

Fair Competition

SPM6905 | 3 Credits | Spring 2024

Connect with HHP



Course Info

INSTRUCTOR

A. Michelle Clemon, J.D.

Email: michelleclemon@ufl.edu

Preferred Method of Contact: **You may contact me through Canvas or email directly. I will try to respond within 48 hours**

OFFICE HOURS

On Zoom by appointment on Tuesdays and Thursdays, 1:00 PM-3:00 PM Central Time

MEETING TIME/LOCATION

Access course through Canvas on UF e-Learning (<https://elearning.ufl.edu/>) & the Canvas mobile app by Instructure

COURSE DESCRIPTION

This course is an intensive introduction to the labor law and the law of antitrust. Labor law is relevant to fair competition in that it governs the “rules of engagement” between management and the labor force. Antitrust focuses typically on monopolization and other “restraints of trade”. We will focus on: collective bargaining agreements and arbitration in sports, the basics of antitrust in the context of the sports industry and the impact of antitrust regulation on business strategy in sports.

COURSE PREREQUISITES

The prerequisite for this course is SPM6726: Issues in Sport Law. Advanced Sport Law and Business of Sport Law are recommended but not required.

REQUIRED AND RECOMMENDED MATERIALS

Required Text: 1) Ross, S. F., Weiler, P. C., Roberts, G. R., & Abrams, R. I. (2015). Sports and the Law: Text, Cases, and Problems, 6th. ISBN: 9781640202351 2) Monthly subscription to Sportico from January 2023 through April 2023 (<https://www.sportico.com>).

Any other required reading will be shared on Canvas.

COURSE FORMAT

This course is an online course, and all class sessions, assignments, and discussions will be delivered through E-Learning (Canvas). The teaching method in this course is in alignment with how a typical law course is taught, where there are one or two exams designed to assess students' ability to analyze and synthesize fact patterns. Discussion posts are utilized to assess students' understanding of the course content, with an emphasis on the elements of the various statutes covered in the course.

The course has the following elements:

Lectures

Each week will include lectures. The class will also include cases, video material, discussion of issues, and occasional visits from executives involved in meaningful decisions affecting the sports business. (The latter are typically people who have cooperated in providing class material.) The course will rely extensively on the discussion method of teaching/learning. Case studies will often be the vehicle for discussion.

Readings

Course readings will be assigned for each week, and you will be responsible for material in the readings, even if it is not covered in the lecture. Reading assignments will involve mainly case law. It is important to keep up with the readings so you can learn the key terms and concepts.

COURSE LEARNING OBJECTIVES:

By the end of this course, students will:

- Examine the intersection of labor law and antitrust law.
- Analyze the impact of labor law and antitrust law on sport management.
- Differentiate between employment relationships in the sports industry governed by collective bargaining agreements and employment relationships in the industry that are not governed by collective bargaining agreements.
- Outline emerging legal issues in antitrust and labor law that impact sport management.

Course & University Policies

COURSE INFORMATION AND POLICIES

Please read this syllabus carefully. All quizzes, exams, assignments, discussion posts, and so forth must be submitted by the date listed on the syllabus. Quizzes and exams will only be available on the dates and times listed on the syllabus. Please put the relevant deadlines on your calendar! We will not accept assignments, quizzes, or discussion posts after the posted deadlines.

If personal circumstances arise that may interfere with your ability to meet a deadline, please let us know as soon as possible before the due date. Please keep in mind only university authorized excuses will be accepted, and documentation must be provided. Requirements for make-up exams, assignments, and other work are consistent with [University Policies](#).

Netiquette: Communication Courtesy: All members of the class are expected to follow rules of common courtesy in all email messages, threaded discussions and chats.

Please check the Course Announcements periodically for clarifications as needed.

UNIVERSITY HONESTY POLICY

UF students are bound by The Honor Pledge which states, “We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code. On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: “On my honor, I have neither given nor received unauthorized aid in doing this assignment.” The [Honor Code](#) specifies a number of behaviors that are in violation of this code and the possible sanctions. Furthermore, you are obligated to report any condition that facilitates academic misconduct to appropriate personnel.

