Course Materials

- **Casebook**

- **Additional Required Materials**
  Additional materials for which students will be responsible will be posted on the course TWEN site. Among these materials will be the core cases upon which the textbook provides background, bioethical context, and analysis, as the assigned textbook is not a “traditional” casebook.

- **Syllabus**
  Students are expected to read this course syllabus prior to the first class meeting and to refer to it regularly when questions covered herein arise during the semester.

Course Objectives

Students who successfully complete this course will:

- Understand the fundamental history, theory, and concepts related to bioethics;
- Comprehend core legal concepts at the nexus of law and bioethics;
- Be able to identify bioethical and legal issues related to healthcare and emerging technologies;
- Gain exposure to key and current bioethics controversies;
- Have a basic knowledge of some primary ethical/philosophical schools of thought;
- Reflect on their own ethical compass and the sources of its formation;
- Appreciate the often-competing policy issues underlying bioethical issues and related law;
- Engage in civil, analytical debate on highly charged, challenging topics; and
- Participate in knowledge transfer by sharing their research and analysis on selected bioethical and legal issues with the class.

Class Preparation Expectations

The readings vary in length and are posted separately for the week on TWEN. If you have questions about what to read for the next class, please refer to the reading assignment posting for the week in question on TWEN, and if questions remain after doing so, please ask Professor Mekel. The material covered in class will require careful, detailed reading, and we strongly recommend that you exert the time and effort that it takes to brief the cases and other materials covered to ensure that you understand them and are prepared to discuss them in class in an in-depth manner that demonstrates mastery. (See the class participation section under “Grading”.) You are expected to carefully read all assigned readings and to complete all other assignments. In so doing, you are also expected to put in the necessary time and effort to achieve facility with the materials and to produce reflective, professional-level work products and understanding.

The American Bar Association (ABA) standards for accrediting law schools contain a formula for calculating the amount of work that constitutes one credit hour. According to ABA Standard 310(b)(1), “a ‘credit hour’ is an amount of work that reasonably approximates: ... not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks.” This is a three-credit-hour course, meaning that we will spend 150 minutes (or two-and-a-half hours) of in-class time together each week on Wednesday evenings. The assignments and other out-of-class preparations, including, but not limited to, reading assigned materials, briefing cases, completing the WACs as set forth in this syllabus and in separate instructions posted on TWEN, outlining, reviewing materials, etc., should
take you no less than six hours each week. In total, you should budget your time accordingly, as you will need to spend no less than nine hours per week on this course, including both in-classroom and out-of-classroom time. Some weeks the amount of time required will exceed this minimum.

**Grading, Assignments, and Due Dates**

- **Class Participation—20% of Total Grade**
  
  Because this is a seminar-style class, discussion is a key course element. Therefore, excellent, thoughtful, succinct, analytical, respectful, relevant, regular, and voluntary class participation is a substantial portion of the course grade. Such high-quality participation includes (but is not limited to): regularly volunteering in class to clearly and succinctly discuss/brief cases and assigned materials in a manner demonstrating that the student has carefully and thoroughly read, understands, and has reflected on the assignment; and thoughtfully and analytically answering questions posed about policy issues, ethical matters, legal questions, and other matters raised by the subject matter being studied. **Such participation does NOT include sharing personal stories or anecdotes.** Moreover, being present, on time, attentive, and engaged during class sessions are imperative to this portion of the course assessment, as a baseline. Determinations and decisions about student participation are determined by the instructors at the end of the semester during the grading period.

- **“News of the Day”—15% of Total Grade**
  
  Class sessions typically will commence with a “News of the Day” component. As a result, each student will be assigned to independently find, prepare, and briefly present (approximately ten minutes) a “News of the Day” item pulled from a recent news story that directly raises bioethical and legal issues once during the semester. Students will sign up early in the semester for the date on which they will present “News of the Day.” It is the student’s responsibility to keep track of his/her assigned presentation date.

  The “News of the Day” assignment includes submitting, in both hard copy and electronically via email to the instructors, the news article, as well as a write up by the student that covers the following:

  - identification of the ethical, legal, and policy issues raised by the news item; and
  - a viable, real-world proposed a solution to/resolution of the issue or problem at hand, including an assessment of the solution’s/resolution’s “pros” and “cons” (i.e., all sides of the issue from the ethical, legal, and policy standpoints).

