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HTH 475E.01: Legal and Ethical Issues in the Exercise Professions

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**HTH 475E: Legal and Ethical Issues in the Exercise Professions
(formerly HHP 475E)**

**Fall Semester 2013, Section 1
Wednesday, 5:10-8:00pm**

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Office Hours: Monday 9:00am-10:00am, Wednesday 1:00pm-2:00pm,
Thursday 9:00am-10:00am, or by appointment

Course Introduction:

Dr. Gary Nygaard, the person who created this course and taught it at UM for the first four years, stated:

The purpose of this course is to acquaint you with the legal and ethical issues facing (health and) exercise professionals. To a degree, ethical and legal issues overlap, but since the former is based on moral decisions and the latter on legal decisions, there will always be some discrepancy between the two. This discrepancy, this “gray area,” is where one’s personal choices and values become paramount. By the end of the semester, I hope all of you will have a clearer understanding of your “ethical self” and your “professional self,” and have begun the process of making the two selves as congruent as possible.

HHP 475E, which focuses upon the major Western Traditions of ethical thought (Virtue ethics, Deontological ethics, Utilitarian ethics,) exposes students to these various traditions of thought and helps them to analyze specific situations using said traditions. Much of the focus of this class will pertain to ethics, and how they pertain to legal issues in the exercise and health professions. Specifically, both metaethics and applied ethics will be addressed, although more attention will be paid to applied ethics. The distinction between the two has been delineated by Malloy, Ross, and Zakus (2000):

Ethics, as the study of morals, refers to that specific branch of philosophy that critically examines, clarifies, and reframes the basic concepts and presuppositions of ethical theories and of morality generally. The contemporary organization of this branch of philosophy is comprised, roughly, into two categories...*Metaethics* is more theoretical in nature as it trains its sights on the logic, coherence, and presuppositions found in each ethical theory. In contrast, *applied ethics* is much more concerned with examining behavior in terms of right and wrong, good or bad, authentic and inauthentic (p. 1).

Through multiple case studies, writing assignments, lecture, and applied laboratory experiences, students will gain exposure and practice in applying these basic concepts and forms of reasoning to situations specific to them as future exercise professionals.

Students will also learn how to critically evaluate these concepts and forms of reasoning to see which one, if any, is most applicable to a problem at hand.

Primary Objectives:

- To become more adept at thinking about pertinent legal issues, and how they apply to not only various professions within the fields of Health and Human Performance but also to the world in general
- To become more aware of the various ethical challenges that you might face or be presented with within the disciplines of HHP, or life for that matter
- To become familiar with and learn how to apply the Western perspectives on ethical reasoning
- To help students learn how to function more efficiently in a world that is full of asymmetrical problems, thus calling for asymmetrical thinking

Texts:

- This course has a Moodle supplement. At times, various class-related information will be posted here. If you are unfamiliar with Moodle, you can visit the following website for more information: <http://umonline.umt.edu/Moodle%20Tip%20Sheets/tipsheetandvideosstudents.aspx>. Please visit with the instructor if you have any issues with this.
- “Into Thin Air” by Jon Krakauer
- “The Climb” by Anatoli Boukreev
- “Foundations” aka “The Groundwork of the Metaphysics of Morals” by Immanuel Kant: sections one and two only
- “Utilitarianism” by John Stuart Mill
- “Nicomachean Ethics” by Aristotle. I recommend the translation by Terence Irwin (2nd edition): books 1, 2, 3, 5, 8, and 10
- A small, data notebook is also required

*Other materials may be incorporated, and these will come in a variety of forms (handouts, web resources, library reserve, etc.)

Assessments: The course consists of two tests: one early mid-term examination (90 points), and one final examination (90 points, comprehensive). Test format will consist of true/false questions, multiple choice, short answer, and supported opinions. The content of each test will be finalized during the last class prior to each examination. Three quizzes (each worth 10 points) will also be incorporated during the semester. Also, there will be one writing assignment (worth 65 points). More information on the writing assignment is provided near the end of this syllabus. Students will also complete a team presentation, and this will be worth 25 points. Details on this presentation will be provided early in the semester. Finally, an assortment of different activities will be undertaken during the course of the semester, and combined these will account for 100 points. This is referred to as the “Lab” portion of the class. This list of activities will be

elaborated upon further as the course progresses. Many of these 100 points will be related to your team activities (see below under **Team Activities**), but some may also be individually-based. There will be eleven labs over the course of the semester, but only ten will be counted (10 labs x 10 points = 100 points). Therefore, you can miss one lab and not be penalized. If a student attends all eleven labs, five additional bonus points will be added to your overall course point total. I will also be monitoring class participation throughout the semester, so throw your two pennies in when you feel it necessary. The instructor reserves the right to incorporate the Socratic teaching method, if necessary. **Anything we cover or talk about is potentially testable material!**

Team Activities: Team selections will take place early in the semester. Students will remain in teams for the duration of the semester. Many of the labs will be completed in this team environment, as well as the Group Presentation.