EXAM MAKE-UP POLICY

NO MAKEUP EXAMS will be given without an excused absence. Exams are to be scheduled and taken on Canvas. Directions for this process can be found on the Canvas course site. A cumulative final exam will be given during the last week of classes.

A student experiencing an illness should visit the UF Student Health Care Center or their preferred healthcare provider to seek medical advice and obtain documentation. If you have an illness, family emergency or death, please contact the [Dean of Students Office](#) and follow the DSO Care Team procedures for documentation and submission of a request for make-up assignment the [Contact My Instructor](#). The DSO will contact the instructor. Do not provide any documentation to the instructor regarding illness or family emergency. This is your personal and protected information. The DSO is qualified to receive and verify the documents you provide. The instructor will follow the recommendations from the DSO.

ACCOMMODATING STUDENTS WITH DISABILITIES

Students with disabilities who experience learning barriers and would like to request academic accommodations should connect with the [Disability Resource Center](#). It is important for students to share their accommodation letter with their instructor and discuss their access needs, as early as possible in the semester.

U MATTER, WE CARE

Your well-being is important to the University of Florida. The U Matter, We Care initiative is committed to creating a culture of care on our campus by encouraging members of our community to look out for one another and to reach out for help if a member of our community is in need. If you or a friend is in distress, please contact umatter@ufl.edu so that the U Matter, We Care Team can reach out to the student in distress. A nighttime and weekend crisis counselor is available by phone at 352-392-1575. The U Matter, We Care Team can help connect students to the many other helping resources available including, but not limited to, Victim Advocates, Housing staff, and the Counseling and Wellness Center. Please remember that asking for help is a sign of strength. In case of emergency, call 9-1-1.

COURSE EVALUATIONS

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.aa.ufl.edu/students/>. Students will be notified when the evaluation period opens and can complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students at <https://gatorevals.aa.ufl.edu/public-results/>.

Getting Help

HEALTH & WELLNESS

- [U Matter, We Care](#): If you or someone you know is in distress, please contact umatter@ufl.edu or 352-392-1575 so that a team member will can out to the student in distress.
- [Counseling and Wellness Center](#): Visit or call 352-392-1575 for information on crisis services as well as non-crisis services.
- [Student Health Care Center](#): Call 352-392-1161 for 24/7 information to help you find the care you need
- Sexual Assault Recovery Services (SARS): Student Health Care Center, 392-1161.
- [University Police Department](#): Visit or call 352-392-1111 (or 9-1-1 for emergencies).
- [UF Health Shands Emergency Room / Trauma Center](#): For immediate medical care call 352-733-0111 or go to the emergency room at 1515 SW Archer Road, Gainesville, FL 32608

ACADEMIC RESOURCES

- [E-learning technical support](#): Contact the UF Computing Help Desk at 352-392-4357 or via e-mail at helpdesk@ufl.edu.
- [Career Connections Center](#): Reitz Union Suite 1300, 352-392-1601. Career assistance and counseling services
- [Library Support](#): Various ways to receive assistance with respect to using the libraries or finding resources.
- [Teaching Center](#): Broward Hall, 352-392-2010 or to make an appointment 352- 392-6420. General study skills and tutoring
- [Writing Studio](#): 2215 Turlington Hall, 352-846-1138. Help brainstorming, formatting, and writing papers
- [Student Complaints](#) (On-Campus)

OR

[Students Complaints](#) (Online)

