Southern Illinois University Fire Service Management
Course Number and Title: PSM 388 Political and Legal foundation of Public Safety Management
Credit Hours: 3 Hours  Lecture: 3 Hours Lab: 0

Course Syllabus

I. Faculty

II. SIU PSM Mission Statement

Public Safety Management is a broad-based management educational program designed to augment and develop managerial skills necessary for a career in public safety or continued advancement within the field.

Course Description

This course examines the legal, political, and social aspects of government's role in public safety, including the American legal system, fire department operations, employment and personnel issues, fire officials' roles and legislative and political influence.

III. Prerequisite(s)

Public Safety major or the consent of the Department.
IV. **Required Textbook:**


V. **Course Outcomes**

a. Define the different types of laws, explain their basic differences and how the law functions in society.
b. Become familiar with Federal, state and local laws that regulate or influence emergency services.
c. Explain the role and purpose of national fire codes and standards concerning their legal influence.
d. Become familiar with legal decisions that have or will affect the fire service.
e. Discuss the organizations and legal structures of fire departments.
f. Define the liabilities of firefighters.
g. Recognize legal duties of emergency service members.
h. Discuss negligence in an emergency setting.
i. Define discrimination and identify areas of potential discrimination in emergency services.
j. Identify, explain and discuss the legalities of entrance requirements, residency, grooming and drug testing as they apply to fire and emergency services.
k. Discuss the scope of the civil rights act.
l. Discuss the parameters and explain the basic intent of the American Disabilities Act, Fair Labor Standards Act and Family Medical Leave Act and it applies to fire and emergency services.
m. Explain the at-will doctrine.
n. Explain the purpose of labor and employment laws.
o. Identify and analyze the major causes involved in the line of duty firefighter deaths related to health, wellness, fitness and vehicle operations.
VI. Course Topics and Goals

a. Introduction
   i. Chapter 1 – Types and Sources of Laws
      1. Identify the primary sources of law in the United States.
      2. Identify the three levels of government in the United States.
      3. Identify the three branches of government in the United States.
      4. Identify the difference between civil and criminal laws.
      5. Distinguish between standards and codes.
      6. Identify the differences in jurisdiction between Federal, state and local government.
   ii. Chapter 2 – Courts and Court Systems
      1. Describe courts in general.
      2. Explain why the jurisdiction of Federal courts is limited, but the jurisdiction of state courts is general.
      3. Explain the difference between trial courts and appellate courts.
      4. Explain the three types of evidence.
      5. Identify the four phases of a civil lawsuit.
      6. Describe the Federal and state court systems.
      7. Explain stare decisis and precedence.
      8. Explain how stare decisis does not bind one trial court to follow the precedent set by another.
      9. Explain the difference between questions of law and questions of fact.
     10. Explain the difference between the role of a judge and jury at a trial.
     11. Explain how our knowledge of lawsuits can be distorted by the media.
     12. Describe the sources available for conducting legal research.
   iii. Chapter 3 – Types of Fire Departments
      1. Distinguish between fire departments based upon the type of entity, type of fire department organization, the funding source and the employment status of its firefighters.
      2. Distinguish between public sector and private sector entities.
      3. Identify the four types of corporations, and how each is created.
      4. Identify the reason that the use of an association creates unnecessary risks for firefighters.
      5. Distinguish between municipal fire departments, county fire departments, regional fire departments, fire districts, volunteer fire companies, industrial fire departments, and fire brigades.
      6. Explain the importance of agreements between a volunteer fire company and the jurisdictions they protect.

b. Administrative Law
   i. Chapter 4 – Administrative Agencies
      1. Identify administrative agencies as part of the executive branch.
2. Explain that administrative agencies exist at the Federal, state and local levels.
3. Explain how agencies are created, and the purpose of enabling acts.
4. Describe the separation of powers concerns created by administrative agencies, and the methods used to address those concerns.
5. Explain the jurisdiction of OSHA and OSHA’s three primary activities.
6. Define approved-plan state and non-approved plan state.
7. Explain why the term “OSHA state” is ambiguous.
8. Explain the function of OSHRC.
9. Explain the application of OSHA to volunteer and part-time firefighters.