  “News of the Day” topics must be ORIGINAL. The topic CANNOT have been presented by another student during the course of the semester, nor can it be a topic covered or to be covered in the course materials/assignments during the semester. Moreover, the write up must: be two (2) single-spaced pages in length (no more and no less); be in 12-point Times New Roman font; have one (1)-inch margins all around; and be professionally presented (i.e., typed, include proper formatting (e.g., headings, etc.), use proper grammar and spelling, employ a formal writing style, include citations in proper legal format (as needed (such as to the article upon which the analysis is based)), etc.). (See the grading rubric on TWEN.)

  *The student MUST be in attendance and prepared on the day that he/she has signed up to present “News of the Day,” and the “News of Day” write up MUST be submitted PRIOR to the start of that particular class session. Failure to do both or either will result in a failing grade (a zero (0)) for this course component.*

- **Mock Bioethics Mediation Session—15% of Total Grade**
  
  This assignment includes both an oral and a written component. Students will be assigned a role/client to represent in a mock bioethics mediation session to be held in class on a date assigned during the semester.
Students will be expected to turn in talking points reflecting the ethical, legal, and policy positions of their assigned role/represented client at the start of this class session. The talking points must identify and explain the assigned client’s position and desired resolution of the scenario, and also must provide legal, ethical, and policy rationales that underpin the client’s position and desired outcome. They must correctly articulate the “pros” and “cons” on the client’s position, while still remaining persuasive. (See below for details on the talking points, and see the grading rubric on TWEN.)

Talking points must be submitted BOTH in paper copy and via email to the instructors DIRECTLY PRIOR to the class session during which the mediation will occur. As with all written course deliverables, the talking points must be professionally presented (i.e., typed, feature proper formatting (headings, etc.), use proper grammar and spelling, employ a formal writing style, include proper citations (if appropriate), etc.). The talking points should be no less than two (2) pages in length and no more than three (3) pages in length. Pages should be single spaced, be in 12-point Times New Roman, and have one (1)-inch margins all around. (See the grading rubric on TWEN.)

Additionally, students MUST be present and prepared (including submission of the talking points) during the class session during which the mock bioethics mediation will occur or the student will receive a zero (0) for this portion of the course grade.

Legal Healthcare Decision-making Documents—10% of Total Grade
This assignment requires the researching of Illinois’ legal healthcare decision-making statutes and forms, as well as related materials. It then requires the student to complete the appropriate form(s) for himself/herself based on his/her wishes should a situation making such documents necessary arise. A memorandum of no less than two (2) pages and no more than three (3) pages must accompany the forms. The memorandum must explain the type of healthcare decision-making document(s) and explain the legal requirements for valid completion. In addition, the student must explain his or her elections (and underlying rationales) as to the completed form contents. Finally, the memorandum must include next steps (i.e., who should be made aware of the forms and given copies, any discussions that must be had, timing issues, etc.). As with all assignments for this course, the assignment must be submitted in BOTH paper and electronic copies to the instructors. In addition, the memorandum portion must: be in 12-point Times New Roman font; have one (1)-inch margins all around; be single-spaced; and be professionally presented (i.e., typed, include proper formatting (e.g., headings, etc.), use proper grammar and spelling, employ a formal writing style, include citations in proper legal format (as needed such as to the statutes and forms)), etc.). (See the grading rubric on TWEN.)

This assignment will be due at the start of class during the class period for which death-and-dying subject matter (i.e., textbook chapter and cases) is the primary reading assignment. As with all assignments, LATE ASSIGNMENTS ARE UNACCEPTABLE and a zero (0) will be assigned for lack of timely submission.

Bioethics-related Book Review—10% of Total Grade
Good writing starts with reading. Often during law school, students feel like they do not have time to read materials outside of class assignments. Yet so much of law school requires continually honing writing skills, which is done, in part, by reading and reflecting on writing. To address this, each student will be required to read a pre-approved bioethics-related book during the semester. This can be fiction, including sci-fi (a great source for exploration of bioethics, law, and social implications), or non-fiction. The book must be proposed early in the semester, by the deadline set by the instructors, and it must be approved by the instructors. Students will be required to independently write a review of the book, including: a plot summary, identification and discussion of the bioethical and legal issues raised, an analysis of these issues as they play out in the book, and a reflection on the writing style used by the author—“pros” and “cons,” as well as
a writing takeaways the student gleaned in reflecting that will inform the student’s writing moving forward.

