

BIOETHICS & THE LAW
Law 598 §001, Fall Semester 2021
Southern Illinois University School of Law
Mondays and Wednesdays from 11:00 am to 12:15 pm, Lesar Law Building Rm. 206

Thomas C. Britton, M.S., J.D.
Marsha G. Ryan, M.D., J.D.

Course Materials:

➤ ***Casebook & Additional Reading***

Bioethics: Healthcare Law and Ethics, 8th Edition, Furrow, et al. (2018).
Health Law & Bioethics, Johnson, et al (2009).

➤ ***Other Required Materials***

Additional materials that students are responsible for will be posted on the course TWEN page from time to time. All students are expected to regularly check the TWEN page for additional assignments, additional reading material, and announcements.

Course Description and Objectives:

Students who successfully complete this course will:

- Understand the fundamental ethical/legal considerations in the health care environment, including those related to reproduction and birth, organ transplantation, the determination of death, life and death decisions, medically assisted dying, regulation of research, and population and public health law.
- Appreciate the policy issues underlying basic ethical questions that arise in the health care environment.
- Be able to identify and analyze ethical/legal problems arising in the health care environment using the IRAC methodology.

Course Outline:

An outline of dates and assignments for the course can be found beginning on page 3 of this Syllabus. This outline, while generally accurate, is subject to change as circumstances may require. The official outline of dates and assignments will be found on the TWEN Page for the course.

Also, early in the semester, we plan to meet with each student individually for a few minutes and have a brief conversation about course expectations, both yours and ours.

Grading

➤ ***Midterm Examination – 20% – Due October 4, 2021***

The midterm exam is a three (3) page, take-home written analysis of a hypothetical ethical problem / issue relevant to class assignments and discussions to date of the student's choice, ***subject to the advance approval of the instructors***. Eighty percent (80%) of the mid-term grade will be based on subject-matter knowledge, the ability to analyze the problem, and apply the law to the problem presented. The remaining twenty percent (20%) will be based on grammar, punctuation, and other style elements. The mid-term assignment will constitute

20% of the final grade. The mid-term exam must be turned in electronically to Professors Britton and Ryan not later than 4:00 p.m. on October 4, 2021.

- **Final Examination – 80% – Due by the regularly scheduled final exam period for this class, established by the Associate Dean and the Registrar.**
The final exam will be a 12-page scholarly paper which is an original work on a preapproved topic, carefully edited and properly referenced. The exam will be graded solely on demonstrated knowledge, analysis, and application of the relevant legal principles and public policies underpinning ethical issues in health care. It will account for 80% of the class grade.
- **Class Participation** – An additional .1 or .2 may be added to the student's final grade based on the quality and regularity of class participation. Class participation presumes attendance, responses to direct questions from faculty and overall engagement in class discussion.

Attendance

This course meets on Mondays and Wednesdays from 11:00 a.m. to 12:15 p.m. Class starts *promptly* at 11:00 a.m., so please be on time and ready to go. As specified in the *Rules of the Southern Illinois University School of Law*, "[r]egular attendance to class meetings in all courses is expected and required of all students.... Attendance will be taken in class and attendance records will be kept. Violation of this rule shall subject the student to penalties...." Since ours is a small class, roll will be taken at the beginning of each class.

- Students may have no more than a maximum of six (6) unexcused absences. Students with more than six (6) absences will be referred to the Associate Dean and will be given the lowest possible grade – a failing grade – for the course.
- In addition, students will be called on in class and are expected to be prepared. Being "prepared" means being ready and able to intelligently discuss all facets of the assigned materials. Students found to be unprepared by the Professors will be marked absent for the day. If for some good, verifiable reason (in the view of the instructors) you are unprepared for class, please let both of us know by 9:00 a.m. the day of class. You may still be counted as absent, depending on your excuse, but you will not be called on and humiliated. Do not abuse this privilege. The penalty for abuse is to take required, public dance lessons from Professor Brittingham.
- Students may **NOT** "Note Out" of this class.

Faculty Availability Outside of Class

- **Professors Ryan and Britton:** Professors Britton and Ryan are available by email and telephone for brief questions or to make in-person appointments to discuss matters related to the class. You can email Dr. Ryan at marshagryan@siu.edu, or you may call her at 618.528.4897. Professor Britton can be reached by email at tbritton@siu.edu or by telephone at (618) 521-5853.

Class Assignments& Schedule

General Comments:

- The readings are assigned by week with each week typically having two sessions. Please refresh/re-read the week's assignment before the second class period of the week.
- News of the Day (NOTD) will be a requirement of each student at some point in the semester.
- Basically, NOTD is a brief oral presentation made by an individual student on an ethical issue relevant to the course. The presentation should summarize and analyze a current article, podcast or other presentation/publication from the news which touches on a topic relevant to class content.
- State and Federal surveys will be required for each topic. These surveys summarize activities taken by state or federal actors on a topic relevant to the class. For example, Oregon legislators have introduced bills which would substantially modify the states 'right to die' statute. Or, the United States Supreme Court has agreed to hear a case from Texas dealing with the death penalty... Each student will be assigned specific states and a federal court to follow.
- Again, the basic texts are: Furrow, et al., *Bioethics: Health Law and Ethics* (8th ed, 2018), and Johnson, et al., *Health Law and Bioethics* (2009). Additional materials will be posted on TWEN.
- In addition students can expect three evening sessions to hear a guest speaker, to watch a film relevant to the course, and to engage in an evening exercise on death and dying.

