Learning Objectives

Upon completion of this chapter you should be able to

- List sources of information regarding national, state, and local regulations, policies, and procedures related to EMS education programs.
- Defend the need for national, state, and local guidelines for EMS education programs.
- Discuss applicable federal, state, and local laws that affect the EMS teaching profession and the educational institution.
- Explain legal considerations regarding copyright and intellectual property issues.
- Define liability, negligence, and the standard of instruction.
- Identify areas of legal liability and risk-management considerations for the student, instructor, and educational institution.
- Explain the importance of confidentiality of student information.
- Differentiate between ethics and morals.
- Compare and contrast theories of morality as they relate to human development and conduct.
• Discuss the ethical position statement of NAEMSE and the NEA Code of Ethics.
• Provide examples of ethical and unethical instructor conduct.
• Describe the importance of ethical role models in the classroom, lab, and clinical settings of EMS education.
• Describe ways in which ethics can be incorporated into course curricula.
• Defend the need for instructors to adhere to principles of ethical and legal conduct in the practice of EMS education.

CASE Study

Neil Vance, a senior instructor in an EMS program, is waiting in his office to meet with the program director, Michelle Wong, regarding a student grievance. Two weeks ago one of Neil’s students, Jim, whose academic performance was borderline throughout the semester, failed the dynamic cardiology station of the course’s practical exam. The practical exam evaluator notified Neil and, according to course policy, the course medical director retested Jim with Neil present. Jim made several critical errors during the retest. According to program policy, Jim could not graduate from the program until retaking and passing EMP 221, the senior skills laboratory course.

Neil had talked to Jim about this at the time, and Jim admitted that he wasn’t prepared and that he “really messed up.” Neil talked to Jim about the next time the course would be offered and what Jim would need to do to register for it. Jim seemed accepting of this, so Neil was surprised when Michelle told him the reason for the meeting. During their meeting, Michelle told Neil that Jim was threatening to sue the institution if he was not allowed another retest because he felt that Neil did not like him and had been unfair to him all semester. Jim claimed that Neil had intimidated him by telling Jim that the treatment he proposed in a lab scenario many months before would be fatal to the patient.

Questions

1. Does it seem that Jim has a legitimate basis for requesting another retest?
Introduction

The purpose of this chapter is to discuss the administrative regulation of EMS education, areas of potential liability in the practice of EMS education, and the moral and ethical obligations of EMS education practitioners. Without knowledge of the particulars of these content areas, EMS educators could unwittingly find themselves facing student complaints, disciplinary action, and perhaps civil and/or criminal legal action. The actions of an EMS educator can affect the EMS education program, the larger institution housing the program, and the profession of EMS education. Therefore, it is important that you consider this information prior to learning the tasks and roles of the EMS educator. This way, as you acquire the knowledge and skills of an educator, you will be doing so in consideration of the legal and ethical context in which you must apply the knowledge and skills.

KEY TERMS

- discrimination, p. 30
- ethics, p. 36
- harassment, p. 29
- indemnification, p. 36
- liability, p. 28
- litigation, p. 28
- malpractice, p. 29
- morals, p. 36
- plagiarism, p. 33
- values, p. 36

Sources of Information on Legal and Administrative Issues

The policies, procedures, and regulations of many different entities can affect the way an EMS program is conducted. These entities may be at the national, state, local, and/or institutional levels, depending upon the context and nature of your program. Regulations may apply to such issues as the length, format, content, and standards of educational programs,
Regulations governing EMS education vary from state to state. You must be familiar with the regulations in your state. In addition to regulations and guidelines, many agencies and associations also offer resources such as educational materials, networking opportunities, continuing professional development opportunities, and grant funding. Therefore, you are encouraged to visit the websites of the agencies and associations listed in Boxes 3-1, 3-2, and 3-3. You can also go to the website www.findlaw.com to find information specific to your state.

