Ethical and Legal Issues in Aging
GEY 4647 (3 credit hours)
Course Syllabus
Fall 2014

Instructor:  Kathy Black, Ph.D.  Office Location: SMC C253
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Office Hours: 5-6 pm                                    Class Location and Time: TBA; Th 6-8:50 pm

DESCRIPTION

This course is intended to familiarize and sensitize learners with/to major ethical and legal issues and dilemmas in the field of aging and to consider their implications for policies, priorities, services and direct practice with older persons. The course will address legal and ethical legal issues in aging on the clinical, individual, social/cultural, policy, and organizational levels. This course will move from the general to the specific, that is, from an overview of philosophical understandings of old age and general notions about ethics to more specific analysis of both pressing and everyday ethical problems. The course aims to enhance the ability to discern the legal and ethical issues faced as well as facilitate introspective thinking regarding one’s own personal views in interaction with professional and societal values that shape the moral perceptions of situations that are encountered.

OBJECTIVES

1. Understand fundamental classical and modern concepts in ethics and the core values that inform work with older people;
2. Recognize the relationship between ethics and the law and the kinds of ethical and legal issues that occur in later life in such areas as health and long-term care;
3. Examine how different ways of thinking about ethics influence what we question and consider when addressing ethical problems;
4. Debate the ethical implications of societal and cultural norms about aging and old age;
5. Identify major principles of bioethics including autonomy, beneficence, and justice and their special relevance to older persons;
6. Discover how to address the ethical problems that arise in different sites of care;
7. Discuss the special ethical problems that arise in connection with Alzheimer’s disease and other dementias;
8. Consider contemporary moral dilemmas such as physician-assisted suicide;
9. Determine ways in which ethics and public policy intersect;
10. Examine the impact of ageism as an ethical concern;
11. Confront with an inquiring mind the dilemma society faces between balancing protection of vulnerable older adults and preserving their autonomy;
12. **Apply** a critical perspective to the ways we view older adults’ rights and our obligations to protect them;
13. **Synthesize** interdisciplinary approaches to ethical and legal issues facing older adults, their families, and society.

**INSTRUCTIONAL METHODS**

The primary method of instruction will be class-based and online activities and discussions. This class will use Canvas and learners are expected to be signed on and check for class updates. The instructor reserves the right to add assignments, readings, or require email contact as the course progresses. The instructor will use the Canvas email address to communicate with you. Tutorials on how to use Canvas is available at: [http://usfsm.edu/e-learning-services/student-resources/](http://usfsm.edu/e-learning-services/student-resources/)
You can also contact the toll-free helpline at: 866-974-1222 or live online help at: [http://usfsupport.custhelp.com/app/chat/chat_launch](http://usfsupport.custhelp.com/app/chat/chat_launch)

**TEACHING PHILOSOPHY**

I see learning as a collaborative process between the instructor and the learners. I have structured this course based on my experience and the experience of others who have taught it to enhance opportunities for expanding awareness of oneself as an individual. I work from the strengths perspective and understand that the talents and needs each learner and each class as a whole brings to this experience are unique. The success of my teaching depends on all of us putting forth our best efforts and communicating openly throughout this course.

**EXPECTATIONS**

**Learner Responsibilities:**
1. Participate in in-class exercises.
2. Come to each class session, come on time, and stay for the entire class period and return on time from breaks. Failure to attend any class sessions will affect your ability to contribute to class discussions and activities and thus will negatively affect your grade.
3. Participate in class discussions and individual/ small group or online activities, which are vital to the learning in this course.
4. Listen attentively when others are speaking and keep cell phones turned off.
5. Have read assigned course material and be prepared to discuss content in class.
6. Write papers that follow the guidelines provided in this syllabus, use correct grammar and APA format, and demonstrate learner learning from the texts and class session lectures and activities.
7. Turn all assignments in on time (see Assignment-Due Policy below).
8. Keep the instructor informed of any issues that interfere with individual learning, attendance, and/or turning in assignments on time.

**Instructor responsibilities:**
1. To prepare class session activities that enhances and augment learner learning from the text.
2. To share the instructor’s knowledge that relates to course content.
3. To start and end each class session on time.
4. To listen attentively to learner contributions and questions.
5. To facilitate class discussions to maximize learner participation and keep focus on course content.
6. To respond to the extent possible to learner suggestions and questions.
7. To develop graded activities which evaluate learners’ learning from readings in the text and from class activities.
8. To evaluate and grade learning based on the criterion provided in this syllabus.
9. To give learners feedback on their performance.

