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 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.

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 and *understands* 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 is 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”—10% of Total Grade**
  Class sessions typically will commence with a “News of the Day” component. As a result, each student will be assigned to find, prepare, and *briefly* present (approximately five (5) TO SEVEN (7) 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 proposed 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.)

_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 mark (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 WEDNESDAY, MARCH 23, 2016.

_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.

Talking points must be submitted electronically and 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.)

_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—5% of Total Grade_

This assignment requires the researching of Illinois’ legal healthcare decision-making statutes and forms. It then requires the student to complete the appropriate form(s) for himself or 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, 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.). (A grading rubric will be provided.)

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.

➢ Take-home Essay Assignment—25% 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 29, 2016, 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.

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.).

➢ Mini Position Paper and Presentation—25% of Total Grade
Each student will present and submit a mini position paper on a topic at the nexus of law and bioethics. Topics must be pre-approved by both instructors at the onset; likewise, any topic changes also must be approved by both instructors. Grading of this two-part assignment will be finalized during the finals grading period.

• Topic Selection
When selecting a topic, it is critical to pick one that has both bioethical and legal implications, and in which the student has an avid interested and about which the student holds a clear position. Students must engage with their topic throughout the semester—investing time, energy, and thought into researching, writing about, and presenting it. The topic also should be fairly narrow, as this assignment is limited both in terms of the paper length and the presentation time allotment. Moreover, topics CANNOT be ones covered by class materials during the semester.

The topic selection is due no later than 3:00 p.m. on MONDAY, FEBRUARY 8, 2016, and is to be turned in electronically to both instructors and in hard copy to administrative assistant Carol Manis. LATE WORK IS UNACCEPTABLE.

Topic selection submissions shall include:

✓ the topic;
✓ why it is of interest and relevant;
✓ its legal implications;
✓ its bioethical implications; and
✓ the student’s approach/position.

NO two (2) students will be allowed to select the same or directly related topics. Moreover topics CANNOT be one (1) that will be covered in the course materials. (See infra for the outline of course topics.) Topics shall be approved on a first-come, first-served basis.

Mini Position Paper—15% of Total Grade
The mini position paper, based on the pre-approved topic, should start by explaining the topic and the bioethical and legal issues it poses. To do so, it should have an introduction section that includes a clear, well-drafted thesis statement reflecting the student’s position and captures the attention of the reader. The paper should also include: a legal issues section, which highlights and explains—using good (and primary, where applicable) legal authority—the legal concerns raised by the topic; and an ethical issues section, which highlights and explains the ethical concerns raised by the issue—making sure to address all sides. Following these sections, the paper must include a recommendations and proposed resolution section that provides, explains, and defends the student’s solution to the problem—again addressing the “pros” and “cons.” The solution must be plausible, feasible, and well thought out in terms of law and policy, logic, logistics, common sense, and the realities of the world as it presently is.

Completed papers should be a minimum of eight (8) pages in length (excluding the cover page) and a maximum of ten (10) pages in length (excluding the cover page), with single spacing, one (1)-inch margins on all sides, and in 12-point Times Roman font. Additionally, each paper should include properly footnoted citations, as needed, using either the ALWD (taught in Legal Research and Writing at SIU Law School) or Bluebook citation format—at the student’s preference. Papers should be professionally prepared, using a title page, an informative and interesting title, and clear and informative section headings and subheadings as necessary. Page numbers should be inserted on all pages (at the bottom, center of the page). Proper grammar and spelling should be utilized, and the paper should be written in a formal style. In addition, as this is a position paper, the student must take a position and write in a persuasive manner. In doing so, however, “pros” and “cons” must be addressed. (See the grading rubric.)

The mini position paper will be due in both hard copy (submitted to Carol Manis) and electronic format (submitted to the instructors) by 3:00 P.M. ON WEDNESDAY, APRIL 20, 2016. LATE WORK IS UNACCEPTABLE.

Presentation—10% of Total Grade
A 15-minute, in-class presentation will be based on the student’s position paper. The presentation must be persuasive and in concurrence with the student’s position pursuant to the topic submission and mini persuasion paper, and it also must present the legal, ethical, and policy “pros” and “cons” on the topic, as well as the student’s proposed solution/resolution.

A polished, professional PowerPoint presentation, complete with a reference slide (which should be the last slide in presentation), is required to augment the student’s oral presentation. References need to be properly done using one (1) of the accepted legal citation formats—ALWD or Bluebook. The PowerPoint presentation MUST be submitted to the instructors PRIOR to the class period during which the student is assigned to present. (See the grading rubric.)

Students MUST be in class and prepared on their assigned presentation day, or the course grade associated with this portion of the assignment will be forfeited (with a zero (0)
assigned for the grade). Additionally, students MUST stay within their 15-minute presentation window. (See the grading rubric).

Following the student’s 15-minute presentation, there will be a question-and-answer session during which the student will have to address questions on his or her topic, solution/resolution, etc. Questions will be posed by both the instructors and other students in the class. This component also will count toward the student’s grade for the presentation, as it captures how well the student understands the topic, has thought out his/her solution/resolution, and can articulately think on his/her feet. (See the grading rubric.)

Depending on the size of the class, presentations will be conducted in class, during the last scheduled class session and/or second-to-last class session of the semester. Students MUST be present and prepared on the date they are designated to present, or they will receive a zero (0) for this portion of the assignment.

➢ 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 “incorporation of written work, either word for word or in substance from any work of another, unless the student writer credits the original author and identifies the original author’s work with quotation marks, footnotes, or other appropriate written designation in such a way as to make clear the true author of the work.”

  Additionally, students are expected to complete their assignments individually. Applicable Honor Code and University Rules apply in this arena, as well.

• 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 in the course.

• Respectful Dialogue
  Due to the very nature of the class, the topics addressed will be highly controversial and challenging. As a result, it is imperative that everyone is generally respectful so that meaningful dialogue is fostered. Disagreement, given the nature of the topics covered, however, is expected.

• 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 grade, as well). (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.
Course 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 4:00 p.m. to 6:30 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. 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 (or either instructor) 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 must 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.

Notice of Recording Policy
Classes and lectures are not and will not be recorded, and are not to be recorded by the student. 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.”

Notice of Sensitive Course Content
In compliance with Title IX and SIU policies, this serves as notice to students that this course, Bioethics and the Law, will include discussion of sensitive subject matter (i.e., issues related to reproduction, gender, etc.). These topics constitute a core portion of the course, as bioethical issues arise at the nexus of the social, ethical, and legal implications of life, death, reproduction, gender, healthcare, biomedical science, and the like.

Accommodations for Students with Disabilities
Pursuant to the Rules of the Southern Illinois University School of Law, “[t]he Law School will make reasonable accommodations for students with disabilities. A student seeking such accommodation must make application to the Associate Dean in accordance with the Southern Illinois University School of Law Policy Concerning Applicants and Students with Disabilities. A student is required timely to submit appropriate documentation of the disability sufficient to allow the Associate Dean to determine the reasonableness of the accommodation requested. If the requested accommodation concerns examinations, the Associate Dean will decide whether to grant the accommodation after consultation with the appropriate faculty member(s). The Associate Dean and the faculty members involved will treat the identity of the student requesting accommodation as confidential, to the maximum extent practicable.”

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.”
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.