c. Criminal Law
i. Chapter 5 – Criminal Law
1. Distinguish between violations of civil and criminal law.
2. Distinguish between felonies and misdemeanors.
3. Identify the three types of elements that make up a crime.
4. Explain when an omission can give rise to criminal liability.
5. Identify the four criminal mental states.
6. Identify the elements for the following crimes:
   a. first-degree murder, second-degree murder, voluntary manslaughter, involuntary manslaughter, battery, assault, sexual assault, rape and child molestation
   b. larceny, robbery, obtaining money under false pretenses, extortion, embezzlement, burglary, false imprisonment, kidnapping and RICO
   c. arson
ii. Chapter 6 – Criminal Procedure
1. Define arrest, and explain the authority of a firefighter to make an arrest.
2. Explain the difference between criminal and administrative search warrants.
3. Identify at least six exceptions to the search warrant requirement.
4. Explain the constitutional limitations upon a firefighter conducting a cause and origin determination as part of an investigation after a fire.
5. Explain what is required to constitute and attempted crime.
6. Define accessory before the fact, accessory after the fact and an aider and abettor.
7. Define a criminal conspiracy and explain the liability of each co-conspirator.
d. Civil Law
   i. Chapter 7 – Civil Liability Issues
      1. Define the intentional torts of battery, assault, false imprisonment, intentional infliction of severe emotional distress, trespass, trespass to chattels, conversion, misrepresentation and bad faith.
      2. Explain how consent is a defense to battery, assault and false imprisonment.
      3. Define implied consent and informed consent.
      4. Explain that a competent adult has an absolute right to decline medical care.
      5. Identify the factors that are involved in determining if a person lacks capacity to consent to, or decline medical care.
      6. Explain what should be done to document refusals of care against medical advice.
      7. Explain the difference between slander, slander per se and libel.
      8. Identify the four invasion of privacy torts.
   ii. Chapter 8 – Negligence
      1. Define negligence and identify the elements of negligence.
      2. Explain the concepts of duty, standard of care, breach, damages and proximate cause as these terms relate to negligence.
      3. Explain what the standard of care is for professionals and those with specialized training.
      4. Identify the types of evidence that can be used to establish the standard of care of a professional.
      5. Explain the defenses to negligence, including assumption of risk, contributory negligence, comparative negligence, last clear chance doctrine and the rescue doctrine.
      6. Explain the Fireman’s Rule.
      7. Define gross negligence and recklessness.
      8. Explain joint and several liability.
      9. Identify the most common types of activities for which strict liability is imposed.
   iii. Chapter 9 – Immunity from Liability
      1. Describe the history and current status of sovereign immunity as it applies to the American fire service.
      2. Explain the purpose and role of tort claims acts.
      3. Explain statutory immunity and how it differs from sovereign immunity.
      4. Explain the difference between discretionary acts and functionary acts, and governmental function and proprietary function, and how the difference impacts immunity protection.
      5. Describe to whom the Volunteer Protection Act of 1997 applies and the immunity protection afforded.
      6. Explain the public duty doctrine, the special duty exception and the insurance waiver doctrine.
7. Explain the limitation on immunity protection for acts that constitute gross negligence, recklessness or intentional acts.

e. Labor and Employment Law
   i. Chapter 10 – Contract Law and Employment Issues
      1. Define the terms contract, offer, acceptance, consideration and promissory estoppel.
      2. Explain the difference between actual and apparent authority, and void and voidable contracts.
      3. Identify the types of contracts commonly associated with the fire service.
      4. Explain why insurance companies are so highly regulated.
      5. Identify the important issues associated with mutual aid agreements.
      6. Define employee at will and explain the requirements of due process as it relates to the discipline of a firefighter.
      7. Explain how workers’ compensation systems operate in general and the variations commonly associated with firefighters.
      8. Explain how the principle of exclusivity functions to provide immunity protection to employers.