**WRITTEN ASSIGNMENTS**

All written assignments **MUST** be turned in on time. If you must miss a class, you can turn in the homework assignment electronically by the beginning of the class session. Papers are due at the beginning of class. Late papers WILL receive reduced grading- 5% off per 24 hours late. All written assignments must demonstrate acceptable writing style, American Psychological Association (APA), including the use of standard English, acceptable grammar, and the use of the American Psychological Association (APA) style of reference citation.

**ATTENDANCE POLICY**

Learners are expected to be on time and prepared to participate when class begins as well as be present throughout the entire class meeting. Classroom exercises, discussions, role plays, guest speakers and other in-class experiential exercises are essential for learning and continued development of self awareness. This form of learning cannot be “made up” once missed. Accordingly, attendance is required at all class meetings. There are no excused absences (except for military leave, jury duty, or religious holidays that are planned in advance). A learner is considered absent if he/she arrives more than 20 minutes late to class, leaves 20 or more minutes early or does not come to class. Learners can miss 2 classes without penalty. After that, 5% off of the total grade will be deducted for each missed class. **Learners are responsible for any missed material due to absences or lateness.**

**USF Sarasota-Manatee Policies and Procedures**

**Academic Dishonesty**
The University considers any form of plagiarism or cheating on exams, projects, or papers to be unacceptable behavior. Please be sure to review the university’s policy in the USFSM Undergraduate Catalog or USFSM Graduate Catalog and the USF Student Code of Conduct. Current and archived catalogs may be found at: [http://usfsm.edu/academics/](http://usfsm.edu/academics/)

**Academic Disruption**
The University does not tolerate behavior that disrupts the learning process. The policy for addressing academic disruption is included with Academic Dishonesty in the USFSM Undergraduate Catalog or USFSM Graduate Catalog and the USF Student Code of Conduct. [http://www.sa.usf.edu/srr/page.asp?id=88](http://www.sa.usf.edu/srr/page.asp?id=88)

**Contingency Plans**
In the event of an emergency, it may be necessary for USFSM to suspend normal operations. During this time, USFSM may opt to continue delivery of instruction through methods that include but are not limited to: Canvas, Elluminate, Skype, and email messaging and/or an alternate schedule. It’s the responsibility of the student to monitor Canvas site for each class for course specific communication, and the main USFSM and College websites, emails, and MoBull messages for important general information. The USF hotline at 1 (800) 992-4231 is updated with pre-recorded information during an emergency.
Disabilities Accommodation
Students are responsible for registering with the Office of Students with Disabilities Services (SDS) in order to receive academic accommodations. Reasonable notice must be given to the SDS office (typically 5 working days) for accommodations to be arranged. It is the responsibility of the student to provide each instructor with a copy of the official Memo of Accommodation. Contact Information: Disability Coordinator: 359-4714; email: disabilityservices@sar.usf.edu and website: http://usfsm.edu/disability-services/

Fire Alarm Instructions
At the beginning of each semester please note the emergency exit maps posted in each classroom. These signs are marked with the primary evacuation route (red) and secondary evacuation route (orange) in case the building needs to be evacuated. See information available on the USFSM student and faculty webpages at www.usfsm.edu

Religious Observances
The University recognizes the right of students and faculty to observe major religious holidays. Students who anticipate the necessity of being absent from class for a major religious observance must provide notice of the date(s) to the instructor, in writing, by the second week of classes. http://generalcounsel.usf.edu/policies-and-procedures/pdfs/policy-10-045.pdf

Emergency Preparedness
It is strongly recommended that you become familiar with the USF Sarasota-Manatee Emergency Action Plan on the Safety Preparedness See information available on the USFSM student and faculty webpages at www.usfsm.edu

Web Portal Information
Every newly enrolled USF student receives an official USF e-mail account. Students receive official USF correspondence and Canvas course information via that address. Therefore it is the student’s responsibility to check their USF email regularly.

Instructor Copyright
Students may not sell notes or other course materials.

