



*2-8: Legal And Ethical
Considerations As They Relate
To Cognitive Training*

Legal Considerations

- Personal liability
- Agency liability

Legal Terminology

- Codes
- Regulations
- Standards
- Guides
- Laws

U.S. Legislative Laws

- Title VII of the Civil Rights Act of 1964
- Affirmative action
- Americans with Disabilities Act (ADA)

State and Local Laws

- State - legislative law
- Local government - ordinances
 - A law that applies to people, things, and activities in a jurisdiction
 - Commercial/residential sprinklers
 - Defensible space in the interface

Training & Attendance Records

- Clerical purposes
- Liability purposes
- Record retention length
- Privacy
 - Family Education and Privacy Act (1974)
prohibits release of confidential information
- Public access

Legal Liability

- Liability is a term used to describe a legal responsibility
- Negligence is a breach of duty where there is a responsibility to perform

Reducing Liability

- Be aware of standard expectations
- Teach to established standards
- Teach only topics you are qualified to teach
- Provide a safe learning environment
- Foreseeability

Legal Concepts

- Tort law
 - Sued for causing injury or damage
- Vicarious liability
 - Employer gets sued for something you did
- Joint and several liability
 - Deep pockets!
 - Many get sued
 - Few pay

Copyright Laws

- Protect the works of artists, photographers, and authors
- Fair Use Doctrine
 - Allows copying for material used in a "reasonable manner"
- The Digital Millennium Copyright Act of 1998

Copyright Laws

- Use proper citations when using others work to support instruction regardless of copyright
- Photos and video used to support instruction must not invade the privacy of individuals in the media

Students Rights

- Family Educational Rights and Privacy Act (1974)
- Americans with Disabilities Act (1990)
- Title VII of the Civil Rights Acts (1964)
- Additional substantive student rights
 - Disagree with the instructor or institution
 - Safe learning environments

What are Ethics?

- Philosophical principles used to determine correct and proper behavior by members of a society
- A glue for civilization

Where Do Your Ethics Originate?

- Family
- Religion
- Education
- Peers

Unethical Conduct

■ Causes

- Financial reasons
- Advancement reasons
- Exploitive mentality

■ Exploiting your power

- Favors demanded from students for passing grades
- Taking credit for student's work or ideas

Formal Ethics Programs

- Written code of ethics
 - Organizational and individual codes
 - Define acceptable and unacceptable behavior
 - Establish standards of practice
 - Training in making ethical decisions

Ethical Decision Making

- Recognize and define the situation
- Obtain the facts
- List all options
- Compare all options
- Select the best option
- Assess the decision subjectively
- Implement the decision