ON TARGET

Box 3-1

National Agencies and Associations


Health Resources and Services Administration/Maternal Child Health Bureau/EMS for Children: http://www.mchb.hrsa.gov

National Association of State EMS Directors: www.nasemsd.org

National Council of State EMS Training Coordinators: www.ncsemstc.org

American College of Emergency Physicians: www.acep.org

National Association of EMS Physicians: www.naemsp.org

National Registry of Emergency Medical Technicians: www.NREMT.org

Committee on Accreditation of Educational Programs for EMS Professionals: www.coaemsp.org

Continuing Education Coordinating Board for EMS: www.cecbems.org

American Society for Training and Development: www.astd.org


National Association of EMTs: www.NAEMT.org

International Association of Fire Fighters: www.iaff.org

International Association of Fire Chiefs: www.iafc.org

National Association of EMS Educators: www.NAEMSE.org

Occupational Safety and Health Administration: www.osha.gov
Program-Specific Considerations

Other specific sources of information regarding your program are important, too. Some resources that you should have immediately available to you include

- Faculty code and/or handbook.
- Employee handbook.

Box 3-3

Local and Institutional Resources for EMS Educators

Local or regional EMS councils
College and University policies (often found on the institution's website)
Policies of other institutions for whom you may conduct programs (hospitals, fire departments, law-enforcement agencies, private companies, etc.)
Your job description.
Student handbook.
Program policies.
Course policies.
Course syllabus.
Contact information for the program administrator and/or medical director.

In some cases you will play a role in developing a program handbook, course policies, and/or syllabi. Some institutions may have guidelines for the development of these documents, whereas others see this as a discretionary task for the instructor or program administrator. Certain information is traditionally included in course policies, either as a separate document or included in the course syllabus. Any specific administrative information for which you want to hold students accountable must be included in the course or program policies. Often, course and program policies are a work in progress, with revisions made following occurrences that were not addressed by existing policy. If your institution does not provide a template or guideline, you may want to refer to the sample course syllabus in this text as a guide. Experienced instructors affiliated with your program or other programs in your area are also a good source of information regarding policies and practices that have worked for them.

Legal Considerations in EMS Education

As an EMS educator you must be aware of actions or omissions that can lead to criminal prosecution and/or civil liability for you and/or your educational institution. Instructors and educational institutions are not immune from lawsuits, either warranted or unwarranted. Criminal prosecution can result from actions such as assault, battery, harassment, and discrimination. Civil litigation may arise for a variety of reasons either in conjunction with criminal prosecution or in the absence of criminal offense.

Although the classroom may seem relatively safe legally when compared to fieldwork, we live in a society where many people operate on a sense of entitlement rather than merit. It is not uncommon for students to feel entitled to pass a program because they have paid for it, even when they have failed to meet minimum competencies for reasons related to their own abilities or efforts. At times these students’ efforts to get what they feel they are entitled to reach the level of threatened litigation. On the other hand, there are some instructors who fail to meet
their obligations to students and who can be considered to have committed educational malpractice. Because of the litigation-oriented society in which we live, it is critical that EMS educators are aware of potential areas of liability and have clearly stated course policies for which students must sign to acknowledge receipt.

The Standard of Instruction

As a clinician you are no doubt familiar with the standard of care as it applies to EMS providers. A similar concept, standard of instruction, exists for educators. Like the standard of care, the standard of instruction represents the actions of a reasonable person with similar experience and education. Standards of care can be derived from textbooks, curricula, protocols, laws, and expert opinion. Although there is not a universally agreed-upon set of descriptions for standards of instruction, the EMS instructor curriculum, textbooks, instructor certification requirements, experts, and in some cases, laws can serve as the standard against which your actions can be judged.

Areas of Potential Liability for the EMS Educator

Some of the specific areas of potential liability for EMS educators include harassment, discrimination, student injury, patient injury, violation of provisions of the Americans with Disabilities Act (ADA), violation of provisions of the Family Educational Rights and Privacy Act (FERPA), and violation of the provisions of the Health Insurance Portability and Accountability Act (HIPAA).

Harassment

Harassment is a series of acts of persecution meant to trouble or disturb another person. This can include a succession of annoyances, threats, and/or demands on another person. Although we often think of sexual harassment when we think of harassment, harassment can obviously take other forms. Many agencies and institutions offer educational programs on avoiding claims of sexual harassment or detecting sexual harassment when an employee or student is harassing a coworker or classmate. It is important to remember that, in civil litigation, it is necessary that a jury believe only that it is more likely that one person is telling the truth than the other. It is also important to remember that there is a difference between what one person's intent is and what another person's perception of the same behavior is. Nonetheless, there
are some guidelines you should keep in mind to minimize claims of harassment:

- Use consistent and fair practices in dealing with all your students.
- Avoid situations in which you are alone with students (keep your office door open).
- Allow other instructors to evaluate the student’s performance.
- Avoid intimate contact with students.
- Be aware of cultural differences in the expectation for personal space.
- Avoid suggestive statements or allowing students to make suggestive statements, because they may easily be misinterpreted.
- Make expectations for student conduct clear in policies.
- Have policies regarding revealing or suggestive dress, including T-shirts with slogans that may be offensive.

