



# Teaching Fitness Law

**With lawsuits on the rise, it is time to prepare your students to meet the many legal duties and risk management responsibilities they will have as exercise and fitness/wellness professionals.**

## Summer 2023 Faculty Training Course Begins May 23rd

This legal and risk management faculty training course, offered by the **Fitness Law Academy, LLC**, was taught in the summer of 2021 and 2022. Faculty members who have completed this course are now including legal/risk management content in existing courses or have developed entire legal/risk management courses for their students. The feedback from professors who participated in these two courses has been very positive. A summary of the course evaluations is available at: [Educational Courses \(fitnesslawacademy.com\)](https://www.fitnesslawacademy.com/Educational-Courses).

## Free Webinar: Thursday, May 4th, 2:00 pm (Eastern)

Learn more about this course by attending this free webinar, presented by Dr. JoAnn Eickhoff Shemek who teaches the faculty training course. To register, send your name and email address to JoAnn at: [drjes2014@gmail.com](mailto:drjes2014@gmail.com). Type "free webinar" in the subject line. Your name and email will only be used to send you the link to the webinar. It will not be shared with anyone. If unable to attend, a recording of the webinar will be sent to all registrants.

## Course Materials Include:

\***Comprehensive Textbook/Resource:** *Law for Fitness Managers and Exercise Professionals*

Authors: JoAnn M. Eickhoff-Shemek, PhD, Barbara J. Zabawa, JD, and Paul R. Fenaroli, JD.

\***Ancillaries** to make teaching legal/risk management topics convenient and time-efficient:

- 1) Study questions covering each chapter in the textbook
- 2) Answers to study questions for each chapter
- 3) PowerPoint slides for each chapter
- 4) Ideas for class assignments/activities for each chapter
- 5) List of CAAHEP legal/risk management competencies covered in the textbook
- 6) Guidelines for a community fitness center risk management audit
- 7) Basic legal research/databases
- 8) Teaching legal issues as a non-lawyer educator

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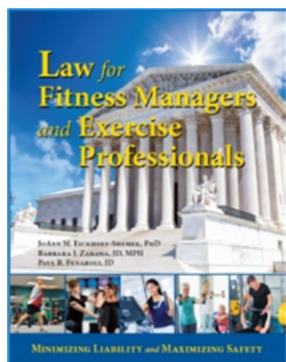
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## Description of Textbook

This groundbreaking, comprehensive, 538-page textbook is the exercise professional's "go to" resource. Specifically written for a "lay" audience, this textbook describes:



## Textbook Contents

A brief description of each chapter is available at: [Textbook Description \(fitnesslawacademy.com\)](http://fitnesslawacademy.com)

### PREFACE

**Part I** The Need for Legal and Risk Management Education

**Part II** Textbook Organization, Special Features, Definitions, and Website

### PART I OVERVIEW OF THE LAW, LEGAL LIABILITY, AND RISK MANAGEMENT

**CHAPTER 1** U.S. Law and Legal System

**CHAPTER 2** Creating a Safety Culture: Building a Comprehensive Risk Management Plan

**CHAPTER 3** Complying with Federal Laws: Honoring Legal Rights

**CHAPTER 4** Negligence and Common Defenses to Negligence

### PART II LEGAL LIABILITY EXPOSURES AND RISK MANAGEMENT STRATEGIES

**CHAPTER 5** Hiring Credentialed and Competent Personnel

**CHAPTER 6** Pre-Activity Health Screening and Fitness Testing

**CHAPTER 7** Exercise Prescription and Scope of Practice

**CHAPTER 8** Instruction and Supervision

**CHAPTER 9** Exercise Equipment Safety

**CHAPTER 10** Managing Facility Risks

**CHAPTER 11** Emergency Planning and Response

### LIST OF ABBREVIATIONS

### GLOSSARY

### CASE INDEX

### INDEX

### Special Features:

- \*Descriptions of over 110 lawsuits that occurred in fitness facilities/programs including 30 "spotlight" cases.
- \*Descriptions of effective risk management strategies to help protect professionals and their employers from legal liability.
- \*Key Points in every chapter that highlight and emphasize important legal and risk management principles and concepts.
- \*Over 100 tables, figures, exhibits, and photos to provide additional, relevant information, and illustrate textual content.
- \*Numerous sample forms, documents, and resources.

