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UWUCC App 3/12/02
Senate App 4/2/02

CURRICULUM PROPOSAL COVER SHEET
University-Wide Undergraduate Curriculum Committee

I. CONTACT

Contact Person Robert D. Soule Phone 357-3270
Department Safety Sciences

II. PROPOSAL TYPE (Check All Appropriate Lines)

XXX COURSE

LAW & ETH IN SAF PROF

Suggested 70 character title

XXX New Course*

SAFE 420: Law & Ethics in the Safety Profession

Course Number and Full Title

____ Course Revision

Course Number and Full Title

____ Liberal Studies Approval+
for new or existing course

Course Number and Full Title

____ Course Deletion

Course Number and Full Title

____ Number and/or Title Change

Old Number and/or Full Old Title

New Number and/or Full New Title

____ Course or Catalog Description Change

Course Number and Full Title

____ PROGRAM: ____ Major ____ Minor ____ Track

____ New Program*

Program Name

____ Program Revision*

Program Name

____ Program Deletion*

Program Name

____ Title Change

Old program name

New Program Name

III. Approvals (signatures and date)

Lon H. Ferguson 10/27/01 Lon H. Ferguson 10/22/01
Department Curriculum Committee Department Chair
Mary C. Seaman 10/27/01 Carlton P. Zoni 31 Oct 01
College Curriculum Committee College Dean

+Director of Liberal Studies (where applicable)

+Provost (where applicable)

FEB 28 2002

LIBERAL STUDIES

MAR 20 2002

I. Catalog Description

SAFE 420 Law and Ethics in the Safety Profession

(3c-0l-3sh)

Prerequisites: Junior standing or permission

Examines ethical and legal issues that present themselves to practicing safety professionals. Students will identify and evaluate these issues in terms of their own value system, as well as legal and prudent practice within the safety, health and environmental profession. Specific reference is made to participation of the safety professional in workers' compensation cases, Occupational Safety and Health Review Commission hearings, class action suits and trials by jury.

I. Catalog Description

**SAFE 420 Law and Ethics in the Safety Profession 3 credits
3 lecture hours
0 lab hours
(3c-0l-3sh)**

Prerequisites: Junior standing

Examines ethical and legal issues that present themselves to practicing safety professionals. Students will identify and evaluate these issues in terms of their own value system, as well as legal and prudent practice within the safety, health and environmental profession. Specific reference is made to participation of the safety professional in workers' compensation cases, Occupational Safety and Health Review Commission hearings, class action suits and trials by jury.

II. Course Objectives

Students completing this course will:

- A. define values and value systems, including their own
- B. describe various ethical systems and their distinguishing features
- C. identify formal codes of ethics that have been developed by several of the disciplines that make up the safety profession
- D. analyze current situations that represent potential violation of ethical practice
- E. identify the various forums in which safety professionals might become involved in litigation relevant to their practice
- F. synthesize the characteristics of effective performance as an expert witness
- G. evaluate common pitfalls faced by persons serving as expert witnesses on technical issues
- H. elaborate upon current issues in the safety, health and environmental profession that involve and/or impact on legal interpretations of professional behavior through analysis of case studies

III. Course Outline

A. What is "Ethics"? (2 hours)

Fundamental examination of the "discipline dealing with what is good and bad" and the "principles of conduct governing and individual or a group" as they relate to ethical behavior of the safety professional.

B. Values and Value System (2 hours)

Examination of the basis that each person has for distinguishing right from wrong as it relates to a variety of situations including those associated with typical activities of the safety professional. Emphasis is placed on exploration of the source(s) of these bases for development of personal "value systems".

C. Personal/Professional Ethical Dilemmas (3 hours)

The high probability of any safety professional having to face a situation where the individual's sense of ethical behavior is challenged by those of others is discussed. The basic problem associated with having to decide whose "value system" is the "right" one is explored in detail.

D. Ethical Systems (4 hours)

Study of the ethical systems that have been defined by key proponents over the past few centuries. Included for consideration are 1) end-result ethics [John Stuart Mill], 2) rules ethics [Immanuel Kant], 3) social contract ethics [Jean Jacques Rousseau], and 4) personalistic ethics [Martin Buber].

E. Codes of Ethics (2 hours)

Examination of the need for, and evolution of, codes of ethics among groups of professional practitioners. Specific discussion focuses on the Code of Ethics for the Safety Profession adopted by the American Society of Safety Engineers (ASSE) and the Code of Ethics for Industrial Hygienists championed by the American Academy of Industrial Hygiene (AAIH).

F. Case Studies in Ethics (6 hours)

Discussion and debate revolving around a series of actual and hypothetical situations in which there appear to be clashes between the "value system" of a safety professional and that of a person (or organization) in a position of authority over the safety professional.

G. Legal vs Ethical Aspects of Safety Practice (3 hours)

Review of the history of safety laws and the evolution of the safety professional's involvement in litigation, beginning with the factory inspectorate and employers' liability laws established in the mid-1800s and culminating with OSHA and the proliferation of environmental laws.