**Discrimination**

**Discrimination** involves taking disparate action on the basis of prejudice—for example, unequal treatment based on gender, race, ethnicity, religion, sexual preference, or other differences. As with minimizing the chances of being accused of harassment, you must use consistent and fair policies in dealing with all students to minimize chances of being accused of discrimination. In addition, you should clearly document students’ performance on practical evaluations and in clinical settings and use care to make grading decisions based on objective criteria. Of course, you should always analyze your own decisions for objectivity, and in cases where you feel it is possible that a student may claim discrimination, it is best to have multiple instructors (who may include your medical director and program director) evaluate the student’s performance.

**PEARLS**

For evaluations that involve any subjectivity, it is important to have more than one instructor evaluate the student.

**Student Injury**

Litigation related to student injury can arise any time a student receives an injury while involved in the educational activities of your program. Injuries occurring in the clinical setting that can be attributed to instruction or program administration may be injuries related to improper instruction in the performance of a procedure, improper or inadequate
supervision by a preceptor, or inadequate or malfunctioning equipment. Liability for student injury in the clinical setting must always be addressed in the clinical affiliation agreement or memorandum of understanding between a clinical agency and the educational program. It is essential that student competence in performing procedures be observed and documented in the laboratory setting prior to authorizing a student to perform those procedures in the clinical setting. Program policy must be clear about the circumstances under which students may perform procedures in the clinical setting.

Students can be injured in laboratory practice of skills, as well. Students must receive proper instruction before attempting a skill that may result in injury and must be supervised in skill practice. Again, course policy must be clear about student behavior in labs. Students should not be allowed to use equipment in a manner for which it was not intended, and extreme care must be taken when allowing students to practice skills on each other. Not only is there risk when students are practicing invasive skills such as injections and intravenous lines, but also when they are lifting, splinting, and practicing basic life-support skills. It is common for EMS education programs to receive used equipment that has been “retired” from service. It is essential that this equipment be examined carefully and that all lab equipment be regularly inspected and maintained. Many programs, because of the risks inherent in clinical and laboratory instruction, ask students to sign a waiver of liability for injury and/or an acknowledgment of the risks involved.

Patient Injury
Another source of potential liability for the EMS educator and/or the educational institution is injury to patients occurring from student actions. Once again, proper documentation of student skill performance in the laboratory, including drug-dosage calculation as well as the physical steps in skill performance, is an important step in avoiding liability. Course policy must be clear about what students can do and under what circumstances tasks can be performed. Clinical affiliation agreements or memoranda of understanding must address liability for student errors in the clinical setting. Preceptor education should emphasize proper supervision of students in the performance of patient interventions.

An additional consideration for protecting yourself and your institution against claims for student and patient injury is keeping instructional records, such as course syllabi, lesson plans, attendance records, exams, student test scores, and student skill-evaluation sheets. The purpose of such documentation is to provide evidence of what was taught in the class and how the student performed in class. This will prove valuable if a student claims that a particular skill or the knowledge associated with it was not taught. These items also provide a basis for
evaluation of the quality of your program and are necessary for accreditation purposes. In most cases there are state and institutional guidelines concerning how long such records must be kept.

**Americans with Disabilities Act (ADA)**

The ADA requires that reasonable accommodations be made for individuals with documented disabilities. Although this seems like a fairly straightforward statement, there are two important points to consider here. The first is that the student's disability must be documented and he or she must make the educational institution aware of the disability. In other words, a student with dyslexia cannot, after failing an examination, for example, claim a violation of ADA if he or she did not previously make the instructor aware of the disability and provide appropriate documentation of the disability.