## Description of Ancillaries

Faculty members teaching in exercise science academic programs likely received little or no legal/risk management education in their graduate coursework. This textbook and the following ancillaries provide this education as well as a plethora of resources to help make teaching these “must know” legal and risk management topics convenient and time-efficient.



**Study questions for each chapter:** This document includes between 20-25 questions per chapter -- short answer, true/false, fill-in-the-blank, matching, and case studies. Note: Professors can use/adapt these questions for quizzes and/or examinations (i.e. a test bank of sorts).

**Answers to study questions for each chapter:** This document includes prepared answers for each question as well as various additional resources (e.g., websites) to provide supplemental information to support (or add to) the answers to some of the questions.

**PowerPoint slides for each chapter:** Each chapter contains an average of 50-55 slides. The slides are comprehensive describing the major topics covered in each chapter including many of the tables, figures, exhibits, key points, etc. with the idea that it is easier and more time efficient for professors to delete slides for a class presentation than to add slides. Professors also receive shorter versions of PowerPoint slides that highlight each chapter’s key concepts.

**Ideas for class assignments/activities for each chapter:** Along with general ideas (e.g., having students give oral presentations describing the spotlight cases, how to utilize the study questions/answers within an LMS), these documents describe several ideas/suggestions related to each chapter’s content with the goal to actively engage students in their learning. Many resources/websites are also included to expand on the content presented in the textbook.

**CAAHEP legal/risk management competencies covered in the textbook:** This document provides a list of the legal/risk management CAAHEP competencies at both the undergraduate and graduate levels. Below each competency, the location of where that competency is covered in the textbook is provided along with a brief description. Academic programs must be CAAHEP accredited by August 2027 in order for their students to be eligible for ACSM professional certifications that require a degree (EP-C and CEP).

**Guidelines for a community fitness center risk management audit:** Having students conduct a risk management audit of a community fitness center as a class “service-learning project” can be a valuable learning experience. This document describes important factors that professors need to consider to help ensure the audit is carried out in a professional manner. Three published articles are also included that describe actual audits conducted by graduate students including evaluations (perspectives from students and community fitness center managers).

**Basic legal research/databases:** This document is primarily helpful/useful for those professors who have access to legal databases (e.g., Westlaw, Nexis). Using specific “search” examples with both Westlaw and Nexis, this document provides step-by step instructions on how to conduct basic legal research (e.g., locating primary sources of law such as case law and statutory law). How to properly cite legal resources is also provided along with a description of the various sections included in a published case.

**Teaching legal issues as a non-lawyer educator:** This document provides recommendations for professors to help ensure they are not practicing law while teaching legal/risk management content, e.g., a statement to include in the course syllabus, how to properly address student inquiries (in class and outside of class), placing disclaimers on class handouts, PowerPoint slides, etc., and informing students that they must seek legal counsel on a variety of legal issues as recommended throughout the textbook.

## Description of the Faculty Training Course

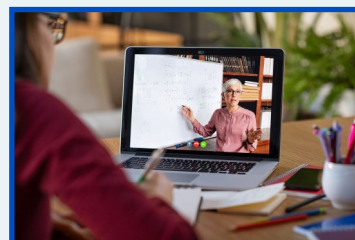
This course will be taught like a graduate level course. Weekly Zoom classes will provide live, synchronous interactions among the participants and the course professor, Dr. JoAnn Eickhoff-Shemek. **The weekly, non-graded assignments include reading the chapter assigned and completing that chapter's study questions.** Professors should plan on around on 2-3 hours/week to complete the assignments. **Recordings of the Zoom classes will be available for professors unable to attend the scheduled classes.**

### Weekly Zoom Classes

The following 11 Zoom classes will be held weekly on Tuesdays beginning May 23rd. The time for the Tuesday Zoom classes will be set to accommodate preferences of those enrolled in the course. Each class will be about 60-75 minutes. Course ancillaries will also be discussed throughout the 11-week course.

