

**Eastern Oregon University
College of Arts and Sciences
Course Syllabus – New Course Proposal**

Number of Course: FSA 419

Name of Course: Advanced Legal Aspects of Fire Protection

Catalog Description:

This course offers an advanced look at the legal environment and ramifications of emergency services, specifically the fire services. It provides a general but detailed overview of the law's constitutional background; the law's function at federal, state, and local levels; and the ways in which emergency services fall under the specific jurisdiction of various courts. It describes the law's regulation and influence of issues specific to emergency services, including negligence and wrongful death (including vulnerability to tort litigation), legalities of drug and other health testing, and the parameters and effects of sexual harassment in the workplace. Throughout, general subjects are approached via specific cases.

Credit Hours: 3

Learning Outcomes

At the end of this course, students will have achieved and be able to achieve the following outcomes:

- Define the different types of laws; explain their basic differences and how the law functions in society.
- Become familiar with federal, state and local laws regulating or influencing emergency services.
- Explain the role of the courts in shaping how emergency services conduct their business.
- Become familiar with legal decisions affecting fire services.
- Distinguish the reasons why courts restrain some searches and allow others.
- Define the privacy expectations of U. S. citizens.
- Recognize legal duties of emergency services providers.
- Explain the limitations of the first amendment in the workplace.
- Legally define discrimination and identify areas of potential discrimination in emergency services.
- Identify, explain, and discuss the legalities of drug and HIV testing in the workplace.
- Define the scope of negligence as it relates to emergency services.
- Analyze the parameters and effects of sexual harassment in the workplace.
- Explain how wrongful death suits affect emergency services.
- Discuss the firefighters rule in Oregon and Washington.

Means of Assessment

(For description of grading system, see “Grading Policies” below.)

Weekly class participation: 10% of course grade

Weekly essays: 40% of course grade

Midterm Exam: 25% of course grade

Final Exam: 25% of course grade

The course’s learning outcomes relate to the following categories:

1. Comprehension of legal systems, principles, and laws,
2. Focus upon case law relevant to emergency services, and
3. Pragmatic application of subject matter contained in the first two applications through discussion of topics in particular contexts.

Assessment instruments are based primarily in reading and writing, combined with a substantial and closely aligned class discussion component to help students integrate the subject matter through the shared peer experience. These instruments enable the students to achieve both theoretical and practical outcomes in a way based in dialogue and reflection as well as simple assimilation of the subject matter as presented by the instructor.

Course Objectives

- Provide an advanced look at the legal environment and ramifications of emergency services, specifically the fire services.
- Enable students to achieve a general but detailed overview of the law’s constitutional background; the law’s function at federal, state, and local levels; and the ways in which emergency services fall under the specific jurisdiction of various courts.
- Help students to understand the law’s regulation and influence of issues specific to emergency services, including negligence and wrongful death (including vulnerability to tort litigation), legalities of drug and other health testing, and the parameters and effects of sexual harassment in the workplace.
- Approach all primary and secondary topics through study of significant and relevant case law applicable to fire and emergency services.

Course Outline

Schedule	Topic	Resources	Assignments
<i>Week 1</i>	Origins of legal system; interaction of state and federal systems	Web-based: U.S. Constitution, etc.	Essay on U.S. judicial system and either judicial system of either Oregon or Washington
<i>Week 2</i>	4th Amendment; Criminal and civil law	Web-based documents, including cases	Essay: role-playing as defendant against civil plaintiff and criminal prosecutor
<i>Week 3</i>	Warrants: definitions, rationales, applications	Web-based documents, including cases	Essay on why warrant is needed in some searches but not others. Compare two key cases.
<i>Week 4</i>	Drug testing for public sector employees and 4 th Amendment; appropriate applications	Web-based documents, including cases	Essay: Analyze and explain assigned case related to topic.
<i>Week 5</i>	“Compelling state interest”; individual privacy expectations under 4 th Amendment; mandatory HIV testing in relation to collective bargaining and unreasonable searches; Servino compared with Doe and Anonymous	Web-based documents, including cases	Essay reflecting specific knowledge of general topics for week
<i>Week 6</i>	Doctrine of sovereign immunity in fire services	Web-based documents, including cases	Essay distinguishing two key case outcomes
<i>Week 7</i>	Liability in fire services	Web-based documents, including cases	Essay discussing two cases regarding liability
<i>Week 8</i>	Fire services and community obligations	Web-based documents, including cases	Essay on whether emergency services and the community have a “special relationship,” comparing key cases
<i>Week 9</i>	1 st amendment and its applicability in emergency services	Web-based documents, including cases	Essay evaluating specifics of general topic as presented
<i>Week 10</i>	Fire services “rescuer doctrine” and the concept of “assumption of risk”	Web-based documents, including cases	Essay discussing topics comparing Oregon and Washington law, specific case application

Grading Policies

Course Grades

A = 92-100
A- = 90-91
B+ = 88-89
B = 82-87
B- = 80-81
C+ = 78-79
C = 72-77
C- = 70-71
D+ = 68-69
D = 62-67
D- = 60-61
F = 59 and below

Essay Grading Guidelines

There will be a short essay assigned for each week of the class.

Students are required to write polished, substantial college-level expository essays, and since this is a third-year course, they are expected to have the skills to do so. Although primary emphasis is placed upon comprehension of the subject matter through thesis, exposition with strong support of main points and good transitions, etc., the quality of technical aspects such as grammar and spelling may adversely affect the grade, even if the subject matter comprehension and argumentation is sound.

Each essay is worth 10 points, to be scaled by percentage of the final grade. The number of points assigned in each essay grade will be clearly explained in feedback from the instructor.

These same standards also will apply to the mid-term examination and the final examination.

Texts and Suggested Materials

Primary texts are web-based documents and links to exterior sites. All exterior sites consist of material open to fair use by the public.

Suggested supplementary materials:

- *Fire Law*, Wiley Publishing
- *Fire and Emergency Law Casebook*, Delmar Publishing
- *Black's Law Dictionary*
- *Legal Aspects of the Fire Service*, Amlex Publishing

- *Legal Briefings for Fire Chiefs* – www.firechiefslaw.com

Statement on Academic Misconduct

Eastern Oregon University places a high value upon the integrity of its student scholars. Any student found guilty of an act of academic misconduct (including, but not limited to, cheating, plagiarism, or theft of an examination or supplies) may be subject to having his or her grade reduced in the course in question, being placed on probation or suspended from the University—or a combination of these. Please see Student Handbook at: <http://www.eou.edu/saffairs/handbook/honest.html>

Statement on Americans With Disabilities

If you have a documented disability or suspect that you have a learning problem and need accommodations, please contact the Disability Services Program in Loso Hall 234. Telephone: 541-962-3081.

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Syllabus prepared by Les Balsiger, J.D., instructor; and Thomas Hofheinz, Ph.D., FSA Program Coordinator.

Date: February 13, 2006