   ii. Chapter 11 – Labor Law and Collective Bargaining
      1. Define collective bargaining, bargaining in good faith, past practice, strike, union shop, closed shop, open shop, dues check-off, agency shop, fair-share agreement, maintenance of membership and right-to-work.
      2. Explain the primary differences between private sector labor relations and public sector labor relations.
      3. Identify the three categories of subjects for collective bargaining (mandatory, prohibited and permissive) and explain each.
      4. Explain the various dispute resolution mechanisms commonly used for the three types of impasse disputes: representational, interest and grievance disputes.
      5. Explain the duty of fair representation.
      6. Explain how Weingarten and Garrity Rights serve to protect employees.

   iii. Chapter 12 – Employee Rights and Discrimination
      1. Identify the major employment discrimination laws impacting the fire service.
      2. Explain the difference between disparate treatment and disparate impact.
      3. Explain equal opportunity employer and affirmative action.
      4. Identify the three standards of review that courts apply to governmental actions that are challenged as being discriminatory.

   iv. Chapter 13 – Sexual Harassment and Other Forms of Employment Discrimination
      1. Define sexual harassment and explain the two types of sexual harassment.
2. Identify factors that contribute to a sexually hostile work environment.
3. Identify the Federal laws that impact pregnancy discrimination.
4. Identify the need for reasonable accommodation of religion in the workplace and the impact of undue hardship of an employer.
5. Explain the constitutionality of grooming and uniform regulations.

v. Chapter 14 – Fair Labor, Family Medical Leave, Residency and Drug Testing
1. Identify the maximum hour limits of the Federal Fair Labor Standards Act (FLSA) and when overtime compensation is required.
2. Define compensatory time and explain the appropriate guidelines for comp time under the FLSA.
3. Explain the firefighter exemption, the emergency medical (ambulance) exception and the executive exemption, including the effect of recent changes in the laws.
4. Identify what hours are compensable under the FLSA.
5. Explain how volunteers are treated under the FLSA.
6. Explain what the Family and Medical Leave Act (FMLA) is and what benefits it provides.
7. Explain the constitutionality of residency requirements.
8. Explain when firefighters can be asked to submit to drug testing.

f. Public Accountability
i. Chapter 15 – Public Accountability Laws
1. Identify the most common types of public accountability laws.
2. Explain the difference between conflicts of interest laws and ethical codes.
3. Explain the purpose and functions of open meetings and open records laws, and the types of penalties for violations of each.
4. Identify the two common types of financial disclosure requirements.
5. Define whistleblower acts and whistleblower provisions.

VII. Online Access

Given the schedule of this course, substantial information, along with required assignments, are incorporated into Southern Illinois University’s D2L Online Learning System under this course (PSM 388). Students must access the course’s D2L site often to ensure graded assignment instructions are clear and that assignments are submitted electronically previous to their respective due dates. As the course site itself is managed by someone other than the course’s instructor, please be sure to utilize the contact information provided above under “Faculty” for contacting the lead classroom instructor with questions, comments or concerns.
VIII. **Important Course and Assignment Dates**

Please note that all assessment activities noted below are due at 4:30 p.m. (central time) on the dates noted. Assignments submitted past the submission due date will be given a score of 0 (zero). Further information and directions regarding the assignments denoted below are provided through Blackboard.

a. Week 1
   i. Read chapters 1 through 4 prior to attending class.
   ii. Begin participation in and response to four online discussion threads (25 / 700 each; 100 / 700 total).
      Take online quiz (100 / 700)
      Available on Blackboard: 10/5/08 (5 p.m.)

b. Week 2
   i. Read chapters 5 through 8 prior to attending class.
   ii. Take online quiz (100 / 700).
      Available on Blackboard: 10/12/08 (5 p.m.)

c. Week 3
   i. Read chapters 9 through 12 prior to attending class.
   ii. Take online quiz (100 / 700).
      Available on Blackboard: 10/19/08 (5 p.m.)

d. Week 4
   i. Read chapters 13 through 15 prior to attending class.
   ii. Take online quiz (100 / 700).
      Available on Blackboard: 10/26/08 (5 p.m.)

e. Week 5
   i. Case (Legal) Arguments/Presentations Presentations (200 / 700)