**Assignments include reading the chapters listed below from the course textbook and completion of that chapter's study questions:**

- Class #1: May 23rd — Preface and Chapter 1
- Class #2: May 30th — Chapter 2
- Class #3: June 6th — Chapter 3
- Class #4: June 13th — Chapter 4
- Class #5: June 20th — Chapter 5
- Class #6: June 27th— Chapter 6
- Class #7: July 5th (Wed. due to July 4th holiday on Tuesday) — Chapter 7
- Class #8 July 11th — Chapter 8
- Class #9: July 18th — Chapter 9
- Class #10: July 25th — Chapter 10
- Class #11: August 1st — Chapter 11



### Examples of Comments from Professors who Completed the Summer 2021 and 2022 Courses

“This was an excellent course (and textbook) for raising awareness in an area that has been all but overlooked by my program in the past.”

As someone who didn't have a course in their undergraduate/graduate experience, this course was extremely helpful. The importance of risk management and understanding legal aspects of Exercise Science is often overlooked in the field.”

“The book is great and all the faculty training materials were on-point. Cases covered in the book are absolutely top-of-the-line.”

“I truly enjoyed this course!! First of all, the textbook is an amazing compilation of fitness-related legal information. This information should be REQUIRED content in any collegiate kinesiology department...I like the way content was shared by Dr. JES, in a casual, relaxed atmosphere and friendly delivery style.”

## FAQs

- 1. Do I have to be a lawyer to teach a Legal/Risk Management course?** It is ideal, but not necessary. There are many professors who teach Sport Law courses who are not lawyers. However, a basic knowledge of the law is needed, which this textbook and training course cover. The legal content presented in this textbook is very basic – no complex legal theories. The focus of the textbook (written for a “lay” audience”) and faculty training course is on “risk management” strategies that help minimize legal liability. Throughout the text, it is emphasized that fitness managers and exercise professionals must consult with competent legal counsel regarding many “daily operational” issues.
- 2. What are the eligibility requirements to take this training course?** Individuals need to be full-time or part-time faculty members who teach in an exercise science (or related) academic program.
- 3. Have professors used this new textbook for a course?** Dr. Suzanne Wambold was the first professor to adopt this new text for a required course she taught in the fall of 2020 for exercise science majors at the University of Toledo. She stated:  
*The text is an outstanding compilation of legal cases to discuss with students as well as facts and risk management strategies to discuss and use as a basis for creating risk management plans. The legal cases presented have opened the eyes of many of my students. I encourage others to review this text and implement it in their programs. The knowledge the students obtain from this text will help them become responsible health/fitness professionals. It is my hope that they will keep this text and refer to it often as a helpful resource.*
- 4. What is the feedback from students after they complete a Legal/Risk Management course?** Dr. Eickhoff-Shemek taught a graduate level Legal/Risk Management course for 20 years. The following is an example of a typical student comment provided on the anonymous course evaluations in her last class at the University of South Florida prior to retirement in 2017:  
*I am very glad I took this class as it has taught me a lot of legal situations that can arise within the Exercise Science field. I believe this class is really important and should be a requirement for all students...It is important that as professionals entering the field we are aware of different legal scenarios that can occur, how to avoid them and handle them if they arise.*
- 5. Who do I contact if I have questions about the Faculty Training courses?** Dr. JoAnn Eickhoff-Shemek at: [drjes2014@gmail.com](mailto:drjes2014@gmail.com).

## 2023 Registration Fees

### The registration fee includes:

- 1) Textbook, described on page 2 (sells for \$89 on Amazon)
- 2) Ancillaries, described on page 3
- 3) 11-week course via live Zoom classes, described on page 4



**Early bird fee: \$215 (Register and pay by May 8, 2023)**

**Fee after May 8, 2023: \$239 (There is no registration deadline but it is recommended to register prior to the first class on May 23rd.)**

**Register at:** [Educational Courses \(fitnesslawacademy.com\)](https://fitnesslawacademy.com/Educational-Courses)



### Bio of Course Professor: JoAnn M. Eickhoff-Shemek, PhD, FACSM

- \*20 years experience teaching graduate legal/risk management courses and a unit on legal/risk management in undergraduate management courses in the Exercise Science programs at the University of South Florida & University of Nebraska at Omaha.
- \* Lead author or co-author of four legal/risk management textbooks, several book chapters, and over 95 journal articles.
- \* Former “legal columnist” (10 years from 2000-2010) and current “fitness safety columnist” for *ACSM’s Health & Fitness Journal*.
- \* Expert witness experience involving negligence cases. More information at: [About Dr. JES \(fitnesslawacademy.com\)](https://fitnesslawacademy.com/About-Dr.-JES).