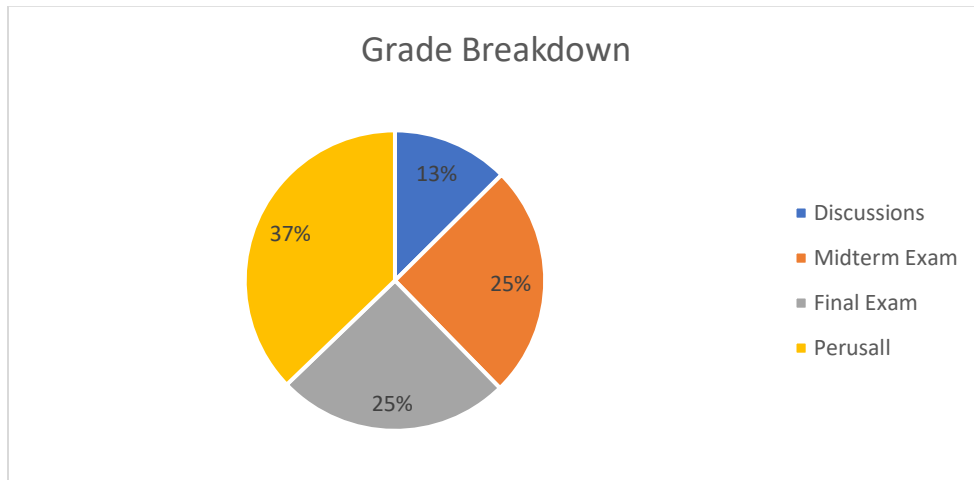
CIVILITY, ACCESSIBILITY AND COMMUNITY RESOURCES

For suggestions or concerns, please reach out to any of the following:

- Dr. Ashley Smuder, APK Culture and Engagement Committee Chair, asmuder@ufl.edu
- Dr. Stephen Coombes, APK Graduate Coordinator, scoombes@ufl.edu
- Dr. Joslyn Ahlgren, APK Undergraduate Coordinator, jahlgren@ufl.edu

Grading

Evaluation Components (number of each)	Points Per Component	Approximate % of Total Grade
Discussion Posts (2)	25 pts each = 50 pts	50/400 (12.5%)
Perusall Assignments (2)	75 pts each = 150pts	150/400 (37.5%)
Midterm Exam (1)	100 pts each = 100 pts	100/400 (25%)
Final Exam (1)	100 pts each = 100 pts	100/400 (25%)



Exams

There will be two exams, one in the middle of the term and the other at the end. The format of the exams will be essays in which students react to fact patterns. The exam at the end of the term will not be cumulative; it will cover the information taught since the midterm exam. Each exam's content will be based on material from lectures, PowerPoint slides, and other assigned readings (case law and assignments) from the weeks prior to that exam. The grading rubric for the exams will be provided in Canvas.

Discussion Questions and Discussion Boards

Students will take part in five (5) discussions during the semester. See list of deadlines below. Students will be required to post an Initial Post based on the instructions/subject matter but must also post subsequent posts/responses to their group member's posts at least once. Points will be given for your initial post AND your responses to group members. Posts should be well reasoned, articulate, on time, and supported by examples

and concepts learned each week. You can respond to your group members with ideas, questions, or your view on their posts. All students are expected to follow rules of common courtesy in email messages, discussions, chats etc.

Perusall Assignments

Perusall is a social learning platform that promotes student learning and engagement by facilitating interactions between students as they respond to annotated content contained within journal articles, videos, podcasts, etc. Students will participate in two (2) Perusall assignments this semester. Students should ask substantive questions, make comments and meaningful respond to the comments of others. Posts should be well reasoned, articulate and on time. All students are expected to follow rules of common courtesy in email messages, discussions, chats etc.

GRADING SCALE

More detailed information regarding current policies can be found in [UF Grading Policies](#).

Letter Grade	Grade Percentage	GPA Impact of Each Letter Grade
A	93-100%	4.0
A-	90-92.9%	3.67
B+	87-89.9%	3.33
B	83-86.9%	3.0
B-	80-82.9%	2.67
C+	77-79.9%	2.33
C	73-76.9%	2.0
C-	70-72.9%	1.67
D+	67-69.9%	1.33
D	60-66.9%	1.0
E	Below 60%	0

STUDENT PRIVACY

There are federal laws protecting your privacy with regard to grades earned in courses and on individual assignments. For more information, please see the [Notification to Students of FERPA Rights](#).

