

# COURSE SYLLABUS



COURSE TITLE: Sport & Fitness Law  
CLASS SECTION: SPMA 420  
TERM: Winter 2022  
COURSE CREDITS: 3.0  
DELIVERY METHOD(S): In person / online

Camosun College campuses are located on the traditional territories of the Lək̓ʷəŋən and W̱SÁNEĆ peoples. We acknowledge their welcome and graciousness to the students who seek knowledge here.  
Learn more about Camosun's [Territorial Acknowledgement](#).

For COVID-19 information please visit <https://legacy.camosun.ca/covid19/index.html>.

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*Camosun College requires mandatory attendance for the first class meeting of each course. If you do not attend, and do not provide your instructor with a reasonable explanation in advance, you will be removed from the course and the space offered to the next waitlisted student.*

## INSTRUCTOR DETAILS

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NAME: Peter Lawless  
EMAIL: [prlawless@me.com](mailto:prlawless@me.com)  
OFFICE: n/a  
HOURS: by appointment

*As your course instructor, I endeavour to provide an inclusive learning environment. However, if you experience barriers to learning in this course, do not hesitate to discuss them with me. Camosun College is committed to identifying and removing institutional and social barriers that prevent access and impede success.*

## CALENDAR DESCRIPTION

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Students will explore sport and fitness related legal issues and concepts. Students will be introduced to key areas of law that affect the sport and fitness environment and will address many of the strategies and techniques that would help the sport and fitness manager, and sport organization, avoid legal liability. Students will cover areas of negligence and liability, risk management, work relationships, violence, human rights and agency.

PREREQUISITE(S): C in BUS 276  
CO-REQUISITE(S): n/a  
EXCLUSION(S): n/a

## COURSE LEARNING OUTCOMES / OBJECTIVES

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At the completion of this course, students will be able to:

- Identify underlying legal principles and apply them to practical sport and fitness management situations;

- Choose appropriate legal and risk management strategies to proactively address risky situations; and
- Demonstrate an awareness of the complexities and the subtleties of how the law affects sport and fitness management situations.

#### REQUIRED MATERIALS & RECOMMENDED PREPARATION / INFORMATION

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- (a) Case Book – Various cases on D2L
- (b) Optional Text - Corbett, R. Findlay, H.A. & Lech, D.W. (2007). Legal Issues in Sport. Toronto ON: Edmond Montgomery

#### COURSE SCHEDULE, TOPICS, AND ASSOCIATED PREPARATION / ACTIVITY / EVALUATION

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The following schedule and course components are subject to change with reasonable advance notice, as deemed appropriate by the instructor.

WEEK or DATE RANGE	ACTIVITY or TOPIC	OTHER NOTES
Jan 12	<p>Overview of course &amp; course expectations.</p> <p>Introductions to issues of jurisdiction &amp; areas of law applicable to sport</p> <p>Introduction to Negligence</p>	<p>Course syllabus, Ch. 1 (pp. 1-8)</p> <p>Ken Foster, “Lex Sportiva and Lex Ludica: The Court of Arbitration for Sport’s Jurisprudence”, Entertainment and Sports Law Journal Vol. 3 No. 2</p>
Jan 19	Negligence & Liability	<p>Ch. 2 (pp. 9-29)</p> <ul style="list-style-type: none"> <li>▪ Crocker v. Sundance Northwest Resorts Ltd. [1988] 1 S.C.R. 1186 (SCC)</li> <li>▪ Myers v. Peel County Board of Education, [1981] 2 S.C.R. 21 (SCC)</li> <li>▪ Rozenhart v. Skier’s Sport Shop (Edmonton) Ltd., 2002 ABQB 509 (CanLII) (AB QB)</li> <li>▪ Hamstra v. BC Rugby Union (1989), 1 C.C.L.T. (2d) 78 (BCSC)</li> <li>▪ Cudmore Estate v. Deep Three Enterprises (1991), 28 A.C.W.S. (3d) 985 (Ont Ct. (Gen. Div.))</li> </ul>
Jan 26	Negligence & Liability cont.	
Feb 2		Ch. 2 (pp.30-31)