There will be a class discussion near the end of the semester on this assignment and what students learned, when all reviews have been turned in.

Book reviews must be no less than two (2) pages in length and no more than three (3) pages in length. In addition, the review must: be in 12-point Times New Roman font; have one (1)-inch margins all around; be single-spaced; and be professionally presented (i.e., typed, include proper formatting (e.g., headings, etc.), use proper grammar and spelling, employ a formal writing style, include citations in proper legal format (as needed (such as to the statutes and forms)), etc.). (A grading rubric will be provided on TWEN.)

This assignment will be due at the start of class during the class period during which the class will hold the book review discussion. As with all assignments, LATE ASSIGNMENTS ARE UNACCEPTABLE and a zero (0) will be assigned for lack of timely submission.

- Take-home Essay Assignment—30% of Total Grade
Students will be assigned a final, take-home, written essay assignment at the end of the semester, which will be due on FRIDAY, APRIL 28, 2017, at 3:00 p.m. LATE WORK IS UNACCEPTABLE. The assignment will require students individually to analyze—from ethical, legal, and policy perspectives—one (1) or more posed scenarios. This assignment must be each student’s independent work product.

The assignment must be submitted by the deadline both electronically and in paper copy to administrative assistant Carol Manis. THIS ASSIGNMENT WILL BE DONE USING YOUR EXAM NUMBER ONLY. The assignment will be made available at the start of the last week of the semester via TWEN. Specific instructions, including page limits and the like, will be provided as part of the assignment itself, and, as with all written course deliverables, this assignment also will require professionally presentation (i.e., be typed, employ proper grammar and spelling, utilize a formal writing style, include properly formatted citations, etc.).

- Additional Housekeeping Matters Relating to All Assignments
  - Plagiarism and Academic Misconduct
It goes without saying that plagiarism is a serious Honor Code violation, which will be strictly enforced and which carries severe penalties. The Southern Illinois University School of Law Honor Code expressly defines plagiarism as: “passing off another’s ideas, words, or work as one’s own, including written, oral, multimedia, or other work, either word for word or in substance, unless the student author credits the original author and identifies the original author’s work with quotation marks, footnotes, or other appropriate designation in such a way as to make clear the true author of the work.” Honor Code violations can lead to serious penalties, including expulsion, and Honor Code concerns lead to Honor Code investigations, which must be reported to the Bar Examiners, even if the student is cleared of any misconduct.

  - Independent Work Product and Academic Misconduct
Where the syllabus and assignments require that students complete deliverables “independently” or where the assignment is to be the student’s “independent work product,” it means that collaboration of any sort is prohibited. Students are NOT permitted to obtain assistance from any other person, including any other student. The ban includes written materials from other students or communicating about the assignment with other students. Students failing to comply with this requirement can be found to be in violation of the Honor Code, which can lead to serious penalties. Part and parcel of such concerns, when they arise, are Honor Code investigations, which must be reported to the Bar Examiners, even if the student is cleared of any misconduct.
• **Deliverables and Due Dates**
  Due dates and times are strictly enforced. Serious penalties, as noted in this syllabus, apply for missed deadlines and can easily lead to a failing grade on both the assignments in question and in the course as a whole.

• **Respectful Dialogue and Challenging Subject Matter**
  Due to the very nature of the class, the topics addressed will be highly controversial and challenging. (See a general list of topics to be covered, infra.) If these issues are a trigger for you, then this may not be a class you will be comfortable taking. For those in the class, it is imperative that everyone is generally respectful so that meaningful dialogue can be fostered. Disagreement, given the nature of the topics covered, however, is expected. And, as this is a course at the nexus of law and ethics, positions must be backed up by legal, policy, and ethical rationales.

• **Class Preparation and Attendance**
  As a matter of professionalism, students are expected to attend class sessions, be on time, be well prepared for each class session, and be engaged. Without such attendance, preparation, and engagement, discussion will suffer, as will students’ learning (and their grades). (See attendance policy, infra, as well as the class participation grading component, supra.)

• **Punctuality and Courtesy**
  In the event a student is late to class, he or she is expected to avoid disturbing the class in session by entering the classroom quietly (i.e., ensuring the door does not slam, etc.), and take a seat along the aisle (rather than proceeding to his or her assigned seat). As a matter of respect, if a guest speaker is expected to lecture (as noted in advance on TWEN), punctual class attendance is particularly important. Moreover, late students are NOT permitted to sign the attendance sheet.