IX. **Grading**

Students’ grades will be determined based upon total points obtained through assessments activities out of a maximum 700 points. The weight of each assessment activity is noted above in “Important Course and Assignment Dates”. The grading scale for the course is as follows:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Points</th>
</tr>
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<tbody>
<tr>
<td>A</td>
<td>93 – 100</td>
</tr>
<tr>
<td>B</td>
<td>85 – 94</td>
</tr>
</tbody>
</table>
X. Assignment Requirements and Objective Grading Criteria

**Online Discussion (possible 25 points each)**

Four online discussions will be made available through Blackboard. Students must provide an original, initial response to each of the four discussion threads, and they must also respond to at least one of their colleague’s postings from each of the four discussion threads. (Thus, requiring four separate initial postings and four separate responsive postings; one of each for each of the four discussion threads.)

Students will be graded upon their application of legal principles learned thus far in the course. No specific length is required for any given posting so long as it is apparent the student’s comments are well thought-out and to the point.

<table>
<thead>
<tr>
<th>Objective/Criteria</th>
<th>Need Improvement</th>
<th>Meet Expectations</th>
<th>Exceptional</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Initial Posting</strong></td>
<td>(0 points) Little to no thought in providing initial posting was evident; or initial posting was not made.</td>
<td>(7.5 points) Decent discussion, but more could have been explored or presented to convey an understanding of the material; or the initial posting was late.</td>
<td>(15 points) Interesting, valid or well thought out discussion points. It was apparent the student had a grasp of the legal concept(s) raised in the discussion.</td>
</tr>
<tr>
<td><strong>Response Posting</strong></td>
<td>(0 points) Little to no thought in providing reply was evident; or reply posting was not made.</td>
<td>(5 points) Decent reply, but more could have been explored or presented to convey an understanding of the material; or the reply posting was late.</td>
<td>(10 points) Interesting, valid or well thought out reply. It was apparent the student had a grasp of the legal concept(s) raised in the discussion.</td>
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**Case (Legal) Arguments/Presentation (possible 200 points)**

At the first week of class (Saturday, October 4, 2008, or Sunday, October 5, 2008), students will be presented with a list of legal issues affecting the fire service. Students must select one such issue and whether or not they will argue either for or against the issue. On the last day of class (Saturday, November 1, 2008, or Sunday, November 2, 2008), each student will have 10 to 15 minutes to make a case or legal argument to the class supporting their side of the issue.
Student presentations will be graded upon the following criteria:

<table>
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<th>Exceptional</th>
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</thead>
<tbody>
<tr>
<td>Professional Tone</td>
<td>(0 points) Presentational tone was inappropriate or unprofessional.</td>
<td>(12.5 points) Presentational tone lacked a certain amount of refinement or professionalism.</td>
<td>(25 points) Presentational tone was professional and polished.</td>
</tr>
<tr>
<td>Persuasiveness / Framing the Issue</td>
<td>(0 points) Average listener would probably disagree with the majority of the presentation’s proposition due to a complete lack of persuasiveness. Contrary arguments to the presentation’s proposition were either supported or not discussed.</td>
<td>(20 points) Average listener would probably not be persuaded to agree with the presentation’s proposition. The presentation did not adequately address contrary arguments to the presentation’s proposition.</td>
<td>(40 points) Average listener may be persuaded to agree with some or all of the presentation’s proposition. The presentation addressed and dispelled possible arguments contrary to the presentation’s proposition.</td>
</tr>
<tr>
<td>Logical Argument Progression</td>
<td>(0 points) The presentation lacked structure and did not follow any type of logical progression.</td>
<td>(15 points) Introduction or conclusion poorly stated or absent; body of presentation does not progress efficiently.</td>
<td>(30 points) Presentation begins with an introduction, ends with an appropriate conclusion, and the body of the presentation progresses logically from the introduction to the conclusion.</td>
</tr>
<tr>
<td>Appropriate Application of Applicable Law</td>
<td>(0 points) Cited law, cases or other examples are applied or discussed incorrectly.</td>
<td>(15 points) Some of the appropriate law, cases or examples are incorrectly applied.</td>
<td>(30 points) Appropriate law, cases or examples are applied or discussed appropriately.</td>
</tr>
<tr>
<td>Objective/Criteria</td>
<td>Need Improvement</td>
<td>Meet Expectations</td>
<td>Exceptional</td>
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<tr>
<td><strong>Adequate Facts to Support Proposition</strong></td>
<td>(0 points) No facts, case law or other examples are provided to support the presentation’s proposition.</td>
<td>(15 points) While facts, case law or other examples are provided to support the presentation’s proposition, their inclusion was inadequate.</td>
<td>(30 points) Adequate facts, case law or other examples are provided to support the presentation’s proposition.</td>
</tr>
<tr>
<td><strong>Appropriate Use of Time</strong></td>
<td>(0 points) Presentation was either excessive (&gt; 20 minutes) or inadequate (&lt; 5 minutes) in respect to the time allotted.</td>
<td>(10 points) Presentation was a little long or short in respect to the time allotted.</td>
<td>(20 points) Presentation remained within the time parameters defined as acceptable for the presentation (10 to 15 minutes).</td>
</tr>
<tr>
<td><strong>Ability to Adequately Answer Questions Regarding the Presentation’s Proposition</strong></td>
<td>(0 points) Questions were not answered or were answered incorrectly or inappropriate.</td>
<td>(12.5 points) Questions were answered after an unreasonable delay or it was clear the presenter did not have an adequate knowledge of the subject matter.</td>
<td>(25 points) Questions regarding the presentation were answered appropriately.</td>
</tr>
</tbody>
</table>

