

**Western Washington University
Emergency Management Certificate**

Law and Policy of Emergency Management (4 Credits)

COURSE NUMBER: EXT 372

QUARTER YEAR: Winter

Instructor Contact Information:

Prof. Jason Lum

Jason.Lum@wwu.edu

651-484-1839/Fax: 651-765-7485

Mailing Address:

2440 Sunrise Drive, St. Paul, MN 55117

NOTE: This course is entirely web-based, meaning that we will only 'meet' and interact at the website:

<http://courses.wwu.edu/>

Welcome... to the on-line Blackboard classroom for **EXT 372 – Law and Policy of Emergency Management**. This course is a web-based class. For information about registering and 'logging on' to this course, or to find out more about other courses in the program, contact the office of Extended Education and Summer Programs at (360) 650-3650.

This course is worth 4 credits, so you should expect to devote about 2-3 hours per credit each week to reading, completing assignments, and participating on-line. The on-line format is designed to allow greater flexibility among the schedules of all participants. There is **definitely not** less work or time commitment, but we can all interact without needing to be in the same physical space at the same time each week.

You will also be asked to accurately track the number of hours you spend on this course. More details are provided on Blackboard.

****NOTE: See course Syllabus for further information**

Law and Policy of Emergency Management

Instructor: Prof. Jason Lum

E-Mail: Jason.Lum@wwu.edu

Course Description: An introduction to the legal and policy framework for emergency management and response to natural and technological (“human-made”) hazards and disasters.

Students are expected to:

- Develop a working understanding of the legal and policy principles of the profession
- Understand local, state and federal relationships when it comes to introducing and implementing new laws and regulations
- Be able to describe examples of when crisis management and consequence management policy has evolved gradually and when it has evolved suddenly in response to events
- Recognize the critical role of court decisions in clarifying the practical application of legislation and executive directives
- Obtain a working knowledge of privacy concerns and Constitutional protections related to governmental information gathering; and
- Understand potential tort liability situations and the basics components of governmental tort immunity.

Learning Objective:

1. To provide a basic foundation for the student’s understanding of the law and policies related to emergency management.

Knowledge, Skills, and Abilities Acquired:

1. Develop a working understanding of key legal and policy principles of the profession.
2. Understanding of “all-hazards” emergency management, including natural disasters and human-made hazards.
3. Understand local, state and federal relationships regarding the introduction and implementation of new laws and regulations.
4. Articulate the *differences* between crisis management and consequence management and describe the key local, state and federal government entities involved in each.
5. Identify examples of when crisis management and consequence management policy has evolved *gradually* and, when it has changed *rapidly* in response to events.
6. Understand and apply the principles of the *posse comitatus act*.
7. Recognize the important role of court decisions in clarifying the practical application of legislation and executive directives.
8. Obtain a working knowledge of privacy concerns and constitutional protections related to governmental information-gathering related to emergency management.
9. Understand potential emergency response liability situations and the basics principles of what governmental tort immunity covers and does not cover.

Outcomes Measured By:

1. Demonstrated ability of student to discuss reading topics with fellow learners and the course instructor.
2. Ability of student to raise thoughtful opinions and engage in intellectual dialogue with fellow learners and the course instructor.
3. Apply learned knowledge through researching and submission of five small papers and a larger paper on an emergency management topic related to law and policy.

Required Text and Materials:

- William C. Nicholson: Homeland Security Law and Policy (“*HSL & P*”) ISBN: 978-0-398-07583-2 (paperback). 2005
- William C. Nicholson: Emergency Response and Emergency Management Law (“*Nicholson casebook*”). ISBN: 978-0-398-07407-0 (paperback). 2003
- “Terrorism: Legal Issues for Emergency Responders,” article by William Nicholson. Available online: http://www.merginet.com/admin_management/legal/Terrorismlegalissues.cfm

Course Format: This course is designed exclusively for Internet delivery. As such, it is formatted in a way that best facilitates student learning. Weekly discussion questions, combined with reading assignments, individual research activities and a final cumulative project and exam enable students to fully examine the course materials.

Student Requirements: Students are required to maintain active participation in this course by participating in weekly discussion board assignments as well as by meeting project deadlines. Students are expected to communicate effectively with the instructor as well. Nearly any problem can be solved, as long as it is brought to the attention of the instructor in a timely manner. If you are having difficulty in the course, are confused about something, or just need clarification, please let the instructor know right away. It’s easy to fall behind in a course such as this, so your instructor will try to do whatever is necessary to help you keep up.

Class participation includes attendance via weekly log-ins and participation at the Discussion Board. Each unexcused absence (except for an emergency) can lead to partial grade reduction. Class participation, however, is not merely class *attendance* – you are expected to *participate*. You should feel free to ask questions if you do not understand a posting or a concept that arises in the reading or discussion.