Weekly Course Schedule

Disclaimer: This syllabus represents the tentative plans and objectives for the course. As we go through the semester, those plans may need to change to enhance the class learning opportunity. Such changes, communicated clearly, are not unusual and should be expected. **Accordingly, students should monitor Canvas and rely on it for any updates/changes made to the syllabus.**

MODULE 1:

Week 1: The Basics of American Antitrust Law

Reading: https://www.law.ox.ac.uk/sites/default/files/migrated/cclp_l_01-05_1.pdf

Assignment: Discussion #1-See Canvas (Due 1/15/23)

Week 2: The Basics of American Labor Law

Reading: <https://www.bls.gov/opub/mlr/2015/article/pdf/labor-law-highlights-1915-2015.pdf>

<https://andrew-ernatinger.medium.com/understanding-unions-in-the-united-states-a-primer-on-labor-law-and-history-64f0b9821b79>

MODULE 2: LABOR LAW AND SPORTS

Week 3: Commissioner-Led Professional Sports Leagues in North American

Reading: Weiler, et al., Chapter 1

Week 4: Labor Law and Collective Bargaining in Professional Sports

Reading: Weiler et al., Chapter 2, pp.71-120; Articles: Differences in NHL & MLB CBAs; The Contemporary Role of Antitrust Law in the Collective Bargaining Process

Assignment: Perusall #1 (See Canvas) (Due 2/5/23)

Week 5: Labor Arbitration in Professional Sports

Reading: Weiler, et al., Chapter 3, pp.121-147

Assignment: Discussion #2 (Due 1/30/22)

Week 6: Labor Arbitration in Professional Sports (Pt 2)

Reading: Articles: Tom Brady, Roger Goodell, and Your Next Arbitration; NFL challenges to Arbitration

Week 7: Contractual Restraints on Labor Mobility in Professional Sports

Reading: Weiler et al., Chapter 4, pp.185-227; Articles: Player Mobility in Professional Sports from Free Agency to Irreparable Harm; Player Mobility and Competitive Balance Regulation in Professional Sports Leagues

Assignment: Discussion #2-See Canvas (Due 2/26/23)

Week 8: Contractual Restraints on Labor Mobility

Reading: Weiler et al., Chapter 4, pp. 228-248

MODULE 3: THE BASICS OF ANTITRUST AND THE SPORTS INDUSTRY

Week 9: **MIDTERM (Available 3/3/23-3/10/23; Due 3/10/23)**

Week 10: SPRING BREAK

Week 11: Antitrust Law and Sports

Reading: Weiler et al., Chapter 5, pp. 249-273

Week 12: Antitrust and Player Restraints

Reading: Weiler et al., Chapter 5, pp. 274-330

Assignment: Perusall #2 (See Canvas) (Due 4/2/23)

Week 13: Antitrust and Franchise Movements

Reading: <https://www.gibsondunn.com/wp-content/uploads/2021/12/Brass-Kleinbrodt-National-Football-League-tackles-antitrust-claims-Daily-Journal-12-13-2021>

Lazaroff, D. E. (1984). The antitrust implications of franchise relocation restrictions in professional sports. *Fordham Law Review*, 53(2), 157-220.

MODULE 4: EMERGING ISSUES IN FAIR COMPETITION IN COLLEGIATE SPORTS

Week 14: Collegiate Athletes and Amateurism

Reading: Reimagining the Governance of College Sports after Alston; The NCAA's Perpetual Fumble

Week 15: Conference Realignment

Reading: Thornley, D. (2022). College football: proposals for structural reform and antitrust implications. *Marquette Sports Law Review*, 32(2), 471-528.

Week 16: **FINAL EXAM (AVAILABLE 4/29/23-5/2/23; due 5/2/23)**