**Optional/Alternate Assignment: Legal Issue Paper (possible 200 points)**

Students unable to attend the last class session to give their case arguments must write a research paper based upon a current issue or topic covered in the media or a recent periodical/publication. Students are to identify and discuss the various legal aspects associated with the issue or topic. Such discussion should include the theories of law involved; the impact of previous legal decisions on the topic or issue (if available from the textbook or another source); ways a fire department may mitigate legal risk associated with the issue or topic; and, if litigation could be involved, the anticipated legal arguments of the adverse parties and the probable outcome of such litigation.

Papers must be/have:

- Seven to ten pages in length
- Double-spaced
- 12-point Times New Roman font
- 1” top and bottom margins
- 1.25" left and right margins

Source citations should be included in the body of the paper. Wikipedia or other wikis or blogs cannot be used as source material for the paper. Website citations must be from well-known, authoritative sites on the topic(s) discussed. Books, magazines, newspapers or other periodicals are acceptable sources as well.

Grading will be based upon the inclusion of pertinent legal issues, identification of the parties affected and adequate discussion of such issues (as defined in the assignment description). Spelling, punctuation, grammar and the tone of the paper (should be professional; acceptable to a judge or a court of law) will also factor into grading.

Such submissions are due by 8 a.m. on Saturday, November 1, 2008. Late submissions will result in the deduction of 20 points (equivalent to a full letter grade). Submissions will not be accepted after 5 p.m. on Sunday, November 2, 2008.

<table>
<thead>
<tr>
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<th>Exceptional</th>
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<tbody>
<tr>
<td>Spelling</td>
<td>(0 points) Excessive spelling errors present.</td>
<td>(5 points) Some infrequent spelling errors noted.</td>
<td>(10 points) Little to no spelling errors noted.</td>
</tr>
<tr>
<td>Grammar</td>
<td>(0 points) Excessive grammar errors noted.</td>
<td>(5 points) Some infrequent grammar errors noted.</td>
<td>(10 points) Little to no grammar errors noted.</td>
</tr>
<tr>
<td>Tone/Style</td>
<td>(0 points) Tone of the paper was inappropriate or unprofessional.</td>
<td>(10 points) Tone was not unprofessional, but could use refinement.</td>
<td>(20 points) Appropriate legal or professional tone.</td>
</tr>
<tr>
<td>Legal Issue Identification</td>
<td>(0 points) Inadequate recognition of applicable legal issues for this topic.</td>
<td>(15 points) Major legal issue identified; several minor legal issues were not raised.</td>
<td>(30 points) Majority of applicable legal issues identified.</td>
</tr>
<tr>
<td>Formatting</td>
<td>(0 points) Formatting did not meet assignment criteria.</td>
<td>(5 points) Minor formatting error(s) noted.</td>
<td>(10 points) Formatting met all assignment criteria.</td>
</tr>
</tbody>
</table>
Objective

