses will ensure that all students are appropriately educated about these important regulations.

Assessment: Grading in this course is based on a set of total points based on the following:

STUDENT EVALUATION

Legal Brief (1)	12.5%	<i>Exceptional</i>	90 – 100%	A
Exam (3) X 20%	60%	<i>Above average</i>	80 – 89%	B
Risk Mgt Plan & Present	15% / 7.5%	<i>Average</i>	70 – 69%	C
Participation	<u>5%</u>	<i>Below Average</i>	60 – 69%	D
TOTAL	100%	<i>Needs remediation</i>	Below 60%	F

EVALUATION SCALE

ASSIGNMENTS

NOTE: All assignments and postings are due on the dates and times they are specified through Website. All written papers should be typed, double spaced with one inch margins, using a 12 ARIAL font. Simply put your student number at the top of the first page (no names, please). Papers will be evaluated based on 65% content (depth of examination, reasoning, accuracy, justification, examples, etc.) and 35% composition (grammar, spelling, layout, etc.). Your graded assignments will be returned to the same location. The instructor accepts assignments by email only for an emergency.

LEGAL BRIEF will be submitted once during the semester. This written reaction to legal cases should be a minimum of three (3) pages in length, and reflect critical thinking. Students will select legal cases related to HHPR and respond to the items listed below. The cases should be full length cases pulled either from the state or federal case files. *Please note: cases may **NOT** be taken from previous summaries (e.g., from such sources as journals, periodicals, Parks & Recreation Law Reporter, etc.)—you will need to read the entire case (in its original) for this brief.* The case must be related to the HHPR, other cases will not be accepted. If you have any question as to whether or not the case is related to our disciplines, please contact me ahead of time for clarification. Your legal brief should respond to the following items:

- Include a summary of the case including complete legal citation/reference (see APA)—please place this at the top of the paper. In the summary please describe the case, identify the parties by role (names are not needed), identify the basis for the lawsuit, describe the findings, and explain any dissension.
- Identify and provide a brief explanation of each legal concept or principle utilized in the case.
- Identify the population(s) of HPER-related professionals who could be impacted by this case and explain your reasoning for naming them.
- Describe what was most fascinating to you about this case and explain why.
- Identify *specific* action steps that *YOU (as a future professional)* can/will implement to take advantage of the knowledge gained from this case.
- Scan and attach the complete case to your brief.

EXAMS will be given three times—twice at the mid-semester class and once at the last class meeting. Exams will consist of essay and short answer questions, true/false and multiple choice items.

PARK, FACILITY, and/or BUSINESS RISK MGT PLAN

- Each of you will be assigned to a group
- Each group of students will be assigned a park, facility, and/or business to visit

- Using information and tools from the course you will create a risk management plan by identifying all potential risks at the site
- You must take a minimum of 15 pictures of the site to document the risks and use them in your final plan

PARK, FACILITY, and/or BUSINESS RISK MGT PLAN PRESENTATION

- Each group will present their Risk Mgt Plan via Power Point Presentation

TENTATIVE COURSE SCHEDULE:

<u>Date</u>	<u>Subject</u>	<u>Reading Assignment</u>
Week 1	Syllabus The Legal System	Chapters 1-3
Week 2	Obligation & Negligence	Chapters 4-6
Week 3	Torts & Contracts	Chapters 7-9
Week 4	Contracts, Property Rights, & Const. Prot	Chapters 10-12
Week 5	Equity/Equality, Liability, & Current Iss.	Chapters 13-15
	Test over Ch 1-7 9/20	
Week 6	Managing Risks	B Chapter 1
Week 7	Risk Management & the Law	B Chapter 2
	Legal Brief Due 9/30	
Week 8	Risk Mgt Plan	B Chapter 3
	Fall Break Starts 10/10	
Week 9	Risk Mgt & Employees	B Chapter 4
Week 10	Risk Mgt at Events KAHPERD	B Chapter 5
	Test over Ch 8-15 & B Ch 1-3 10/21	
Week 11	Risk Mgt & Facilities	B Chapter 6
Week 12	Security & Safety	B Chapter 7
Week 13	Emergency Action Plan	B Chapter 8
Week 14	Special Facilities & Risk	B Chapter 9
Week 15	Thanksgiving Break Starts 11/27	
	Test over B Ch 4-9 11/25	
Week 16	Risk Mgt Plan Due Risk Mgt Presentations	

Week 17

Finals Week

REC 426 Final Wednesday 12/11 @ 9am (No Exceptions) Do Not plan to travel before the 14th!!!!!!! Or you will receive a zero on the final.

*****The instructor reserves the right to make changes to the above syllabus at any time during the semester. These changes, if made, will be made after a 72 hour posted notice to the class.*****