COURSE READINGS

Required Texts

Recommended Readings
• Additional readings are either listed as links in syllabus or as pdfs in course documents.
ASSIGNMENTS

1. **Reflection Essay/ Three entries. Due Date: 10/1/14; 11/1/14; 12/1/14. (10 points each/ 30%).** Reflection essays will be utilized to facilitate introspection of course content. Learners are expected to read all course controversy readings and to respond to ONE reading per controversy (note each controversy includes 4-6 readings; you may not choose controversy 8 for this assignment). Learners may use their essay to discuss knowledge acquired or insight gained and to share personal opinions, perceptions, or experiences related to the particular topic. The entries should be typed, 12 pt font, and submitted online. Please use ONE or TWO (but NOT all) of the following prompts to begin each essay. The entries should be about a page in length/ ~ 250-300 words.

   a. Chapter/ Discussion reflections or summary…
   b. I learned…
   c. I was surprised by…
   d. I am beginning to question…
   e. I am thinking about…
   f. Relevance and/or application to my current work or future career …

1=Weak (0-59% )  2=Somewhat Weak (60-69%)  3=Average (70-79%)  4= Strong (80-89%)  5=Very Strong (90-100%)

1. The topic for each essay follows the outline of the assignment.
   1  2  3  4  5  6  7  8  9  10

2. The essay provides a very descriptive explanation of that person's thoughts, feelings, and subjective reactions to the reading or discussion.
   1  2  3  4  5  6  7  8  9  10

3. The organization of the essay is clear and easy to follow.
   1  2  3  4  5  6  7  8  9  10

4. The spelling, grammar, and punctuation in the essay are accurate. The essay is typed.
   1  2  3  4  5  6  7  8  9  10

5. The essay critically analyzes content and explores personal reactions and/or inherent ethical dilemmas.
   1  2  3  4  5  6  7  8  9  10
2. **Online Posting: Due: 11/12/14. (20%).** Please read required course content for 11/6/14 class and do the following: a) post a reflective response to Controversy 8 Should age or need be the basis for entitlement? Your post should be written formally and not with slang, etc. Your post should be at least 100 words. Please consider ALL readings in the controversy in your response. Your thoughtful post should conclude with a question; b) Read the posts of others AND respond to at least one other person’s posed question. Late posts will not be accepted.

3. **Issue Paper/ Term Paper: Due: 12/4/12. (30%).** To develop a deeper knowledge as well as analytical and written skills, learners will select a topic of interest regarding a legal or ethical issue in aging and prepare a paper (7- 8 pages) that succinctly describes: (1) the legal or ethical issue (~1-2 pages); (2) provides at least two contrasting views about the issue (~2 pages each); and (3) a final conclusion section that is written in the first person tense which describes your particular views on the issue, along with identification of that. At least five sources are used to substantiate the topic. Note that this may include various sources such as credible websites AND at least two scholarly/academic references. Please use subtitles to identify the 3 distinct sections of the paper. Once identified, you MUST obtain approval of your topic. The grading rubric is as follows:

**Grading Rubric for Term Paper**

<table>
<thead>
<tr>
<th></th>
<th>A (9-10)</th>
<th>B (7-8)</th>
<th>C (6-7)</th>
<th>D/F (=/&gt;5)</th>
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</thead>
<tbody>
<tr>
<td><strong>Focus: Issue</strong></td>
<td>Issue is clear</td>
<td>Shows awareness of Issue</td>
<td>Shows limited awareness of Issue</td>
<td>No awareness</td>
</tr>
<tr>
<td><strong>Contrasting Views</strong></td>
<td>Clearly presents Contrasting views and supports it throughout the paper.</td>
<td>There are contrasting views supported throughout most of the paper.</td>
<td>Vague sense of contrasting views, weakly supported throughout the paper.</td>
<td>No contrasting views</td>
</tr>
<tr>
<td><strong>Organization: Overall</strong></td>
<td>Well-planned and well-thought out. Includes title, introduction, statement of main idea, transitions and conclusion.</td>
<td>Good overall organization, includes the main organizational tools.</td>
<td>There is a sense of organization, although some of the organizational tools are used weakly or missing</td>
<td>No sense of organization</td>
</tr>
<tr>
<td><strong>Organization: Paragraphs</strong></td>
<td>All paragraphs have clear ideas, are supported with examples and have smooth transitions.</td>
<td>Most paragraphs have clear ideas, are supported with some examples and have transitions.</td>
<td>Some paragraphs have clear ideas, support from examples may be missing and transitions are weak.</td>
<td>Para. lack clear ideas</td>
</tr>
<tr>
<td><strong>Content</strong></td>
<td>Exceptionally well-presented and argued; ideas are detailed, well-developed, supported with specific evidence &amp; facts, as well as examples and specific details.</td>
<td>Well-presented and argued; ideas are detailed, developed and supported with evidence and details, mostly specific.</td>
<td>Content is sound and solid; ideas are present but not particularly developed or supported; some evidence, but usually of a generalized nature.</td>
<td>Content is not sound</td>
</tr>
<tr>
<td><strong>Research</strong></td>
<td>Sources are exceptionally well-integrated and they support claims argued in the paper very effectively. Quotations and Works Cited conform to APA style</td>
<td>Sources are well integrated and support the paper’s claims. There may be occasional errors, but the sources and Works Cited conform to APA style sheet.</td>
<td>Sources support some claims made in the paper, but might not be integrated well within the paper’s argument. There may be a few errors in APA style.</td>
<td>The paper does not use adequate research or if it does, the sources are not integrated well. They are not cited correctly according to APA style, nor listed correctly on the Works Cited</td>
</tr>
<tr>
<td>Style: Sentence structure</td>
<td>Sentences are clear and varied in pattern, from simple to complex, with excellent use of punctuation.</td>
<td>Sentences are clear but may lack variation; a few may be awkward and there may be a few punctuation errors.</td>
<td>Sentences are generally clear but may have awkward structure or unclear content; there may be patterns of punctuation errors.</td>
<td>Sentences aren’t clear</td>
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<tr>
<td>Style: Word choice, Tone</td>
<td>There is clear use of a personal and unique style of writing, suited to audience and purpose; the paper holds the reader’s interest with ease.</td>
<td>There is an attempt at a personal style but style of writing may be awkward or unsuited to audience and purpose; the reader may lose interest in some sections of the paper.</td>
<td>There is little attempt at style; reads as flat and perhaps uninteresting in content, which is usually generalized and clichéd.</td>
<td>No attempt at style</td>
</tr>
<tr>
<td>Style: Details and Examples</td>
<td>Large amounts of specific examples and detailed descriptions.</td>
<td>Some use of specific examples and detailed descriptions. May have extended examples that go on for too long.</td>
<td>Little use of specific examples and details; mostly generalized examples and little description.</td>
<td>No use of examples</td>
</tr>
<tr>
<td>Grammar &amp; Mechanics</td>
<td>Excellent grammar, spelling, syntax and punctuation.</td>
<td>A few errors in grammar, spelling, syntax and punctuation, but not many.</td>
<td>Shows a pattern of errors in grammar, spelling, syntax and/or punctuation. Could also be a sign of lack of proof-reading.</td>
<td>Continuous errors</td>
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**GRADING**

<table>
<thead>
<tr>
<th>ASSIGNMENT</th>
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<tr>
<td>Reflective Essays</td>
<td>30</td>
</tr>
<tr>
<td>Online Postings</td>
<td>20</td>
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<tr>
<td>Issue Paper</td>
<td>30</td>
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<td></td>
<td>100</td>
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Based on the preceding percentages, grading will be on a 100 point scale with the following ranges:

- **90-100** = A  \([A+ = 97-100; \ A = 92-96.9; \ A- = 90-91.9]\)
- **80-89** = B  \([B+ = 87-89.9; \ B = 82-86.9; \ B- = 80-81.9]\)
- **70-79** = C  \([C+ = 77-79.9; \ C = 72-76.9; \ C- = 70-71.9]\)
- **60-69** = D  \([D+ = 67-69.9; \ D = 62-66.9; \ D- = 60-61.9]\)
- **< 60** = F

**OUTLINE**

- **8/28/14**  Overview of Course
- **9/4/14**  Introductions and Interests in Aging
  - Professional Ethics
    - Ethical codes
    - Clinical relationships
    - Ethics committees

Readings:
**Required:**
- Professional Codes of Ethics (example NASW/ Social Workers)
  http://www.socialworkers.org/pubs/code/code.asp
- Holstein, Ch 9: Working with Clients

**Recommended:**
- Role of Ethics Committees at
  https://depts.washington.edu/bioethx/topics/ethics.html
- Code of Ethics - American Psychological Association
  http://www.apa.org/ethics/
- Code of Ethics - National Board of Certified Counselors
  http://www.nbcc.org/
- Code of Ethics for Nurses
  http://www.nursingworld.org/codeofethics
- Code of Ethics- Association of American Educators
- History Ethics Committees
- Summary of Health Information Privacy (HIPPA) at
  http://www.hhs.gov/ocr/privacy/hipaa/understanding/summary/index.html

**9/11/14**  
**Introduction to Ethics and the American Legal System**

**Thinking Ethically**
- Foundations for ethical decision-making
- Contemporary approaches to ethical thinking
- Critical gerontological views

**Readings:**
**Required:**
- Holstein, Ch 1  Ethics and Aging
- Holstein, Ch 2 The Critical Turn
- Ethical Theories and Principles
  http://www.bio.davidson.edu/people/kabernd/Indep/carainbow/Theories.htm