Week 1 (Aug 16 and 18)

Intro to the course
Review of Syllabus
Intro of faculty and students
Expectations
Assignment of States/Federal Courts for topic surveys
Lecture re: Ethics/Bioethics (Professor Britton)
NOTD: Britton/Ryan

Week 2 (Aug 23 and 25): Furrow 105-178

Abortion
Always Sometimes Rarely Never (watch before Aug 25)
NOTD: Britton/Ryan

Week 3 (Aug 30/Sept 1): Furrow 178-267 (skim UPA)/Johnson 79-123

Contraception
Sterilization
Maternal-Fetal Conflict
Assisted Reproduction
NOTDx2

Week 4 (Sept 8. NO Class on Sept 6): Furrow 267-275

Cloning
Genetics/Genetic information
NOTDx2

Week 5 (Sept 13 and 15): Furrow 275-338/Johnson 143-163 and 53-79

Transplantation
Definition of Death
Life and Death Decisions
NOTDx2

Week 6 (Sept 20 and 22): Furrow 338-419/Johnson 123-143

Healthcare Decision Making for Those With and Without Capacity
NOTDx2

Week 7 (Sept 27 and 29): Furrow 419-433

Futility
Death Over Dinner (evening)
NOTDx2

Week 8 (Oct 4 and 6): Posted Materials on TWEN (Furrow full text 132-161)/Johnson 9-25

Mid-Terms Due (Oct 4)
Informed Consent
NOTDx2

Week 9 (Oct 11 and 13)

Midterm Topic Oral Presentations

Week 10 (Oct 18 and 20): Furrow 433-483

Death With Assistance
NOTDx2

Week 11 (Oct 25 and 27):

Human Subjects Research Lecture (Professor Britton)
3 Identical Strangers Movie Screening Oct.25 in the evening.
HSR Guest Lecture (Judith Newman) Oct 27 in the evening.
NOTDx2

Week 12 (Nov 1 and 3): Furrow 537-567/Johnson 163-187

Public Health/Pandemic
NOTDx2

Week 13 (Nov 5, 8 and 10):

FINAL EXAMS DUE Nov. 5
Final Exam Oral Presentations (Nov 8 & 10)

Week 14 (Nov 15 and 17):

Final Exam Oral Presentations

Week 15 (Nov 22 and 24): Thanksgiving Break

Week 16 (Nov 29): Reading Day

Date TBA: Final Exams Due by the beginning of the regularly scheduled final exam time and date published by the Registrar.

Notice of Recording Policy

Classes and lectures may not be recorded. Given this prohibition on recording, any student who “accesses, creates or disseminates audio or visual recording of a class session or assigned course-related activity[,] ... when the instructor has prohibited such recording[,]” “shall be guilty of an Honor Code violation.”

The remaining statements are required by university policy to be included in each syllabus:

Emergency Procedures

We ask that you become familiar with Emergency Preparedness @ SIU. Emergency response information is available on posters in buildings on campus, on the Emergency Preparedness @ SIU website, and through text and email alerts. To register for alerts, visit: <http://emergency.siu.edu/>.

Disability Policy

SIU Carbondale is committed to providing an inclusive and accessible experience for all students with disabilities. Disability Support Services coordinates the implementation of accommodations. If you think you may be eligible for accommodations but have not yet obtained approval please contact DSS immediately at 618-453-5738 or disabilityservices.siu.edu. You may request accommodations at any time, but timely requests help to insure accommodations are in place when needed. Accommodations and services are determined through an interactive process with students and may involve consideration of specific course design and learning objectives in consultation with faculty. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreements for each course to the School of Law Registrar’s Office to ensure the School of Law provides the proper classroom and examination accommodations. Accommodation request and renewal forms can be found here: <https://law.siu.edu/academics/>.

Saluki Cares

The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-2461, or siucares@siu.edu, <http://salukicare.siu.edu/index.html>. At the School of Law, Assistant Dean Judi Ray is also available to

help students access university resources. Her email is judiray@siu.edu, and her phone number is 618-453-3135.

COVID-19 Policies and Procedures

The School of Law will follow the then current policies and procedures of the University aimed at mitigating the effects of the covid virus and its variants.

Syllabus Attachment

Fall 2021

MISSION STATEMENT FOR SOUTHERN ILLINOIS UNIVERSITY CARBONDALE

SIUC embraces a unique tradition of access and opportunity, inclusive excellence, innovation in research and creativity, and outstanding teaching focused on nurturing student success. As a nationally ranked public research university and regional economic catalyst, we create and exchange knowledge to shape future leaders, improve our communities, and transform lives.