**Outline/Overview and Reading Assignments**

➤ **General Course Outline/Overview**

I. Introduction  
II. Human Subjects Research  
III. Patient-Physician Relationship  
IV. Reproduction, Reproductive Technologies, and Related Issues  
V. Death, Dying, and Related Issues  
VI. Organ Donation and Related Issues  
VII. Medical Futility  
VIII. Public Health vs. Individual Autonomy  
IX. Other Topics as Time Allows  

*Note: This is a general outline/course overview, and is subject to modification throughout the course by the instructors.*

➤ **Daily Reading Assignments**

Daily reading assignments in the textbook, assigned cases, and other required readings will be posted in advance on the TWEN course page, and any adjustments will be made, if necessary, via TWEN after each class for the following class. Postings will typically be done on a weekly basis, with the posting being made by Saturday morning for the following week.

**Use of TWEN**

Students are expected to check all relevant sections of the course TWEN site **prior to each class.**
**Attendance**
This course meets on **Wednesdays from 4:30 p.m. to 7:00 p.m.** Class starts *promptly* at the designated time, so please be on time, in your assigned seat, and ready to go!

It is the student’s responsibility to ensure that he/she signs the attendance sheet during class! Students also need to note that the School of Law Honor Code states that it is academic misconduct to “sign[] another[student’s] name to an attendance sheet for a class [that other student] did not attend,” or to “sign his or her [own] name to an attendance sheet for a class he or she did not attend.” Such Honor Code violations carry severe penalties.

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 in accordance with the rule to be announced by the professor at the beginning of each course. Attendance will be taken in class and attendance records will be kept. Violation of this rule shall subject the student to penalties.... Upon the recommendation of the professor involved, the Dean or Associate Dean may waive violation of this rule for extraordinary reasons.”

Given that this three-(3)-credit class meets once per week, **three (3) absences (partial or total) for ANY reason (other than the student's hospitalization, jury duty, death in the student's immediate family, or birth of the student's child—any of which must be proven by documentation deemed acceptable by the instructors)—will be permitted during the semester. Students with more than three (3) absences will be referred to the Associate Dean and will be given the lowest possible grade—a failing grade—for the course. Also note that absence on a date when the student is assigned to present will result in a zero (0) for that particular portion of the student’s grade. Moreover, participation in class is part of the student’s course grade; if one is absent, one cannot meaningfully contribute to class discussion and earn participation points. Students may NOT “Note Out” of this class. Students found to be unprepared by the Professors will be marked absent for the day. Finally, late students are NOT permitted to sign the attendance sheet.**

**Accessibility**
Both instructors are available by email for questions and to make an in-person appointment for directly after class sessions to discuss matters related to the course. You can email both instructors via the course TWEN page.

**Phones/Communication Devices and In-class Use of Laptops/Tablets**
Phones and similar communication devices must be turned off during class. Additionally, laptops and/or tablets may only be utilized for class business. Should a student be found to be utilizing a laptop, tablet, or other communication device for non-class functions during class severe penalties related to the student’s class participation grade will be assessed in a negative manner.

**Notice of Recording Policy**
Classes, lectures, and discussions are not, will not be recorded, and are not to be recorded by students. Pursuant to the Honor Code, 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.”

**Accommodations for Students with Disabilities**
Disability Support Services (DSS) provides the required academic and programmatic support services to students with permanent and temporary disabilities. DSS provides centralized coordination and referral services. To utilize DSS services, students must go to the DSS to open cases. The process involves interviews, reviews of student-supplied documentation, and completion of Disability Accommodation Agreements. See: [http://disabilityservices.siu.edu/](http://disabilityservices.siu.edu/). Upon completion of a Disability Accommodation
Agreement with DSS, students should bring the agreement to the School of Law Registrar’s Office to ensure the School of Law provides the proper classroom and examination accommodations.

**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: 618.453-5714, siucares@siu.edu, or http://salukicares.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.

**Emergency Procedures**
Southern Illinois University-Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC Emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on BERT's website at www.bert.siu.edu, Department of Safety's website www.dps.siu.edu (disaster drop down) and in Emergency Response Guideline pamphlet. Know how to respond to each type of emergency.

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.** The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.