WEEK or DATE RANGE	ACTIVITY or TOPIC	OTHER NOTES
	Risk Management, Waivers & Insurance	<p>Ch. 9 (pp. 195-197) Ch. 11 (pp.229-247)</p> <ul style="list-style-type: none"> <li>▪ Knowles v. Whistler Mountain Ski Corp., 1991 CanLII 1037 (BC S.C.)</li> <li>▪ Quick v. Jericho Tennis Club, 1998 CanLII 3873 (BC S.C.)</li> <li>▪ Blomberg v. Blackcomb Skiing Enterprises Ltd. (1992), 64 B.C.L.R. (2d) 51 (BCSC)</li> <li>▪ Dyck v. Manitoba Snowmobile Association, [1985] 1 S.C.R. 589 (SCC)</li> <li>▪ Pascoe v. Ball Hockey Ontario Inc., 2005 CanLII 3375 (ON S.C.)</li> </ul>
Feb 9	Violence in Sport	<p>Ch. 3 (pp. 33-46)</p> <ul style="list-style-type: none"> <li>▪ R. v. Chu, 2006 BCPC 587 (CanLII)</li> <li>▪ R. v. McSorley, [2000] B.C.J. No. 264 (QL) (BCPC)</li> <li>▪ R. v. Bertuzzi, 2004 BCPC 472 (CanLII) (BCPC)</li> <li>▪ R. v. Tropea, 2007 ONCJ 241 (CanLII)</li> <li>▪ Babiuk. v. Trann, 2005 SKCA 5 (CanLII) (Sk CA)</li> </ul>
Feb 16	Mid Term Review & possible Special Guest Speaker	
Feb 23	Reading Week	
Mar 2	MID TERM EXAM	
Mar 9	Procedural Fairness & Dispute Resolution in Sport	<p>Ch. 4 (pp. 49-71) Ch 10 (pp 219-228)</p> <ul style="list-style-type: none"> <li>▪ McGarrigle v. Canadian Interuniversity Sport, [2003] O.J. No. 1842 (QL) (Ont. SC)</li> <li>▪ Kelly v. Canadian Amateur Speed Skating Association (1995), 53 A.C.W.S. (3d) 750 (Ont. Ct. (Gen. Div.))</li> <li>▪ Rankin v. Alberta Curling Federation Appeals Committee, 2005 ABQB 938 (CanLII)</li> <li>▪ Patterson v. Skate Canada (2004), Admin L.R. (4th) 147 (Alta Q.B.)</li> </ul>

WEEK or DATE RANGE	ACTIVITY or TOPIC	OTHER NOTES
		<ul style="list-style-type: none"> <li>▪ Kane v. Canadian Ladies Golf Association (1992), 11 C.P.C. (3d) 260 (PEI TD)</li> </ul>
Mar 16	Doping in Sport	<p>Ch. 5 (pp. 73-88) Richard McLaren – “Exceptional Circumstances: Is it Strict?”</p> <ul style="list-style-type: none"> <li>▪ Despres v. CCES, SDRCC DT 07-0071, January 31, 2008</li> <li>▪ Despres v. CCES, CAS 2008/A/1489</li> <li>▪ Jarvis v. CCES, DT 07-0072, December 19, 2007</li> <li>▪ Boyle v. CCES, SDRCC DT 07-0058, May 31, 2007</li> <li>▪ Sheppard v. CCES, SDRCC DT-05-0028, September 12, 2005</li> </ul>
Mar 23	Discrimination in Sport	<p>Ch. 6 (pp. 91-107)</p> <ul style="list-style-type: none"> <li>▪ Blainey v. Ontario Minor Hockey Association, (1986), 54 O.R. (2d) 513 (Ont. CA)</li> <li>▪ Youth Bowling Council v. McLeod (1990), 75 O.R. (2d) 451 (Ont. Div. Ct.)</li> <li>▪ Casey Martin v. PGA, 532 US 661 (2001)</li> <li>▪ Casselman v. Ontario Soccer Association (1993), 23 C.H.R.R. D/397 (CHRT)</li> </ul>
Mar 30	Work Relationships (employment)	<p>Findlay &amp; Corbett – “A Guide to Employment Contracts for Coaches” Ch.7 (pp. 109-143)</p> <ul style="list-style-type: none"> <li>▪ Puri v. Minister of National Revenue, 1998 CanLII 473 (TCC)</li> <li>▪ Ceccol v. Ontario Gymnastics Federation, [1999] O.J. No. 304 (QL) (Ont. Ct. (Gen. Div.))</li> <li>▪ Moose Jaw Kinsmen Flying Fins Inc. v. Minister of National Revenue (1988), 88 D.T.C. 6099 (FCA)</li> <li>▪ Jacks v. Victoria Amateur Swimming Club et al., 2005 BCSC 778 (CanLII)</li> </ul>
Apr 6	Contracts,	<p>Ch. 9 (pp. 181-217) Ch. 8 (pp. 145-179)</p>

WEEK or DATE RANGE	ACTIVITY or TOPIC	OTHER NOTES
	Intellectual Property & Licensing Agreements	
Apr 13	Review of Semester	Negligence, Risk Management, Violence & Procedural Fairness, Doping, Discrimination, Employment / Labour, Contracts & Intellectual Property
Exam Week	FINAL EXAM	