Grading:

| | |
|--|--|
| 93% - 100% = A (372-400 points) | 73% - 76% = C (292-307 points) |
| 90% - 92% = A- (360-371 points) | 70% - 72% = C- (280-291 points) |
| 87% - 89% = B+ (348-359 points) | 67% - 69% = D+ (268-279 points) |
| 83% - 86% = B (332-347 points) | 63% - 66% = D (252-267 points) |
| 80% - 82% = B- (320-331 points) | 60% - 62% = D- (240-251 points) |
| 77% - 79% = C+ (308-319 points) | Below 60% = F (239 points or lower) |

Graduate Students: Students taking this course for graduate credit will need to fulfill an additional course requirement, as determined by the instructor. This will consist of a group project (to be presented to the class), as well as an individual After Actions Review (AAR) to be completed by each graduate student pertaining to their specific involvement in the group project. Graduate students need to contact me at the beginning of the semester.

Important Dates:

Autumn Semester 2013

| | |
|---------------------------------|---|
| Thursday-Friday, August 22-23 | New Student Orientation |
| Monday, August 26 | Autumn Semester Classes Begin |
| Monday, September 2 | Labor Day – No Classes, Offices Closed |
| Monday, November 11 | Veterans Day – No Classes, Offices Closed |
| Wednesday, November 27 | Student Travel Day – No Classes |
| Thursday-Friday, November 28-29 | Thanksgiving Break – No Classes, Offices Closed |
| Friday, December 6 | Last Day of Regular Classes |
| Monday-Friday, December 9-13 | Final Exams |

Attendance: Attendance on the dates of examinations is required. Please notify me in *advance* if any examination will be missed due to illness (if possible) or official university business. Since this class meets only once per week for three hours, missing one class is the equivalent of missing three consecutive regular classes. **Students are responsible for obtaining all handouts, case studies, reading assignments, and materials covered while absent.** Attendance is *important!*

Dr. Gaskill's Keys to Success:

- Come to class
- Do the necessary reading before hand
- Identify one key principle or tenet from each discussion

Student Conduct Code: All students must practice academic honesty. Academic misconduct is subject to an academic penalty by the course instructor and/or a disciplinary sanction by the University. Students can become more familiar with the Student Conduct Code, which is available online at <http://life.umt.edu/vpsa/documents/StudentConductCode1.pdf>

Just so that we are all on the same page, Section IV, A of the Student Conduct Code defines **Academic Misconduct** as: "Representing another person's words, ideas, data, or materials as one's own" (plagiarism) and "Submitting work previously presented in another course."

Americans With Disabilities Act (ADA): The University of Montana upholds the ADA by providing reasonable accommodations to individuals with special challenges. If anyone requires reasonable accommodations to adequately perform the duties of this class, please see the instructor as soon as possible so that these issues can be addressed.

Professional Behavior: While I strive to make this class interesting and fun, I also am a strong proponent of behaving in a professional manner. The bulleted items better describe what this means:

- Cell phone usage: Since I feel this topic is extremely important, we will discuss it at length during the first class session.
- Once class has begun, the Kaimin or any other non-class reading materials need to be put away
- Come to class **on time** and **prepared** to learn.
- Notify the instructor in **advance** if you are going to come to class late, leave early, or not be in attendance
- If you are a UM athlete (in season), I need a copy of your travel letter
- Keep sidebar discussions quiet and to a minimum

Emergency Preparedness and Response

As members of a community of learning, we all have responsibilities for each other that extend beyond the teaching/learning experience. As human beings, we are responsible for the protection and well-being of the other members of our group, in this case the group being the Fall Semester class of HHP 475. Therefore, should an emergency of any type develop, the following points become quite important:

- In the event we need to evacuate the building, our primary route will be through the main classroom door, down the stairs to the first floor, and out the main east exit. We will rally together in the common area east of GBB.
- If you hear an alarm or are told to evacuate, always assume the emergency is real. Be sure to take coats, backpacks, and valuables since the building may be closed for some time.
- If there is a need for an indoor rally point, that will be the Adams Center. We should reconvene as a group at the rally point to help determine if all members are accounted for.
- Do not use elevators as a means of evacuating, and do not use cell phones until safely away from the building.
- If you require assistance in evacuating or have any type of medical condition that will make evacuation challenging, please inform me privately and we can preplan an appropriate and safe response.

Paper Guidelines

Topic Choice for Writing Assignments:

- Students are asked to identify and analyze a legal and/or ethical issue within the Health and Exercise professions. It can be upon one of the topics discussed in class, or can be of the student's choosing. If opting for the latter, it is highly encouraged that students check with the instructor about the applicability and appropriateness of their intended topic.
- Once your topic has been identified, research it as needed. The main goal of this paper is for students to apply theory from at least one of the Western traditions of ethical thought to a current issue within the health and exercise professions. I want an **original** piece of work, not a paper you have recycled from a previous class. More details about this writing assignment will be covered during the Writing Workshop portion of the class.