H. Various Forums for Safety Litigation (4 hours)

Examination of the most common forums in which the safety professional is likely to be involved. These would include 1) hearings before the Occupational Safety & Health Review Commission, 2) workers' compensation hearings, 3) third-party actions, 4) class action suits, 5) product liability cases, 6) cases involving errors and omissions, 7) testimony in connection with rule-making processes and others.

I. What is an Expert? (2 hours)

Discussion of the definition and qualifications of an expert witness in safety matters. Relevance of credentials, experience, publications, research, professional activities and uniqueness is explored. Roles include establishing facts, interpreting facts, commentary on the case, defining professional standards of practice and describing appropriate prudent practice.

J. Ethics and the Law (4 hours)

Exploration of the differences between "ethical" and "legal" conduct. Emphasis is placed on understanding the basis for doing the "right" thing whether "legal" or not. Substantial use of case studies underscores the points generated in discussion.

K. The Safety Professional as an Expert Witness (4 hours)

Review and discussion of the legal process, from allegation of inappropriate action to appeal of legal decisions and beyond. Specific points at which the safety professional might be asked for input include 1) complaint/petition, 2) discovery procedures, 3) subpoena and/or deposition, 4) evidence generation and reporting, 5) trial or hearing, 6) decision-making, and 7) appeal.

L. Mock Trial (6 hours)

A mock trial, or other role-playing exercise, is used as a major, culminating activity in order to provide students with an opportunity to examination and participate in perspectives represented by the various parties associated with typical safety-related litigation.

M. Culminating Activity (2 hours)

A final examination, or other appropriate culminating activity, will be administered during the period established for final examinations.

IV. Evaluation Methods

The faculty person assigned to teach this course could be one of several faculty within the Safety Sciences Department. What follows is an example of the evaluation methods and weighting used for this course.

A. Quizzes (40%)

A minimum of six closed-book quizzes are given over material covered most recently in class. Quizzes are presented in a variety of formats, e.g., multiple choice, matching, short answer and true/false.

B. Homework (15%)

Homework will be distributed periodically and will require the student to complete work bearing on materials covered recently in class. Homework typically is due at the beginning of the next class period.

C. Case Study (20%)

Students are required to develop and present to the class an actual or hypothetical situation in which a safety/health/environmental professional is faced with an ethical dilemma in which the professional's value system is in direct conflict with that of a political/cultural/professional authority. Students present their case studies to their classmates for discussion and prepare a written case study, complete with their proposed resolution of the dilemma. The grade on the case study will be determined by the nature and extent of appropriate completion using a special rubric prepared by the instructor and shared with the students.

D. Mock Trial (15%)

All students participate as role players in a mock trial or hearing incorporating a common legal issue faced by safety professionals. Common participants include safety practitioner, safety supervisor, corporate director of safety, plant manager, inspector, (various) analysts, consultant and many others depending upon the specific scenario selected. A customized rubric, defining the evaluation criteria for the mock trial, will be used as a basis for the grade on this activity.

E. Culminating Activity (10%)

A final examination will be administered during the designated time at the end of the semester.

The following grading scale will be used:

A =	90 – 100%
B =	80 – 89%
C =	70 – 79%
D =	60 – 69%
F =	<60%

V. Required Textbook, Supplemental Reading

Matson, Jack V., Effective Expert Witnessing, 3rd ed., CRC Press/Lewis Publishers; Boca Raton, FL, 1998.

VI. Special Resource Requirements

No special resources are required for this course.

VII. Bibliography

Bronstein, Daniel A., Law for the Expert Witness, CRC Press/Lewis Publishers; Boca Raton, FL, 1993.

Byrum, Lesa L et al, Occupational Safety and Health Law Handbook, Government Institutes, Rockville, MD, 2001.

Cantor, Benjamin J., The Role of the Expert "Witness in a Court Trial (A Guide for the Expert Witness), San Diego Book Distributors; La Mesa, CA, 1997.

Cooper, Andre R., Sr., Environmental Compliance Made Easy: a Checklist Approach for Industry, Government Institutes, Rockville, MD, 1998.

Hitt, William D., Ethics and Leadership: Putting Theory into Practice, 2nd ed., Battelle Press, Columbus, OH, 1997.

Kaletsky, Rick, OSHA Inspections: Preparation and Response, McGraw-Hill Company, New York, NY, 2000.

Schneid, Thomas D. and Michael S. Schumann, Legal Liability: a Guide for Safety and Loss Prevention Professionals, Aspen Publishers, Gaithersburg, MD, 1997.

Sullivan, Thomas F. P., ed., Environmental Law Handbook, 16th ed., Government Institutes, Rockville, MD, 2001.

Veitch, Thomas H., The Consultant's Guide to Litigation Services: How to be an Expert Witness, John Wiley & Sons, New York, NY, 1993.

Course Analysis Questionnaire

Section A: Details of the Course

A1. How does this course fit into the programs of the department? For what students is the course designed? (majors, students in other majors, liberal studies).