Readings and module writing assignments:

Readings should be completed prior to class.

See course overview below for specific assignments. Module assignment policies are as follows:

- Module discussion questions will be due by the last day of every module and can be found in the learning modules as part of the discussion board, as well as in this syllabus.
- **You are expected to participate fully in each week’s discussion, by posting an original entry of at least 100 words and responding to at least two other student’s posts with at least 30 words each.**

- You are expected to write at a collegiate level, using proper grammar and spelling.
- Module assignments will only be accepted up to 3 days after the Sunday deadline (that's Wednesday of each week). After that time, the discussion boards will be "locked" and no further posts will be accepted on the topic.
- Students are encouraged to watch for current events that relate to emergency management and post relevant material on the discussion board in the designated thread. Up to 3 points of extra credit may be given for this!

Writing Guidelines: All papers submitted must include a title page (with your name), utilize page numbers, have 1" margins, use 12 point Times or Times Roman font, and be double spaced. Please see the "Rules for writing" document available in course documents on Blackboard for helpful tips and overall expectations.

Larger Paper:

Write a 10-12 page paper about one of the following topics. **Outlines are due at the end of Session 4 – Sunday night, March 2. The Final Paper is due on Friday, March 14.**

Choose one of the follow three topics to write about:

Option #1

The PATRIOT Act

Please pick a topic and take a well-informed stance on it.

Here are a few ideas to jog your critical thinking:

What is your position on the PATRIOT Act as described in our reading? What are the important parts of the Act? How have the tensions between civil liberties and civil order changed in the aftermath of the USA PATRIOT Act, 9/11 and Hurricane Katrina? What kind of issues, if any, do you see as *not* appropriate for judicial oversight ? Defend your perspectives with citations from the reading. Why might the courts not be the appropriate forums to address such issues? *{These questions appear on page 196 of HSL & P}*

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Option #2:

Terrorism compared to natural disasters

Please pick a topic and take a well-informed stance on it.

Here are a few ideas to jog your critical thinking:

Reflect upon what the readings say about the Stafford Act and National Response Plan (NRP). How do terrorist attacks differ from other types of hazards? What implications do these differences have for preparedness steps? What policy considerations underlie decisions regarding preparedness for WMD terrorism events in comparison to natural disasters? What about a situation that is part crime scene and part recovery area, needing, for example, evacuation, debris removal or access by Urban Search & Rescue (US&R) teams? If you were a U.S. Senator who represents constituents from a rural state like Iowa would you have different spending priorities for federal funds than if you were the Governor of Florida who lives in Tallahassee just a short drive from nearby major metropolitan populations and faces a significant vulnerability, annually, to hurricanes? *{Some of these questions appear on page 261 of HSL & P}*

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Option #3

Localism vs. Federalism

Please pick a topic and take a well-informed stance on it.

Here are a few ideas to jog your critical thinking:

There are some in the local, state and federal government who do not believe that the U.S. needs a federal, *civilian* disaster agency. Discuss the constitutional supports for the concept that all disasters are local. What roles in disaster response are covered? Other roles could be tasked to the military – or could they? What are the pros and cons to the President, Congress and Governors of having a civilian-run disaster agency? Perhaps states should just join Regional collaborations and train together with the result being that the federal government could forgo the cost of operating FEMA? Why would this be difficult or easy to accomplish? Would the President be able to make this change by his or herself, alone? {Some of these questions appear on page 136 of HSL & P}

Specifics: Your proposed **outline** for the **Larger Paper is due for approval by 3/2**. Your proposal should include 4 scholarly references that you intend to use in your final paper. The final project will be due on 3/14 and must be submitted via the Blackboard Digital Dropbox. You are expected to utilize at least 7 scholarly references (meaning they are full length articles appearing in peer reviewed journals) in your paper. You will need to make use of WWU’s library services to complete this project, which are available online at <http://www.library.wvu.edu/>. Choose “Extended Ed. Students” from the dropdown menu to find resources (including a librarian) dedicated specifically for distance education students.

Late papers: Late papers will be subject to an automatic 10% grade reduction unless arrangements are made beforehand with the instructor or extenuating circumstances exist. A very narrow definition of extenuating circumstances will be used however, so don’t turn your paper in late and assume your excuse will be accepted.