The second point is that the accommodations needed must be reasonable. A reasonable accommodation is one that could also be made to the person on the job as an EMS provider without interfering with the essential requirements of the job. For example, a paramedic student with a learning disability who requires longer to take written examinations would be likely to receive accommodations because reading speed is not addressed in the functional job analysis for the EMT-Paramedic (NHTSA 1999). In contrast, a student who is hearing impaired and needs a sign-language interpreter in class would most likely not be granted accommodations, because the functional job analysis requires that the paramedic be able to hear environmental stimuli. A situation that commonly arises is the student who requests that written examinations be read aloud. This accommodation is usually not granted, because the ability to read is a bona fide job requirement for which accommodations cannot be made on the job.

It is best that students requesting accommodations be referred to the appropriate student services or human resources personnel. Individuals in these positions are knowledgeable regarding ADA. Usually, student services can let the instructor know what type of accommodation is permitted. Your state EMS office can also provide you with information about accommodations permitted. The ADA can be found on the U.S. Department of Justice website at [www.usdoj.gov/crt/ada](http://www.usdoj.gov/crt/ada).

**Family Educational Rights and Privacy Act**

The U.S. Congress enacted the Family Educational Rights and Privacy Act (FERPA), also known as the Buckley Amendment, in 1974 and made further amendments to it to strengthen the protection of privacy and other rights in 1994. FERPA applies to any educational agency that receives federal education funds. Under FERPA, educational records are considered to be all records that educational institutions or programs
maintain about students. In postsecondary education, the student has the right to access and verify the accuracy of educational records. Students' rights to privacy are protected by regulations that restrict the release of information about students to certain legally defined instances. FERPA issues may arise when an employer who is paying for a particular student's education requests information about the student's performance in the program. Institutional and state regulations exist to support FERPA, and you must know the policies of your institution about the release of information. An additional issue is the posting of grades. When posting grades, no information that can be linked to an individual student, such as a student identification or social security number, may be used. FERPA is covered under Title 20 of the U.S. Code. Detailed information on FERPA can be found at www.access.gpo.gov/uscode, at http://nces.ed.gov/pubs97/97859.html, and through the U.S. Department of Education at www.ed.gov/.

**Health Insurance Portability and Accountability Act**

As an EMS professional you are no doubt familiar with the Health Insurance Portability and Accountability Act of 1996, which restricts the release and usage of patient information. It is also essential that your students be familiar with HIPAA prior to entering the clinical setting. In many cases the facilities and agencies with which your program has clinical affiliation agreements will insist on language in the contract to address student HIPAA training. Some of the instances that you should anticipate, and therefore address specifically with your students, include discussions about patients and copying patient information, lab results, and other documents.

**Intellectual Property and Copyright Issues**

As an educator you will be using information available via various media. It is often confusing to consider the many regulations that apply to others' use of your works and your use of works authored by others. Some of the important concepts about which you should know include copyright, fair use, public domain, plagiarism, and intellectual property rights. In general, it is important to remember that the copyright symbol (©) need not appear for a document or other form of media to be copyrighted. The purpose of copyright law is to protect the ownership of a document, so that the author receives credit for its development and compensation, where applicable.

**Plagiarism** is representing the work of another as your own. This may occur deliberately or because of failure to properly document citations in your work. Not only is this a concern for your work, but you must caution students about plagiarism, as well. Plagiarism has become epidemic in higher education and can be difficult to detect because of...
the many sources of information available to students. Educational institutions provide definitions of and guidelines for handling plagiarism. Plagiarism is considered to be academic dishonesty and can result in severe disciplinary action, including termination, against students and instructors.

The original copyright law in the United States dates back to 1917 and, as such, does not provide guidance for the use of electronic media. The Digital Millennium Copyright Act of 1998 was enacted to provide regulations for the use of digitally transmitted information. In general, the regulations for the use of copyrighted material are less strict for educational purposes than for personal or proprietary use. This usage is based on the principle of “fair use.” However, except for limited circumstances, you must obtain permission, for a fee, to use copyrighted materials from the Copyright Clearance Center. In some cases, educational institutions may have copyright agreements that apply to the use of certain materials. More information on copyright law can be obtained through the Code of Federal Register (CFR) Web site by searching under Title 17, from the Web site of the U.S. Government Printing Office at www.access.gpo.gov/uscode, or by going to www.copyright.gov/title17/.

There are certain documents, concepts, and phrases that do not require copyright permission. These are considered public domain works. Such works include information that is known to the majority of the public or for whom the original author cannot determined.