Students registered with the Centre for Accessible Learning (CAL) who complete quizzes, tests, and exams with academic accommodations have booking procedures and deadlines with CAL where advanced notice is required. Deadlines can be reviewed on the [CAL exams page](http://camosun.ca/services/accessible-learning/exams.html). <http://camosun.ca/services/accessible-learning/exams.html>

## EVALUATION OF LEARNING

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DESCRIPTION	WEIGHTING
Mid Term Exam	25%
Final Exam	35%
Short Paper	15%
Long Paper	25%
<b>TOTAL</b>	<b>100%</b>

If you have a concern about a grade you have received for an evaluation, please come and see me as soon as possible. Refer to the [Grade Review and Appeals](http://camosun.ca/about/policies/education-academic/e-1-programming-and-instruction/e-1.14.pdf) policy for more information.

<http://camosun.ca/about/policies/education-academic/e-1-programming-and-instruction/e-1.14.pdf>

## COURSE GUIDELINES & EXPECTATIONS

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**Short Paper** - 15% of course grade, 5-6 pages summarizing and discussing the cases from one of the week's lectures (due at beginning of that week's class). Select one from:

- Negligence,
- Risk Management,
- Violence
- Procedural Fairness,
- Doping,
- Discrimination,
- Employment/Labour

**Long Paper** – 25% of course grade. Due on March 23. 7-9 pages on one of the following (cannot be on the same topic as the Short Paper):

- (A) Negligence – the paper must deal with the common law principles of negligence and liability, including vicarious liability, occupier’s liability, the concept of “volenti”, and waivers.
- (B) Violence in Sport – the paper must cover the concepts of criminal assault as well as civil assault and recklessness. The elements to prove each must also be set out as well as possible defences to each allegation. The paper must also set out the differences between criminal and civil assault.
- (C) Procedural Fairness – the paper must cover general administrative law principles including the principle of procedural fairness as it applies to private tribunals particularly in the sports & fitness context. The basis of a sport organization’s “self-governing” status must also be explained.

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## SCHOOL OR DEPARTMENTAL INFORMATION

Final examinations may be scheduled at any time during the examination period by Camosun College. All students are expected to write the final exam at the time, date, and location set by the Office of the Registrar. Students should therefore avoid making prior travel, employment, or other commitments for this period. If a student is unable to write an exam through no fault of his or her own for medical or other reason(s), valid documentation must be provided, and it must be discussed with the instructor well in advance of the exam date. If the student is absent for an exam (written or practical) and has not made arrangements with the instructor in advance, a zero grade will be applied.

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## STUDENT RESPONSIBILITY

Enrolment at Camosun assumes that the student will become a responsible member of the College community. As such, each student will display a positive work ethic, assist in the preservation of College property, and assume responsibility for their education by researching academic requirements and policies; demonstrating courtesy and respect toward others; and respecting expectations concerning attendance, assignments, deadlines, and appointments.

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## SUPPORTS AND SERVICES FOR STUDENTS

Camosun College offers a number of services to help you succeed in and out of the classroom. For a detailed overview of the supports and services visit <http://camosun.ca/students/>.

Support Service	Website
Academic Advising	<a href="http://camosun.ca/advising">http://camosun.ca/advising</a>
Accessible Learning	<a href="http://camosun.ca/accessible-learning">http://camosun.ca/accessible-learning</a>
Counselling	<a href="http://camosun.ca/counselling">http://camosun.ca/counselling</a>
Career Services	<a href="http://camosun.ca/coop">http://camosun.ca/coop</a>
Financial Aid and Awards	<a href="http://camosun.ca/financialaid">http://camosun.ca/financialaid</a>

Support Service	Website
Help Centres (Math/English/Science)	<a href="http://camosun.ca/help-centres">http://camosun.ca/help-centres</a>
Indigenous Student Support	<a href="http://camosun.ca/indigenous">http://camosun.ca/indigenous</a>
International Student Support	<a href="http://camosun.ca/international/">http://camosun.ca/international/</a>
Learning Skills	<a href="http://camosun.ca/learningskills">http://camosun.ca/learningskills</a>
Library	<a href="http://camosun.ca/services/library/">http://camosun.ca/services/library/</a>
Office of Student Support	<a href="http://camosun.ca/oss">http://camosun.ca/oss</a>
Ombudsperson	<a href="http://camosun.ca/ombuds">http://camosun.ca/ombuds</a>
Registration	<a href="http://camosun.ca/registration">http://camosun.ca/registration</a>
Technology Support	<a href="http://camosun.ca/its">http://camosun.ca/its</a>
Writing Centre	<a href="http://camosun.ca/writing-centre">http://camosun.ca/writing-centre</a>

If you have a mental health concern, please contact Counselling to arrange an appointment as soon as possible. Counselling sessions are available at both campuses during business hours. If you need urgent support after-hours, please contact the Vancouver Island Crisis Line at 1-888-494-3888 or call 911.

