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### HHP 475E.01: Legal and Ethical Issues in the Exercise Professions

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**HHP 475E -- Legal and Ethical Issues  
in the Exercise Professions**

**Fall Semester 2001**  
Wednesday, 5:10-8:00 PM

Professor: Dr. Lew Curry

Office: McGill 210

Office Hrs: By Appointment (call x5242); or, Sign-up for an Open Time at my Office Door

Course Introduction: To quote the person who created this class and taught it for the first four years, Dr. Gary Nygaard:

The purpose of this course is to acquaint you with the ethical and legal issues facing [health and] exercise professionals. To a degree, ethical and legal issues overlap, but since the former is based on moral decisions and the latter on legal decisions, there will always be some discrepancy between the two. This discrepancy, this "gray area," is where one's personal choices and values become paramount. By the end of the semester, I hope all of you will have a clearer understanding of your "ethical self" and your "professional self," and have begun the process of making the two selves as congruent as possible.

This course will have a strong ethical focus as pertaining to legal issues in the exercise and health professions. Specifically, both metaethics and applied ethics will be addressed, as delineated by Malloy, Ross, & Zakus (2000, class text):

Ethics, as the study of morals, refers to that specific branch of philosophy that critically examines, clarifies, and reframes the basic concepts and presuppositions of ethical theories and of morality generally. The contemporary organization of this branch of philosophy is comprised, roughly, into two categories.... *Metaethics* is more theoretical in nature as it trains its sights on the logic, coherence, and presuppositions found in each ethical theory. In contrast, *applied ethics* is much more concerned with examining behavior in terms of right and wrong, good or bad, authentic and inauthentic.

Texts: Sport Ethics: Concepts and Cases in Sport and Recreation (2000), written by Malloy, Ross, and Zakus.

Sport Law for Sport Managers (1997), written by Cotten and Wilde.

The U.S. Constitution (2000), introduction written by Tedeschi.

Assignments: You will have one midterm test and a final exam (100 points each). Test format may consist of true/false, multiple choice, short answer, and opinion questions. Content specific to each test is tentatively outlined in this syllabus and will be finalized during the last class prior to each examination. The final test will cover only new material since the midterm exam.

Schedule & Test Dates:

No Class on Wednesday, October 3, 2001 (AAASP Conference)

MIDTERM TEST: Wednesday, October 24, 2001 (5:30 to 7:30)

FINAL TEST: Wednesday, December 19, 2001 (5:30 to 7:30)

Grading: You will need 90% of the available points for an "A," 80-89.99% for a "B," 70-79.99% for a "C," 60-69.99% for a "D," and below 60% is an "F." In other words, 180-200 = A; 160-179 = B; 140-159 = C; 120-139 = D; and below 120 = F.

Graduate Students: Students taking this course for graduate credit will need to fulfill an additional course requirement assigned by the instructor. The additional requirements at this point are undefined, yet prior

to the end of the semester some type of additional course work will need to be completed.

Attendance: Attendance on examination dates is required. Please notify me in advance if an examination will be missed due to illness or official university business. You are responsible for obtaining all handouts, case study or reading assignments, and content material covered from classes you miss. Remember, missing one class is like missing three regular classes in a row—you'll miss a great deal of content! Poor mid-term grades due do lack of attendance cannot be changed.

Tentative Topic Outline: (Subject to Change and/or Adjustment)

### **MIDTERM TEST**

Ethics Text: Chapter Three: Introduction to Ethics (axiological framework, ethics and morals, three ethical bases, moral discourse and moral reasoning) (pg. 45-58).  
Chapter Four: Sources of Ethical Decision Making (historical overview, consequentialism [teleology], non-consequentialism [deontology], existentialsim) (pg. 59-76)  
Cases: Case 8.1 Rulings, Responsibilities, and Consequences  
Case 8.6 Winning and Losing On and Off the Field  
Case 8.9 Rules are Rules: Safety of Children  
Case 8.11 Acts of Commission and Omission

Legal Text: U. S. Constitution  
2.10-2.22 Negligence, Defenses, & Immunity (pg. 26-32, pg. 42-53, pg. 54-62)  
2.23 Exculpatory Agreements or Waivers (pg. 63-69)  
2.24 Agreements to Participate (pg. 70-76) (warnings & informed consent)  
2.31 Emergency Care (pg. 77-83)  
Cases: Vargo v. Svitchan (pg. 33-36) (Summer weight-lifting accident)  
Sheppard v. Midway R-1 School District (pg. 42-45) (Long jump accident)  
Barth by Barth vs. Board of Education (Handout—head injury in school)  
Jury trial – Class Exercise (Case of John, high school football injury)

### **FINAL TEST**

Ethics Text: Chapter 5: Moderators Influencing Ethical Decision Making (pg. 77-92)  
Chapter 6: The Process of Ethical Decision Making (pg. 93-98)  
Chapter 7: Ethical Principles of Sport and Recreation (99-119)  
Cases: Chapter 9 Example Case: Gender and Sport  
Case 8.34 Violence in Hockey... When is it a crime?  
Case 8.35 Ethical Consistency  
Case 9.9 Everyone Else is Doing It

Legal Text: 2.32 Supervision (pg. 84-91)  
2.36 Employment Torts (pg. 122-133)  
2.50, 2.51, 2.52, & 2.53 Risk Management (174-198)  
3.00 & 3.10 Contract Essentials (pg. 199-207)  
Cases: Brahatcek v. Millard Sch. Dist. (pg. 84-87) (Indoor golfing accident and death)  
Cohen v. Brown University (gender equity case against Brown University)