The issue of intellectual property rights can become a point of contention between educators and employers. The ownership of documents such as lesson plans and PowerPoint© presentations depends upon the nature of your job and under what circumstances you produced the document. If your job is to provide a professional service, such as teaching, then the documents you create to perform that service can be considered personal work products and most likely belong to you. If you produce a document on your own time, using your own resources, it belongs to you even if you use it in your job. Intellectual property is presently a hot topic in higher education. You can find out more on the Web site of the National Education Association (NEA) at http://www.nea.org/he/about/he/intelprop.html.

**Student Conduct and Grievances**

It is necessary for program policies to address all information for which you want students to be held responsible. Some of these areas include students’ rights and responsibilities, academic integrity, professional conduct, substance use, affirmative-action and equal-opportunity issues, grading policies, penalties for breaches of policy, and grievance procedures.
Academic integrity applies to plagiarism, cheating, falsification of documents, and attempts to reconstruct examination questions for use by that student or by others. Higher-education institutions have policies governing these issues and the steps to be taken regarding them. If you are teaching for a program that is not in an institution of higher education, it will be helpful for you to review the documents used by such institutions as a guide in creating your own policies.

Policies of educational institutions also usually address other issues, such as possession or use of substances and weapons, student rights and responsibilities, and student conduct. Your program policies should refer students to the institutional policies. If your particular program has more stringent requirements than exist at the institutional level, you must specifically address these in the program handbook and/or course policies.

As discussed earlier in the chapter, students may become disgruntled for a number of reasons. Clear policies and documentation of student receipt of policies can go a long way toward heading off student grievances or at least can minimize the chances of the grievance being substantiated. Your program policy must address the student-grievance process. In the event that a student initiates a grievance, you must allow the student to go through the process without fear of retaliation. Thorough documentation of student performance, student-incident reports, and student-counseling sessions will support your actions in the event of a grievance.

Other Areas of Legal Concern to the EMS Educator

Certain other laws regarding pay and workplace issues may pertain to the EMS educator, too. As an employee it is important that you know your rights in the workplace. If you are or will be in a supervisory role, you must be aware of laws pertaining to hiring, firing, work hours, and compensation. You should consult with the human resources staff regarding these issues and follow your employer's published policies. Occupational Safety and Health Administration regulations apply to employee health and safety in educational settings, as they do to other workplaces. In particular, because of the nature of EMS education, you should be aware of guidelines regarding body-substance isolation and the handling of contaminated sharps and other items. You can find additional information on these topics at www.osha.gov. For Internal Revenue Service regulations, search Title 26 of the CFR.

Considerations in Risk Management

Most institutions in which EMS education takes place have a department, or at least an individual, in charge of risk management. Your program should work with this department to minimize the program's
liability. Risk-management strategies include requirements for student
health insurance, safety training, health screening, immunizations, stu-
dent malpractice insurance, instructor malpractice insurance, instructor
health insurance, policies for incidents and exposures, and indemnifi-
cation (compensation for harm or damages) issues between the institu-
tion and clinical sites.

Ethics in EMS Education

Ethics are important in both medicine and teaching. In both, we deal
with the diversity of people’s beliefs, actions, cultures, and behaviors on
a daily basis. Professional ethics are a part of the different levels of EMS
NSC, meaning there will be a specific lesson on ethics early in your
courses. But teaching ethics does not stop there. There will many occa-
sions during case studies and students’ discussions of their clinical ex-
periences to provide students with opportunities for ethical problem
solving. Your role will be primarily to pose problems and ask questions
that facilitate discussion. Your goal is to get students to examine their
own beliefs, assumptions, and actions. You must be prepared to handle
disagreement among students in a productive manner, because there are
many complexities in ethical dilemmas upon which students will not
agree, and about which they will feel strongly.