Need Improvement

Meet Expectations

Exceptional

<table>
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<tr>
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<tbody>
<tr>
<td>Viewpoint</td>
<td>Topic Discussion</td>
<td>(0 points)</td>
<td>(20 points)</td>
</tr>
<tr>
<td>Discussion</td>
<td>Discussion of legal issues was inadequate; only one view or perspective was discussed.</td>
<td>Multiple views or perspectives were discussed, but the discussion was one-sided.</td>
<td>Adequately discussed multiple views or perspective of the identified legal issues.</td>
</tr>
<tr>
<td>Legal Principle</td>
<td>Application</td>
<td>(0 points)</td>
<td>(20 points)</td>
</tr>
<tr>
<td>Application</td>
<td>Applicable law was applied incorrectly to the identified issues.</td>
<td>Applicable law as occasionally applied incorrectly.</td>
<td>Applicable law was applied appropriately to the identified issues.</td>
</tr>
<tr>
<td>Affected/Involved</td>
<td>Parties</td>
<td>(0 points)</td>
<td>(10 points)</td>
</tr>
<tr>
<td>Parties</td>
<td>Possible parties to possible legal action were not identified or obvious parties were omitted.</td>
<td>Primary parties were identified, yet several cursory parties could also be involved.</td>
<td>Most parties that could be involved in any resulting legal action were identified.</td>
</tr>
<tr>
<td>Paper Length</td>
<td></td>
<td>(0 points)</td>
<td>(5 points)</td>
</tr>
<tr>
<td>Paper Length</td>
<td>Paper length either inadequate or excessive.</td>
<td>Paper length was either a little short or a little long, yet still appropriate without being verbose or too brief.</td>
<td>Paper of appropriate length.</td>
</tr>
<tr>
<td>Citations</td>
<td></td>
<td>(0 points)</td>
<td>(5 points)</td>
</tr>
<tr>
<td>Citations</td>
<td>No sources are cited.</td>
<td>Sources are referenced, but are not cited properly, or citations are otherwise lacking.</td>
<td>Sources are cited adequately and appropriately.</td>
</tr>
</tbody>
</table>

XI. Academic Honesty

Academic honesty is a core principle of learning and scholarship. When students violate this principle, they cheat themselves of the confidence that comes from knowing they have mastered the targeted skills and knowledge. Those students will also hurt all members of the learning community by falsely presenting themselves as having command of competencies with which they are credited, thus degrading the credibility of the college, the program and fellow learners who hold the same credential.

All members of the learning community share an interest in protecting the value, integrity and credibility of the outcomes of this learning experience. As a result, Southern Illinois
University has the responsibility to censor behaviors that interfere with that effort. The following behaviors will be subject to disciplinary action:

**Plagiarism** – Presenting someone else’s words, ideas or data as the student’s own work.

**Fabrication** – Using invented information or falsifying research or other findings.

**Cheating** – Misleading others to believe the student has mastered competencies or other learning outcomes that he or she has not mastered. Examples include, but are not limited to:

a. Copying from another learner’s work
b. Allowing another learner to copy from your work
c. Using resource materials or information to complete an assessment without permission from the instructor
d. Collaborating on an assessment without permission from the instructor
e. Taking a test for someone else or permitting someone else to take a test for you

**Academic Misconduct** – Other academically dishonest acts, such as tampering with grades, taking part in obtaining or distributing any part of an assessment, or selling or buying products such as papers, research, projects or other artifacts that document achievement of learning outcomes.

XII. **ADA Statement for Students Requiring Special Accommodation (SIU)**

In compliance with Section 504 of the Vocational Rehabilitation Act of 1973 and the Americans with Disabilities (ADA) of 1990, please inform your instructor immediately if accommodations are needed.

XIII. **Attendance Policy**

The faculty of Southern Illinois University, Carbondale, affirm the importance of prompt and regular attendance on the part of all undergraduate students. Quality instruction clearly depends upon active student participation in the classroom or its equivalent learning environment. The current Southern Illinois University, Carbondale, Undergraduate Catalog further elaborates upon attendance and related guidelines.