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## COLLEGE-WIDE POLICIES, PROCEDURES, REQUIREMENTS, AND STANDARDS

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### Academic Accommodations for Students with Disabilities

The College is committed to providing appropriate and reasonable academic accommodations to students with disabilities (i.e. physical, depression, learning, etc). If you have a disability, the [Centre for Accessible Learning](#) (CAL) can help you document your needs, and where disability-related barriers to access in your courses exist, create an accommodation plan. By making a plan through CAL, you can ensure you have the appropriate academic accommodations you need without disclosing your diagnosis or condition to course instructors. Please visit the CAL website for contacts and to learn how to get started:

<http://camosun.ca/services/accessible-learning/>

### Academic Integrity

Please visit <http://camosun.ca/about/policies/education-academic/e-1-programming-and-instruction/e-1.13.pdf> for policy regarding academic expectations and details for addressing and resolving matters of academic misconduct.

### Academic Progress

Please visit <http://camosun.ca/about/policies/education-academic/e-1-programming-and-instruction/e-1.1.pdf> for further details on how Camosun College monitors students' academic progress and what steps can be taken if a student is at risk of not meeting the College's academic progress standards.

### Course Withdrawals Policy

Please visit <http://camosun.ca/about/policies/education-academic/e-2-student-services-and-support/e-2.2.pdf> for further details about course withdrawals. For deadline for fees, course drop dates, and tuition refund, please visit <http://camosun.ca/learn/fees/#deadlines>.

### Grading Policy

Please visit <http://camosun.ca/about/policies/education-academic/e-1-programming-and-instruction/e-1.5.pdf> for further details about grading.

### Grade Review and Appeals

Please visit <http://camosun.ca/about/policies/education-academic/e-1-programming-and-instruction/e-1.14.pdf> for policy relating to requests for review and appeal of grades.

### Mandatory Attendance for First Class Meeting of Each Course

Camosun College requires mandatory attendance for the first class meeting of each course. If you do not attend, and do not provide your instructor with a reasonable reason in advance, you will be removed from the course and the space offered to the next waitlisted student. For more information, please see the “Attendance” section under “Registration Policies and Procedures” (<http://camosun.ca/learn/calendar/current/procedures.html>) and the Grading Policy at <http://camosun.ca/about/policies/education-academic/e-1-programming-and-instruction/e-1.5.pdf>.

### Medical / Compassionate Withdrawals

Students who are incapacitated and unable to complete or succeed in their studies by virtue of serious and demonstrated exceptional circumstances may be eligible for a medical/compassionate withdrawal. Please visit <http://camosun.ca/about/policies/education-academic/e-2-student-services-and-support/e-2.8.pdf> to learn more about the process involved in a medical/compassionate withdrawal.

### Sexual Violence and Misconduct

Camosun is committed to creating a campus culture of safety, respect, and consent. Camosun’s Office of Student Support is responsible for offering support to students impacted by sexual violence. Regardless of when or where the sexual violence or misconduct occurred, students can access support at Camosun. The Office of Student Support will make sure students have a safe and private place to talk and will help them understand what supports are available and their options for next steps. The Office of Student Support respects a student’s right to choose what is right for them. For more information see Camosun’s Sexualized Violence and Misconduct Policy: <http://camosun.ca/about/policies/education-academic/e-2-student-services-and-support/e-2.9.pdf> and [camosun.ca/sexual-violence](http://camosun.ca/sexual-violence). To contact the Office of Student Support: [oss@camosun.ca](mailto:oss@camosun.ca) or by phone: 250-370-3046 or 250-3703841

### Student Misconduct (Non-Academic)

Camosun College is committed to building the academic competency of all students, seeks to empower students to become agents of their own learning, and promotes academic belonging for everyone. Camosun also expects that all students to conduct themselves in a manner that contributes to a positive, supportive, and safe learning environment. Please review Camosun College’s Student Misconduct Policy at <http://camosun.ca/about/policies/education-academic/e-2-student-services-and-support/e-2.5.pdf> to understand the College’s expectations of academic integrity and student behavioural conduct.



**Changes to this Syllabus:** Every effort has been made to ensure that information in this syllabus is accurate at the time of publication. The College reserves the right to change courses if it becomes necessary so that course content remains relevant. In such cases, the instructor will give the students clear and timely notice of the changes.