

## Fire Instructor, Pre-Course Assignment 3

Text: *Fire and Emergency Services Instructor*, Seventh Edition, Fire Protection Publications, Stillwater, OK, 2006. Chapter 3, “Legal and Ethical Considerations,” pp 60–82.

### NFPA 1041 (2007) JPRs addressed

- 4.2.1
- 4.2.3 and 4.2.3 (A)
- 4.3.2 (A)
- 5.2.4 and 5.2.4 (A)
- 5.2.5 and 5.2.5 (A)
- 5.4.3 (A)
- 6.2.2 and 6.2.2 (A)
- 6.2.4 and 6.2.4 (A)
- 6.2.5 and 6.2.5 (A)
- 6.5.3 (A)
- 6.2.7

### Objectives

After completing Pre-Course Assignment 3, you should be able to

- List the broad categories of legal responsibility for instructors at
  - Level I.
  - Level II.
  - Level III.
- Define the following legal terms:
  - Code
  - Regulation
  - Standard
  - Guide
  - Law
- Define the term *authority having jurisdiction (AHJ)* and list five examples of an AHJ.
- Distinguish between the three types of laws: legislative (statutory), administrative, and judiciary.
- Cite an example of the kind of laws generated at each level of government: federal, state/provincial, local.
- Summarize the instructor’s legal requirements regarding training and attendance records.
- Define *liability* and *vicarious liability* and cite the general expectations of instructors regarding legal liability.
- Define *foreseeability* and explain what foreseeability requires of training administrators and instructors.
- List the steps an instructor should perform to reduce potential liability in a training situation.

- List the steps an instructor should take in the event of an accident or other potentially liable incident.
- Describe the considerations an instructor must make regarding the Copyright Act.
- List the substantive rights to which students are entitled.
- Explain, in general terms, the environmental considerations training administrators and instructors must take into account.
- Discuss ethical conduct in terms of the following:
  - The causes of unethical conduct in organizations.
  - The justifications for unethical conduct by individuals.
  - The characteristics of a written code of ethics.
  - What an instructor should do when faced with an ethical dilemma during training.

### Reading

Chapter 3, “Legal and Ethical Considerations,” pp 60–82

After reading Chapter 3, you should be able to answer the following:

1. Define the terms *laws* and *ethics*.
2. What are the broad categories of legal responsibility for instructors at Level 1? Level II? Level III?
3. Provide a definition for, and an example of, each of the following legal terms:
  - a. Code
  - b. Regulation
  - c. Standard
  - d. Guide
  - e. Law
4. What is an AHJ and what are its general responsibilities?
5. What is the difference between legislative, administrative, and judiciary laws?
6. Give a brief description of the following federal laws with which training personnel should be familiar:
  - a. Civil Rights Act
  - b. Title VII of the Civil Rights Act
  - c. Americans with Disabilities Act (ADA)
  - d. Privacy Act or Buckley Amendment
7. Give a brief description of the kinds of statutes passed by states/provincial governments. By local governments. By local departments and organizations.
8. Outline the legal requirements of an instructor regarding training and attendance records, taking into account types or records, length of record retention, privacy, public access and open records act exemptions.

9. Define the terms *liability*, *vicarious liability*, and *foreseeability*. How does one “practice foreseeability”?
10. What steps should prudent instructors perform to reduce the potential for liability and legal action in training and operational environments?
11. What steps should an instructor take to prevent or minimize personal liability when an accident occurs?
12. What does the fair use doctrine of the Copyright Act grant? List the copyright guidelines relevant to instructors.
13. What should instructors do to guard against invading students’ privacy regarding photographic images and video?
14. In a training situation, what are the substantive rights that students may expect to have?
15. To comply with federal EPA and state environmental rules and regulations, what must training administrators and instructors do regarding the following?
  - a. Water
  - b. Atmosphere
  - c. Soil
16. What are the origins of an individual’s personal ethics? What personal ethical values are generally accepted as important by most cultures and societies of the world?
17. Explain the causes of unethical behavior in organizations.
18. How do individuals typically justify unethical behavior?
19. For what reasons should a training organization have a written code of ethics?
20. What are the steps to follow in using ethical decision-making?

