

Building Legislation and Ethics Search, Review and Application Skills

Course/Level: This exercise was designed for the Ethics and Jurisprudence in ABA course for the online Master of Professional Education, Applied Behaviour Analysis (ABA) program in the Faculty of Education. However, it could be modified to suit the purposes of any regulated profession or profession otherwise subject to legislation. It could also be modified to suit the second year, introduction to ethics course in the undergraduate Health Sciences program. This lesson is suited to both in class and online instruction.

Rationale: When learning ethics and jurisprudence as it relates to one's profession/field of study, students often report that it is dry and requires memorization. Consequently, students often develop a concrete interpretation of their legal and professional requirements without developing an ability to flexibly interpret ethical standards of practice, employer/agency and Ministry policies as they relate to legislation. This is particularly challenging in a field such as ABA, which is implemented across multiple sectors (e.g., health, children's mental health, education, justice, etc.) and which is only in the process of becoming a regulated profession. Guidelines are often unclear, inconsistent across agencies/sectors or have not yet been established.

Learning to search, access and interpret legislation and rulings as they relate to one's profession (or other professions when no examples exist in one's professions) helps students to:

- (a) Understand how to interpret the intent and spirit in which ethical standards of practice, policies and legislation have been developed and implemented
- (b) Refer to decisions in other fields to inform decision-making and evaluations of scenarios when no examples exist in one's own profession
- (c) Determine whether or not a scenario may represent a violation of ethical standards or practice and/or relevant legislation
- (d) Decide how to proceed in light of (a) and (b)

Learning Goal 1: Students will become familiar with using web search tools, such as simple searches of one's professional governing body (e.g., Behavior Analyst Certification Board: www.bacb.com), government/Ministry websites (e.g., Psychiatric Patient Advocate Office for the Province of Ontario: https://www.sse.gov.on.ca/mohltc/ppao/en/Pages/SystemicAdvocacy/SeclusionandRestraint.aspx?openMenu=smenu_SystemicAdvocacy), Canadian Legal Information Institute (www.canlii.org), Legal Information Institute (www.law.cornell.edu) and Asian Legal Information Institute (www.asianlii.org) to locate municipal, provincial/state and federal policies, legislation and related court rulings.

Learning Goal 2: Students will learn to search and apply examples of legislation and/or court rulings relating to other professions when no examples exist in one's own profession to assist with decision-making using a legal information institute database relevant to their individual geographic location

TEACHING AND LEARNING SEQUENCE Introduction (5 - 10 minutes): x introduce digital resources, academic vs. non-academic publications x partner discussion: comparison of legislation and how courts

have interpreted the legislation in individual cases x class discussion: what resources were most helpful to students in learning how policies and legislation are applied to the profession.

Lesson Development (20 minutes):

- class brainstorm: list relevant ethical standards of practice, legislation and policies (i.e., individual agency/employer, Ministry, legislation),
- generate a list of resources/locations where these can be found
- as a class, review how ethical standards of practice identified relate to the policies and legislation located,
- locate relevant court rulings using www.canlii.org
- discuss which resources would suit the clinician's purposes (i.e., comparing an agency's policies to the profession's standards of practice, comparing the Health Act to standards of practice and Ministry guidelines, comparing court rulings to standards of practice and Health Act or other relevant legislation, etc.)

Closure (5 minutes): x reinforce importance of selecting, referencing, and citing standards of practice, policy and legislation accurately, x reinforce strategies for interpreting how legislation and standards of practice are enforced in tricky situations x reinforce the use of rulings relating to other professions when no examples exist in one's own profession to guide decision-making.

Follow Up Evaluation: In groups of 3 or 4, students will present scenarios of ethical violations, demonstrating which ethical standards of practice and/or legislation the violation is in conflict with and discuss how they resolved the scenario, citing examples of similar situations in their field of practice or other fields of practice should no example exist in their own field (approx.. 15 mins.). The class will have the opportunity to debate findings and resolutions or pose follow up questions (approx. 10 mins.).