IMPORTANT DATES

Semester Classes Begin:	08/16/2021
Last day to add full-term course (without Dean's signature):	08/22/2021
Last day to withdraw from the University with a full refund:	08/27/2021
Last day to drop a full-term course for a credit/refund:	08/29/2021
Last day to drop a full-term course (W grade, no refund):	10/24/2021
Final examinations:	12/06–12/10/2021

Note: Please verify the above dates with the Registrar calendar and find more detailed information on deadlines at <http://registrar.siu.edu/calendars>. For add/drop dates that apply to shorter-than-full-term courses, please look at the Schedule of Classes search results at <http://registrar.siu.edu/schedclass/index.php>

FALL SEMESTER HOLIDAYS

Labor Day 09/06/2021
Veterans Day 11/11/2021
Thanksgiving Break 11/20–11/28/2021

DIVERSITY

Southern Illinois University Carbondale's goal is to provide a welcoming campus where all of our students, faculty and staff can study and work in a respectful, positive environment free from racism and intimidation. For more information visit: <https://diversity.siu.edu>. Additional informational flyer: https://diversity.siu.edu/common/documents/help_contacts.pdf.

DISABILITY SUPPORT SERVICES

SIUC Carbondale is committed to providing an inclusive and accessible experience for all students with disabilities. Disability Support Services coordinates the implementation of accommodations. If you think you may be eligible for accommodations but have not yet obtained approval please contact DSS immediately at (618) 453-5738 or <https://disabilityservices.siu.edu>. You may request accommodations at any time, but timely requests help to insure accommodations are in place when needed. Accommodations and services are determined through an interactive process with students and may involve consideration of specific course design and learning objectives in consultation with faculty.

MILITARY COMMUNITY

There are complexities of being a member of the military community and also a student, and military and veteran related developments can complicate academic life. If you are a member of the military community and in need of accommodations please visit Veterans Services at <http://veterans.siu.edu/>.

STUDENT MULTICULTURAL RESOURCE CENTER

The Student Multicultural Resource Center serves as a catalyst for inclusion, diversity and innovation. As the Center continues its work, we are here to ensure that you think, grow and succeed. We encourage you to stop by the Center, located in the Student Services Building Room 140, to see the resources available and discover ways you can get involved on the campus. Visit us at <https://smrc.siu.edu/>.

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SAFETY AWARENESS FACTS AND EDUCATION

Title IX makes it clear that violence and harassment based on sex and gender is a Civil Rights offense subject to the same kinds of accountability and the same kinds of support applied to offenses against other protected categories such as race, national origin, etc. If you or someone you know has been harassed or assaulted, you can find the appropriate resources here: <http://safe.siu.edu>

COVID-19

SIUC's policy on face masks and social distancing is consistent with the guidance from the Centers for Disease Control and Prevention and the Illinois Department of Public Health. For up-to-date information, students, faculty, and staff should visit SIUC's COVID website (<https://siu.edu/coronavirus>), which includes the Saluki Safety Plan. People can also send email to pandemicinfo@siu.edu.

WITHDRAWAL POLICY ~ Undergraduate only

Students who officially register for a session must officially withdraw from that registration in a timely manner to avoid being charged as well as receiving a failing grade for those classes. An official withdrawal must be initiated by the student, or on behalf of the student through the academic unit, and be processed by the Registrar's office. For the proper procedures to follow when dropping courses and when withdrawing from SIUC visit: <http://registrar.siu.edu/students/withdrawal.php>

SIUC's EARLY WARNING INTERVENTION PROGRAM (EWIP)

Students enrolled in courses participating in SIUC's Early Warning Intervention Program might be contacted by University staff during a semester. More information can be found at the University Core Curriculum's Overview webpage: <http://corecurriculum.siu.edu/program-overview/>.

EMERGENCY PROCEDURES

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CATALOGS

catalog.siu.edu
gradcatalog.siu.edu

Graduate policies often vary from Undergraduate policies. To view the applicable policies for graduate students, please refer to the graduate catalog.

CENTER FOR LEARNING AND SUPPORT SERVICES

Tutoring: <http://tutoring.siu.edu/>
Math Labs: <http://math.siu.edu/courses/course-help.php>

WRITING CENTER: <http://write.siu.edu/>

PLAGIARISM

See the Student Conduct Code: <http://srr.siu.edu/student-conduct-code/>

INCOMPLETE POLICY~ Undergraduate only

<http://registrar.siu.edu/grades/incomplete.php>

REPEAT POLICY: <http://registrar.siu.edu/students/repeatclasses.php>

MORRIS LIBRARY HOURS: <http://libguides.lib.siu.edu/hours>

ADVISEMENT: <http://advisement.siu.edu/>

SIUC ONLINE: <https://online.siu.edu/>

Need additional help with an issue? Visit SALUKI SOLUTION FINDER at <http://solutionfinder.siu.edu/>

SYLLABUS ATTACHMENT
SIU SCHOOL OF LAW – FALL 2021

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