### Reflecting

Provide a written answer to each of the following questions. Continue answers on a second sheet, if necessary.

What codes, standards, and laws does **your** organization pay particular attention to regarding fire fighter training? For what reasons?

What precautions does **your** organization take to reduce the potential for liability and legal action related to training? After reading this chapter, what additional precautions would you recommend that your organization put in place?

Read the “Training Organization Code of Ethics” in Appendix I, page 591. Then read “Case Study: Making an Ethical Decision,” page 81. Address the “Questions for Discussion” in a short essay using the code of ethics in Appendix I as the basis of your response.

What is your interpretation of the following quote from the text (p 81): “An organization’s culture is only as sound as the example set by the officers of the organization.”

Match the law/regulation/code in the right-hand column with the related legal detail in the left-hand column. Write the letter of the correct law/regulation/code in the blank to the left of the number of the detail. (You may use items in the right-hand column more than once.)

- |   |  |
|---|--|
| _____ 1. Adoption of practices to provide safe, healthful places of employment  | A. Americans with Disabilities Act (ADA)             |
| _____ 2. Discrimination based on race, color, religion, sex, or national origin | B. Copyright Act of 1976                             |
| _____ 3. Fair use doctrine  | C. EPA regulations                                   |
| _____ 4. Minimal acceptable levels of soil contamination                        | D. Family Educational Rights and Privacy Act of 1974 |
| _____ 5. Professional certification requirements                                | E. local ordinances                                  |
| _____ 6. Protection from sexual harassment                                      | F. state legislative laws                            |
| _____ 7. Reasonable accommodations  | G. Title VII of the Civil Rights Act                 |
| _____ 8. Speed limits on streets and roads                                      | H. U.S. Occupational Safety and Health Act of 1970   |
| _____ 9. Students’ training records   |  |
| _____ 10. Workman’s compensation acts   |  |

Circle the letter of the **best** answer for Items 11–15.

11. An instructor may become involved in a liability case if he or she \_\_\_\_\_.
- A. allows students to practice skills unattended after instructing them in safe equipment operations
  - B. assesses students' physical fitness and preparation for completing skills practice and evolutions
  - C. discloses students' personal information and test scores to the appropriate authorities
  - D. requires assisting instructors to meet the qualifications and requirements of the organization
12. Taking credit for the work of another person is an example of \_\_\_\_\_ mentality.
- A. bottom-line
  - B. exploitative
  - C. justification
  - D. violation
13. Law that results from court proceedings is called \_\_\_\_\_ law.
- A. administrative
  - B. judiciary
  - C. legislative
  - D. ordinance
14. Copyright law allows for copying of a printed item for all of the following reasons **EXCEPT** \_\_\_\_\_.
- A. for a person's scholarly research
  - B. for use and discussion in a particular class
  - C. to prepare for teaching a course or class
  - D. to substitute for purchasing textbooks
15. The **most** important aspect of a written code of ethics for an organization is that the code \_\_\_\_\_.
- A. becomes a useful public relations tool
  - B. enhances the organization's standing
  - C. establishes a visible standard to follow
  - D. prevents accusations of unethical conduct

## Fire Instructor, Pre-Course Assignment 3 Answer Key

<u>Item</u>	<u>Answer</u>	<u>Text page #</u>
1.	H	pp 62–63
2.	G	p 64
3.	B	p 73
4.	C	pp 76–77
5.	F	p 66
6.	G	p 64
7.	A	p 65
8.	E	p 66
9.	D	p 66
10.	F	p 67
11.	A	p 72
12.	B	p 78
13.	B	p 67
14.	D	p 74
15.	C	p 79