Due Date: _____

Format for Paper:

- Must be typed (double-spaced) with word processing software on a computer.
- Must be greater than **1200** words, excluding title page and references (approximately 5 pages). I am much more interested in word count than number of pages! **Paper must have a word count printed on it!** No word count = minus five points.
- **Must have a separate title page, which includes the paper's title, your name, and the due date centered on the page.** No cover page = minus five points.
- Must utilize at least three references, one of which must be a hardcopy source (in other words, not web-based). **References must be cited using American Psychological Association (APA) format.**
- Must turn in a hard copy! No electronic submissions accepted.

- Please keep a copy for your own records!

Paper Grading:

- **20 Points:** logical thread of thought in body of paper, smooth transitions from paragraph to paragraph, support of points made by presenting related research or personal experiences, and consistency of writing as it relates to writing style (e. g. use of “I” or third person).
- **15 Points:** opening paragraph(s)- clarity of thought, providing enough information to inform the reader of the topic to be discussed, setting tone of support or criticism, getting the reader’s attention, and generally, introducing the reader to what the paper is about.
- **15 Points:** closing paragraph(s)- leave the reader with a sense of closure. Leave the reader with an understanding of your point(s), and leave them with some points to ponder.
- **15 Points:** appropriateness of chosen topic, grammar, syntax, spelling, proofreading, and following directions. It will not take many simple, preventable errors to lose several/all 20 points.
- **-10 Points:** Any late paper will automatically have 10 points deducted. Papers must be received by Close of Business (COB) on the date due. COB is the start of class. For each ensuing M-W-F a paper deadline is missed, an additional five points will be deducted. No unexcused reasons allowed.

| DATE | TOPIC | READING/ASSIGNMENT |
|--------------------------------|--|---|
| August 28 th , 2013 | Introduction -Lab #1 | Familiarize yourself with the syllabus |
| September 4 th | -Legal/Ethical generals -Writing workshop -Lab #2 | Moodle: “Overview: The Ethics of Right versus Wrong” Moodle: “Ethical Fitness” Moodle: “Shadow Scholar” |
| September 11 th | -Current events -The Legal System -Lab #3 | Moodle: “Overview of the Law and the Legal System” |
| September 18 th | -Negligence -Liability -Lab #4 | Moodle: “Negligence Law” |
| September 25 th | Moral/Ethical development -Lab #5 | “Foundations” by Kant: 1 st two sections “Utilitarianism” by Mill “Nicomachean Ethics” by Aristotle: books 1, 2, 3, 5, 8, 10 |
| October 2 nd | Group presentations: Alpha -Quiz #1 -Lab #6 | Quiz #1 on Moodle readings to date |

| | | |
|---------------------------|---|--|
| October 9th | -Immunity -Waivers and Releases -Inherent risk-related defenses -Emergency care and first aid- Lab #7 | Moodle: “The ABC’s of Liability Waivers” Moodle: “Assessing your insurance needs” Midterm exam study guides handed out |
| October 16 th | Midterm Exam | |
| October 23 rd | -Risk Identification -Risk Management Review of MT | Moodle: “Due Diligence” Moodle: “Risk Management Process” |
| October 30 th | Performance –enhancing substances and techniques -Lab #8 | Moodle: “How to Write a Movie Review” Moodle: “Climbing’s Little Helper” |
| November 6 th | Lying and Cheating Group presentations: Bravo -Lab #9 | Moodle: “The right to do wrong: Lying to Parents...” Moodle: “College Students and Lying” |
| November 13 th | - Gender Equity ➤ Graduate student presentation to class, if necessary -Lab #10 | Moodle: “Title IX provided women with opportunity on and off playing field” |
| November 20 th | --Quiz #2 --Lab #11 | Quiz #2 on Moodle readings since Quiz #1 |
| November 27 th | NO CLASS | Thanksgiving Holiday travel day |
| December 4 th | “Into Thin Air” and “The Climb” discussion Group presentations: Charlie -Quiz #3 | “Into Thin Air” and “The Climb” completed Study guide for Final Exam handed out Quiz #3 on climbing books |
| December 11th | Final Exam | 5:30-7:30pm |

***Outline is subject to change**

Checklist: HHP 475E

| Assignment | Points | Date assigned | Date due | Points earned |
|---------------------|---------------|----------------------|-----------------|----------------------|
| Paper | 65 | | | |
| Group presentation | 25 | | | |
| Lab #1 | 10 | | | |
| Lab #2 | 10 | | | |
| Lab #3 | 10 | | | |
| Lab #4 | 10 | | | |
| Lab #5 | 10 | | | |
| Lab #6 | 10 | | | |
| Lab #7 | 10 | | | |
| Lab #8 | 10 | | | |
| Lab #9 | 10 | | | |
| Lab #10 | 10 | | | |
| Lab #11 | 10 | | | |
| 11 Lab bonus | (5) | | | |
| Midterm | 90 | | | |
| Final test | 90 | | | |
| Quiz #1 | 10 | | | |
| Quiz #2 | 10 | | | |
| Quiz #3 | 10 | | | |
| Total Points | 400 | | | |

*Remember, only 10 labs will be counted towards overall grade

References

Malloy, D. C., Ross, S., & Zakus, D. H. (2000). Sport ethics: Concepts and cases in sport and recreation. Journal of Philosophy of Sport, 29(1).