This course was developed as a professional elective for students within the safety sciences programs although it is likely to be of value to students in other majors such as criminology and some business programs. It incorporates an area of professional practice recommended by the safety sciences' accrediting body, the Related Accreditation Commission (RAC) of the Accreditation Board for Engineering and Technology (ABET).

A2. Does this course require changes in the content of existing courses or requirements for a program? If catalog descriptions of other courses or department programs must be changed as a result of the adoption of this course, please submit as separate proposals all other changes in courses and/or program requirements.

This course requires no changes to be made in the content of existing courses or requirements for the program(s).

A3. Has this course ever been offered at IUP on a trial basis (e.g. as a special topic) If so, explain the details of the offering.

Although separate, one-credit courses have been offered in the past as special topics addressing "Ethical Practice in the Safety Profession" and "The Safety Professional as an Expert Witness", the three-credit dual-level course proposed herein has been offered only once (Summer, 2000) with an enrollment ten (nine graduate students; one undergraduate student).

A4. Is this course to be a dual-level course? If so, what is the approval status at the graduate level?

This course is being proposed as a dual-level offering. The proposal is being reviewed as a graduate course offering at the same time as the undergraduate course approval process.

A5. If this course may be taken for variable credit, what criteria will be used to relate the credits to the learning experience of each student? Who will make this determination and by what procedures?

This course is not a variable credit course.

A6. Do other higher education institutions currently offer this course? If so, please list examples.

Although several "legal" courses are offered within safety curricula at other schools, courses that combine ethical and legal aspects of professional practice do not appear to be available at other higher education institutions.

A7. Is the content, or are the skills, of the proposed course recommended or required by a professional society, accrediting authority, law or other external agency? If so, please provide documentation. Explain why this content or these skills cannot be incorporated into an existing course.

The Related Accreditation Commission (RAC) of the Accreditation Board for Engineering and Technology (ABET) requires that accredited programs be able to demonstrate that graduates have "an understanding of ethical and professional responsibility". Further, the curriculum must include coursework in which there is comprehensive coverage of "legal aspects of safety, health and environmental practice". [*Criteria for Accrediting Engineering-Related Programs: Effective for Evaluations During the 2001-2002 Accreditation Cycle*, pp.30-31]

Section B: Interdisciplinary Implications

B1. Will this course be taught by one instructor or will there be team teaching? If the latter, explain the teaching plan and its rationale.

This course will be taught by one instructor.

B2. What is the relationship between the content of this course and the content of courses offered by other departments? Summarize your discussions (with other departments) concerning the proposed changes and indicate how any conflicts have been resolved. Please attach relevant memoranda from these departments which clarify their attitudes toward the proposed changes(s).

There is no overlap and/or conflict of the content of this course with that of any other course offered by other department.

B3. Will seats in this course be made available to students in the School of Continuing Education?

Any Continuing Education student who wishes to register for the course and meets the requirements will be allowed to enroll. One seat will be held for Continuing Education students.

Section C: Implementation

C1. Are faculty resources adequate? If you are not requesting or have not been authorized to hire additional faculty, demonstrate how this course will fit into the schedules of current faculty. What will be taught less frequently or in fewer sections to make this possible?

Faculty resources at this time are adequate to be able to offer this course within the rotation of courses offered as electives in the safety sciences program.

C2. What other resources will be needed to teach this course and how adequate are the current resources? If not adequate, what plans exist for achieving adequacy? Reply in terms of the following:

- Space
- Equipment
- Laboratory Supplies and other Consumable Goods
- Library Materials
- Travel Funds

Resources available in all of the indicated areas are adequate to meet the needs of this course.

C3. Are any of the resources for this course funded by a grant? If so, what provisions have been made to continue support for this course once the grant has expired? (Attach letters of support from Dean, Provost, etc.)

Resources for this course come from within the department's operating budget; none are provided by any external sources of funding.

C4. How frequently do you expect this course to be offered? Is this course particularly designed for or restricted to certain seasonal semesters?

This course will be offered within the framework of professional electives for safety sciences students and, as such, would be rotated in its offering among several other courses. On average, this course would be offered once every two years.

C5. How many sections of this course do you anticipate offering in any single semester?

One dual-level section of this course would be offered in a single semester, approximately once every two years.

C6. How many students do you plan to accommodate in a section of this course? Is this planned number limited by the availability of any resources? Explain.

It is anticipated that a maximum of 30 students will be accommodated in each offering of the course with essentially equal numbers of undergraduate and graduate students. The maximum size of the class is determined by the need for group discussions and activities including presentation of case studies and participation in a mock trial.

C7. Does any professional society recommend enrollment limits or parameters for a course of this nature? If they do, please quote from the appropriate documents.

There is no indication by the Accreditation Board for Engineering and Technology (ABET) of any limitation on enrollment for a course of this nature.

Section D: Miscellaneous

Include any additional information valuable to those reviewing this new course proposal.

Not applicable.