In addition to being prepared to facilitate the development of student
ethics, as an educator you will be faced with many situations involving
ethics. Fortunately, there are guidelines for the conduct of educators in
general, found in the NEA Code of Ethics (Box 3-4), and a specific state-
ment of good practices for EMS educators developed by NAEMSE, found

Ethics, Values, Morality, and Legality

Ethics, morals, values, and laws are all guides for conduct. It can be con-
fusing to distinguish between them; in truth, they are related concepts
that overlap to a certain degree in their usage but are distinguished from
one another by their definitions. Morals are the principles of right and
wrong in human conduct. They are largely based in the religious culture
of the society and, thus, in Western culture are based on Judeo-Christian
values (the common beliefs of Judaism and Christianity). Values are the
things and ideas that people hold as personally important and are re-
lated to morals. In fact, these two concepts are often linked together in
the term moral values. Ethics is a branch of philosophy that deals with
the study of morality and can also be considered the specific standards
and rules of conduct of a profession. The laws of a society are based on

(continued on page 39)
Box 3.4

Code of Ethics of the Education Profession

Preamble

The educator, believing in the worth and dignity of each human being, recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nurture of the democratic principles. Essential to these goals is the protection of freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator accepts the responsibility to adhere to the highest ethical standards.

The educator recognizes the magnitude of the responsibility inherent in the teaching process. The desire for the respect and confidence of one’s colleagues, of students, of parents, and of the members of the community provides the incentive to attain and maintain the highest possible degree of ethical conduct. The Code of Ethics of the Education Profession indicates the aspiration of all educators and provides standards by which to judge conduct.

The remedies specified by the NEA and/or its affiliates for the violation of any provision of this Code shall be exclusive and no such provision shall be enforceable in any form other than the one specifically designated by the NEA or its affiliates.

PRINCIPLE I

Commitment to the Student

The educator strives to help each student realize his or her potential as a worthy and effective member of society. The educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.

In fulfillment of the obligation to the student, the educator—

1. Shall not unreasonably restrain the student from independent action in the pursuit of learning.
2. Shall not unreasonably deny the student’s access to varying points of view.
3. Shall not deliberately suppress or distort subject matter relevant to the student’s progress.
4. Shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety.
5. Shall not intentionally expose the student to embarrassment or disparagement.

6. Shall not on the basis of race, color, creed, sex, national origin, marital status, political or religious beliefs, family, social or cultural background, or sexual orientation, unfairly—
   a. Exclude any student from participation in any program
   b. Deny benefits to any student
   c. Grant any advantage to any student

7. Shall not use professional relationships with students for private advantage.

8. Shall not disclose information about students obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law.

**PRINCIPLE II**

**Commitment to the Profession**

The education profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service.

In the belief that the quality of the services of the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards, to promote a climate that encourages the exercise of professional judgment, to achieve conditions that attract persons worthy of the trust to careers in education, and to assist in preventing the practice of the profession by unqualified persons.

In fulfillment of the obligation to the profession, the educator—

1. Shall not in an application for a professional position deliberately make a false statement or fail to disclose a material fact related to competency and qualifications.
2. Shall not misrepresent his/her professional qualifications.
3. Shall not assist any entry into the profession of a person known to be unqualified in respect to character, education, or other relevant attribute.
4. Shall not knowingly make a false statement concerning the qualifications of a candidate for a professional position.
5. Shall not assist a noneducator in the unauthorized practice of teaching.
6. Shall not disclose information about colleagues obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law.
7. Shall not knowingly make false or malicious statements about a colleague.
8. Shall not accept any gratuity, gift, or favor that might impair or appear to influence professional decisions or action.

Courtesy NEA. Adopted by the NEA 1975 Representative Assembly.

Moral Development
There are several theories of moral development, which is dependent upon—but not synonymous with—cognitive (intellectual) development. Moral development continues into adulthood and is a contemporary issue in higher education. In fact, the original purpose of higher education was moral development, not intellectual development. Two useful theories of moral development were formulated by Kohlberg (1969) and Rest (1984).

