

Sports Law Syllabus

Professor Shipley

Spring 2017

My Sports Law class is a two-credit seminar that will be meeting on Mondays and Thursdays during the Spring Semester from 11:30 to 12:20. We are scheduled to meet in Classroom E, and we will have 27 or class 28 sessions, depending on being able to schedule a make-up for Thursday, March 2 when I have to be out-of-town for a meeting.

I have neither done this seminar nor taught sports law in the past. Moreover, this will not be a general Sports Law class like the one taught at the law school by adjunct faculty, or the one taught by Professor Thomas Baker in the UGA College of Education's Sports Administration program. Instead, we will be focusing on intercollegiate athletics as regulated by the National Collegiate Athletic Association (NCAA) and a variety of issues surrounding college sports.

As many of you know, I have had the good fortune of being the University's Faculty Athletics Representative to the NCAA (FAR) since 2010, and have worked on sports related matters with many people in UGA's Athletics Association, President Adams and now President Morehead (he was my predecessor as UGA's FAR), people at the SEC headquarters in Birmingham, and my FAR counterparts at the other universities which make up the Southeastern Conference. In addition, I served on the NCAA's Amateurism Cabinet for several years until it was disbanded when the Power Five Conferences gained greater autonomy, I was on a special SEC Working Group last year, and I have been through an infractions case that was adjudicated before a five member NCAA Infractions Committee. I am hardly an expert but I have some experience as well as an appreciation of many of the challenges facing the NCAA and intercollegiate athletics. Also, as a law professor who has been teaching Administrative Law on a fairly regular basis for 40 years, I look at the NCAA as a special kind of administrative agency. Although it is not a governmental entity, it promulgates rules and regulations; it investigates, prosecutes and adjudicates cases; and it sets policies which affect 1,121 member colleges and universities, 99 voting conferences, and 460,000 student-athletes (SAs).

We will not be using a casebook. Instead, I have been collecting articles, both academic and non-academic, for last the 6 months as well as identifying a variety of topics for us to cover during the semester. My plan is to have a series of speakers for our first six to eight classes and then we will start a series of presentations on, and discussions of, many of those topics. Each presentation and discussion will be led by a student in the class. Those presentations and discussions will become the foundations for the papers each member of the class will submit at the end of the semester. I'll expect each student to prepare, at a minimum, a detailed outline of his or her presentation for distribution to the class several days before their talk. Those class members who make their presentations relatively early in the semester thus will have "extra" time to work on their final papers, and I anticipate that those members of the class who make their presentations in April will distribute more detailed and polished outlines than those handed out by the students who go at the start of the semester.

Members of the class who want their Sports Law paper to count for their upper-level writing requirement must research and write a paper that is at least 30 pages in length, double-spaced and standard margins, 12 point font, and with footnotes. Otherwise, final papers must be at least 20 pages in length, double-spaced with standard margins, 12 point font, and footnotes.

Here are some of the topics we might cover during the semester.

What is academic fraud? Is there consistency in how it is defined, handled and punished? Consider UNC Chapel Hill, Georgia Southern, Syracuse, SMU, Weber State, Southern Mississippi and others (there might be enough for two presentations on this topic)

Johnny Manziel, Todd Gurley, Dez Bryant, Jameis Winston, Cam Newton, A.J. Green – the apparent uneven treatment of rules violations and reinstatement.

What does the NCAA mean by amateurism? How is it defined? How is it enforced?

The graduate transfer issue – school rules versus conference rules versus NCAA rules – what the issue?

The handling of a major infractions case from start to finish.

Sports wagering/gambling by college athletes and coaches.

Pay for play? The pros and cons of paying college athletes.

The university's mission and the role of intercollegiate athletics. Who is in charge?

First amendment rights of student-athletes.

The right of publicity and student-athletes (there might be enough for two presentations).

Show me the money! Are all colleges and universities making tons of money or only a select few in the Power Five Conferences? Are coaches' salaries out of line? The financing of college athletics.

What does the future hold?

The History of the NCAA.

Initial eligibility, test scores, high school grades in core subjects, maintaining eligibility, academic progress rates, and graduation success rates – the NCAA's role in setting academic standards.

The academic/athletic balance for student-athletes and their schools including time demands, travel, breaks from training, mental health and other issues.

The regulation of the recruitment of prospective student-athletes: should schools be looking at kids in middle school? How can they be contacted? What is permissible? What is impermissible? What about recruiting their coaches? It might be interesting to compare sports – for instance, football, gymnastics and swimming.

To go pro or not to go pro – the role of the school, the role of parents/guardians, the role of agents etc. – How does a student-athlete get good advice, assuming he or she will listen to that advice. Here are also there are variations by sport – football, basketball, baseball and hockey in particular.

Sexual assault on campus, Title IX and intercollegiate athletics.

Concussions, health and the future of college football.

Larry Brown, Tim Beckman, Mike Rice, Bobby Petrino, Donnie Tyndall, Bruce Pearl and others – some coaches abuse their players or violate NCAA rules or screw up badly in some other way but always seem to land on their feet in a new coaching position while others are pushed out of coaching forever – what’s going on? Does bad behavior really matter if you win?

The rights of student-athletes generally.

Student-athlete health (physical and mental) generally.

The NCAA and LGBT Rights – No Championships in North Carolina