Each day of instruction at off-campus locations is scheduled to include eight, fifty-minute instructional periods from 8:00 a.m. to 4:50 p.m. Each day’s schedule also includes times for short breaks and a lunch break. Given that the course consists of only three of these days (in a five week course), student attendance is required for all scheduled class hours. Students missing any classroom time up to a total of eight hours (which includes both instructional and break time) must work with the classroom instructor to make-up the missed hours with supplemental assignments. Such assignments will be graded pass/fail. If a student fails the assignment, he or she will not receive credit for the hours missed and will receive a grade of “F” for the course for failing to meet attendance requirements. Students missing more than eight total hours of classroom time for the course will be given a grade of “F” for failing to meet attendance requirements.
Students in attendance for 100% of classroom time will receive 10 bonus points to be applied to their overall assessment activities point total.

XIV. **Mutual Respect**

At times, students in the course will be discussing legal issues and theories regarding topics that may be controversial. In-class discussion and legal argument is encouraged, but it should be done in a professional, non-personal and non-threatening way. Every person is entitled to his or her own opinions and views. Personal attacks; inappropriate language (swearing); ethnic, racial, gender-based, or other derogatory comments or slurs; and, other related poor conduct would not be acceptable in a court of law and, likewise, will not be tolerated in the classroom. Students failing to meet this requirement will be given a warning about their conduct. Similar occurrences thereafter will result in the student being dismissed from the course with a grade of “F” for failing to abide by this rule.

XV. **Legal Notice (Disclaimer) / Course Intent**

Legal material presented within this course is provided by the instructor solely for the purposes of introducing fire service students to the areas of law having the greatest impact on their chosen profession. This introduction will discuss legal concepts on various topics along with applicable case law. At no time during the course should any information provided, comments made, questions answered, or other interaction with a student or group of students be considered legal advice, nor is any attorney-client relationship formed at any time between any one or a group of students and the instructor. Furthermore, as attorneys must be licensed by a State Bar or other organization to practice law within that State, it may be possible that information is shared in a State where the instructor is not licensed to practice law. Again, at no time does the instructor’s interaction with the students constitute the practice of law in any State, regardless of where the instructor is or is not licensed to practice. Any information provided is for educational purposes only and shall not be considered legal advice at any time.

When discussing legal concepts, the instructor will try to answer according to majority rule and general principles of law. Students must be aware that laws governing the fire service (or any other topic, for that matter) can vary greatly from State-to-State. If the instructor speaks to the law in a given State, students cannot assume the information provided applies to their State. Likewise, Federal laws may conflict with State laws and the facts involved in a particular case typically determine which law will govern. Additionally, the law as it applies to various cases and fact patterns is always evolving and changing. Cases are studied in the course to provide examples of court rulings on various fire service-related topics and represent a “snapshot” in time. Given that the textbook is published on a given date and case law continues to evolve, there is no
guarantee that any one case or legal principle discussed in this course will be considered binding precedent for subsequent cases in a given jurisdiction.

Lastly, “the law” itself consists of many different areas of specialty and it is not possible for any one attorney or individual to be intimately familiar with all the different areas of law that are utilized and applied in varying degrees throughout the United States and beyond. Attorneys preparing legal opinions or cases for their clients spend substantial time reviewing and researching applicable laws and precedent. Given the immediate nature of answering student questions in a classroom, the instructor does not have the ability to perform adequate legal research. As a result, for the sake of exploring various areas of law for the benefit of the students, the instructor may, at times, give impressions or opinions based upon his or her knowledge of a body of law in general, meaning that the information may not be complete, authoritative or accurate as applied to a specific area, topic or fact pattern. As previously mentioned, such interaction does not constitute legal advice or the practice of law.

Ultimately, the purpose of this course is to help current and future fire service leaders in recognizing different types of legal issues or complexities they may face during their careers so they will have a better understanding of when to seek qualified legal counsel.

**Safety Instructions:**

Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency. If you are located on a military installation, and depending on the type emergency a senior military member may take control of the situation and direct you on the action to take. Please follow their instructions and do as asked. Similarly, if you are at a community college, their security personal may arrive and take control of a situation, please follow their instructions as well.