Rest's four-component model of morality (1984) suggests that, rather than just focusing on moral judgment, we must consider moral sensitivity, moral judgment, moral motivation, and moral character. Moral sensitivity refers to a person's ability to identify a moral issue in a situation and to consider the effects of various decisions on the well-being of others. This capability depends upon a person's ability to empathize with others. Moral judgment is the act of bringing social norms to bear on decisions about possible courses of action that could be taken in a situation. Such norms can include justice, social responsibility, unselfishness, cooperation, keeping promises, and reciprocity of actions. This depends on the person's acquisition of the norms of a particular society. Moral motivation refers to a person's ability and willingness to prioritize moral actions over competing values such as avoiding punishment, financial security, career promotion, or disapproval by one's peer group. Moral character refers to the psychological strength needed to carry out moral decisions.
Kohlberg’s (1969) theory of moral judgment consists of three levels of development: preconventional morality, conventional morality, and postconventional morality. In preconventional morality a person considers what is “good” or “bad” in terms of his or her individual needs. Good and bad are concrete categories and a thing is either good or bad, in relationship to the needs of the individual. Conventional morality is based on beliefs about the importance of maintaining relationships and what it takes to do so. At this level moral behavior is understood as “being nice” to others. Laws are seen as absolutes in terms of regulating “good” and “bad” behaviors in society. Postconventional morality is based on conscience or principles. For example, a given law may be recognized as being fair or appropriate in some situations, but not others. The overriding principles include the value of human life, justice, service to others, respect for human differences and dignity, and contribution to the common good.

Many influences affect an individual’s moral development. In general, intellectual development is related to moral development such that individuals with the capacity for reflective thinking are much more likely to be able to overcome influences such as parental values, religious teaching, and stereotypes. These individuals can much more easily base decisions on evidence and the situation at hand, rather than on preexisting biases (Guthrie 1996).

**Moral Education**

The EMS educator can facilitate moral development through role modeling, direct teaching, and experiential techniques. Teachers are role models, whether they intend to be or not. By virtue of their position, students will look to them as models for their own beliefs and behaviors. It is essential that educators keep this in mind in monitoring their own decisions and conduct. In direct teaching, it is important that teachers do not “preach from the pulpit” but instead hold ethical behavior as an ideal to which we all aspire, while recognizing that humans are imperfect beings and will sometimes fall short of ideals. By presenting case studies and discussing students’ clinical experiences, the EMS educator can provide questions for reflection on action. Some questions might include: Did you have any emotions or beliefs that were in conflict with respect for human dignity in making the decision to withhold CPR? or Has concern over being confronted by a nurse in the emergency department ever caused you to make a patient uncomfortable with spinal immobilization procedures, even though you knew the mechanism of injury did not call for it? The educator can provide a framework for the interpretation of situations by asking the impact of social norms such as equity and trust in authority on the decision-making process.
Studies of medical students, nurses, and police officers have indicated that specific ethics education programs can increase the level of moral development.

Professional Ethics

As discussed previously, the NEA Code of Ethics is given in Box 3-4. The NAEMSE Statement of Good Practices by EMS Educators in the Discharge of Their Ethical and Professional Responsibilities is given on the NAEMSE Web site, as mentioned, and is summarized here.

EMS educators are seen as having ethical responsibility to students, colleagues, the profession, and the general public. As educators, we have a powerful influence on students’ attitudes about the provider-patient relationship, professional competence, and professional responsibility. We must always keep the intensity of this influence in mind in our teaching. We must strive for excellence in teaching and treat others with civility, respect, and fairness. We must recognize our obligation to evaluate student progress and competence in a valid and impartial manner and must maintain student confidentiality, except where disclosure is required by law.

As professional educators, we have an obligation to communicate information that is valid and unbiased. We have an obligation to construct knowledge of the field through research and publication and to recognize the contributions of others. We are obligated to treat our colleagues with respect; finally, we have a duty to the public to promote excellence in prehospital care through our influence on students and have a responsibility for public education.

Summary

Legal and ethical considerations in EMS and in EMS education often present as complex, ambiguously structured problems. As such, it is imperative that EMS educators have—and impart to their students—an understanding of the principles, guidelines, frameworks, and references available to them in recognizing and solving such problems. There are many sources of information on regulations governing the conduct of EMS education, many of which are provided in this chapter. In guiding ethical conduct in EMS education practice, the NEA Code of Ethics and the NAEMSE statement of good practices serve as guidelines for behavior. In facilitating the moral development of students, the
EMS educator can use role modeling, direct teaching, and experiential activities to raise students' awareness of issues and provide a framework for problem solving.

**REVIEW QUESTIONS**

1. List three potential areas for EMS educator liability.

2. In your own words, define *educational malpractice*.

3. In what, if any, instance may an educational institution release a student's educational record to a third party?

4. Following ADA, what are the student's obligations in receiving accommodations?

5. In Rest's model of moral development, what does *moral sensitivity* mean?