**Recommended:**
- “Outline of the U.S. Legal System” at
  http://iipdigital.usembassy.gov/st/english/publication/2011/07/20110726143910su0.8681996.html#axzz39LZLTgfP
- “The Belmont Report” at
  http://www.hhs.gov/ohrp/humansubjects/guidance/belmont.html

**9/18/14**  
**Questioning the Psycho-Social-Cultural Value and Meaning of Old Age**
- Personal meaning in later life
- Self and identity
- The role of elders in society and culture

**Readings:**
**Required:**
• Moody, Controversy 1. Does old age have meaning?
• Holstein, Ch. 4 The Third Age
• “Taking Care: Dilemmas of an Aging Society” at http://bioethics.georgetown.edu/pcbe/reports/taking_care/chapter1.html

Recommended:
• Moody, Basic Concept 1. A Life Course Perspective

9/25/14  Issues regarding the Aging Mind
• Intellectual functioning and impairment in adulthood
• Wisdom and creativity
• Learning in later life
• Decision-making capacity

Readings:
Required:
• Moody, Controversy 3. Do Intelligence and Creativity Decline with Age?
• Holstein, Ch. 11 Alzheimer’s Disease and the Ethics of Solidarity
• “Capacity (Competence) and Incapacity” at http://www.merckmanuals.com/professional/special_subjects/medicolegal_issues/capacity_competence_and_incapacity.html
• “Understanding Informed Consent” at http://Public.findlaw.com/healthcare/life_events/le23_2primer.html

Recommended:

10/2/14  Issues pertaining to the Aging Body
• The body as the fulcrum of the aging process(es)
• Social construction of “physical” aging
• Longevity and immortality

Readings:
Required:
• Moody, Controversy 2: Why Do Our Bodies Grow Old?
• Holstein, Ch. 3 Aging and the aged body

Recommended


### 10/9/14
#### Aging, Health Care, and End of Life Care Dilemmas

- Health, disability, and disease
- Health care and long-term care/nursing homes
- Rationing and the right to die

### Readings:
**Required:**
- Moody, Basic Concepts II: Aging, Health Care and Society
- Moody, Controversy 4. Should We Ration Health Care for Older People?
- Moody, Controversy 7. Should People Have the Choice to End Their Lives?
- Holstein, Ch. 8 The Nursing Home
- Holstein, Ch. 12 Beyond Rational Control

**Recommended:**
- “Nursing Home Care Quality” Pages ii through iv (Executive Summary) at [http://www.kff.org/medicare/upload/7717.pdf](http://www.kff.org/medicare/upload/7717.pdf)

### 10/23/14
#### Social Circumstances surrounding Aging

- Systems of informal and formal social support
- Mutuality, moral standing, and supporting the flourishing of older adults in society
- Balancing autonomy and connection

### Readings:
**Required:**
- Moody, Controversy 5. Should Families Provide for Their Own?
- Moody, Controversy 6. Should Older People be Protected from Bad Choices?
- Holstein, Ch. 7 Care and Justice
- Holstein, Ch. 10 What do we do now?
- “Ethical caregiving in our aging society” at http://bioethics.georgetown.edu/pcbe/reports/taking_care/chapter3.htm

Recommended:
- “Elder Abuse” at http://elder-law.lawyers.com/Elder-Abuse.html
- “Summary of Adult Services in Florida” at http://www.oppaga.state.fl.us/profiles/5058/
- “Self-Neglect” at http://www.merck.com/mkgr/mmg/tables/14t1.jsp

November 1 | Last day to drop with a “W”; no refund; no academic penalty

11/6/14 Online Class Political-Economic Issues
- Age-based and needs-based programs

Readings:

Required:
- Moody, Basic Concepts III. Social and Economic Outlook for an Aging Society
- Moody, Controversy 8. Should Age or Need Be the Basis for Entitlement?

Recommended:

11/13/14 Political-Economic Issues
11/21/14 * Productivity and aging
- Age Discrimination

Readings:

Required:
- Moody, Controversy 9. What is the Future for Social Security?
- Holstein, Ch. 6 Aging and Public Policy

Recommended:

11/27/12 No Class: Thanksgiving Holiday

12/4/14 Future Issues Facing Boomers
- Contours of the Aging Experience

**Recommended Readings:**
- Moody, Controversy 11: Aging Boomers: Boom or Bust?
- Moody, Controversy 12: The New Aging Marketplace: Hope or Hype?
- Holstein, Ch. 5 Anti-aging Medicine

**Supplemental Readings**