Grading:

Weighting

Discussion Board Posts	30%	Worth up to 7 points per module (x 5 modules)
Small papers (10% each)	50%	Worth up to 10 points per module (x 5 modules)
Final Paper	20%	Worth up to 20 points

Total	100%	

Grading Guidelines:

- 95 - 100 = A
- 93 - 94 = A-
- 90 - 92 = B+
- 87 - 89 = B
- 85 - 86 = B-
- 82 - 84 = C+
- 79 - 81 = C
- 77 - 78 = C-

74 - 76 = D+
71 - 73 = D
69 - 70 = D-
68 = F

Course Evaluation:

WWU Extension Services has established a policy that all courses and instructors are evaluated quarterly. To facilitate this process, WWU Testing Center has developed a secure website on which this evaluation takes place. The evaluation document used speaks specifically to the on-line educational process and experience. You will be provided with a URL for the course evaluation near the end of the term.

WWU Testing Center compiles the evaluation information and disseminates the report after grades have been submitted. Your participation in this evaluation process is strongly encouraged and your identity will not be given to your instructor.

Incompletes:

A grade of K (incomplete) may be assigned only upon request of the student and agreement of the course instructor.

To receive a K (incomplete) you must obtain a contract form from the instructor and negotiate a formal agreement with the course instructor specifying the work done and the remaining work needed to complete the course and earn a grade.

You are encouraged to complete the work agreed upon during the next quarter. If a final grade has not been submitted after one year, the K automatically reverts to a failing grade (Z).

For additional information regarding incompletes, please the official university bulletin.

Course Schedule: * **NOTE:** *'tentative' schedule – subject to revision with advance notice*

HSL&P = Nicholson: Homeland Security Law and Policy

Casebook = Emergency Response and Emergency Management Law, Cases and Materials

Module	Dates	Topic	Reading	Discussion Question and Assignments
1	1/8 - 1/20	Introduction and Overview of Law and Policy	Syllabus. Articles by Edwards/HSL&P Ch 5, Nicholson/casebook Ch. 14, Cumming/HSL&P Ch. 2, Huckabee/HSL&P Ch. 8	1) Post your introduction on the discussion board. Include where you live, what you do for a living, previous educational background, and anything else you would like to share. Also, please state your goals and expectations for this course. 2) Response to posts of other students. 3) Written Assignment: Answer the Discussion Questions on page 174 of HSL & P with at least 3-4 paragraphs per question, but no longer than 1 page on each. Please refer to specific cites (articles, book and page number).
2	1/21– 2/3	The importance of 9/11: New threats and priorities identified, increased political attention, increased funding and rise of new agencies	Articles by Davis/casebook Ch. 16, Dwyer/casebook Ch. 10, Angleheart/casebook Ch. 14, Nicholson/HSL&P Ch. 4, Nicholson/casebook Ch. 17	1) Respond to instructor posts and posts of other students 2) Written assignment: Complete a 3-6 page paper on one of the two discussion topics listed in Syllabus. Please cite 3-4 sources (including article, book and page number)
3	2/4- 2/17	Post-9/11 adaptations to existing legal precedents and polices, roles 'checks & balances'	Articles by: 9-11 Commission/HSL&P Ch. 20, Part 1 only; Comfort/HSL&P Ch. 6, Lam/HSL&P 12, Costello/HSL&P Ch. 13, Farris/HSL&P Ch.7, Nicholson/online see Syllabus, Nicholson/HSL&P Ch.3	1) Respond to instructor posts and posts of other students 2) Written assignment: Complete a 4-6 page paper on one of the three discussion topics, listed in the Syllabus. Please cite to sources (article, book and page number)
4	2/18- 3/2	Emphasis on the Fourth Amendment: the government's need for information and the 'reasonable expectation of privacy'	Articles by: Rosenzweig/HSL&P Ch. 10, Nolan/HSL&P Ch. 11, ACLU/HSL&P Ch. 9, Donohoe/HSL&P Ch. 16	1) Respond to instructor posts and posts of other students 2) Written assignment: Complete a 3-5 page paper on one of the three discussion topics, listed in the Syllabus. Please cite to sources (article, book and page number) and include at least 3 other sources (article or books) beyond our required text books. 4) Submit outline for Final Paper
5	3/3- 3/14 NOTE: Final Paper Due 3/14	Emergency response, tort liability and duty of "reasonable care"	Articles by: Lerner/casebook Ch. 15, Nicholson/casebook Ch. 14, Nicholson/casebook Ch. 6, Nicholson/casebook Chs. 1 & 2, Nicholson/casebook Ch. 17	1) Respond to instructor posts and posts of other students. 2) Written assignment: Complete a 4-6 page paper on four things that you learned from the reading assignment for Session 5, why it is important, and whether your perspective has changed. Please cite to sources (article, book and page number) and include at least 3 other sources (article or books) beyond our required text books. 3) Submit Final Paper. 4) Complete course evaluation

ACADEMIC DISHONESTY POLICY AND PROCEDURE

1. Policy

Western Washington University students have an obligation to fulfill the responsibilities of their particular roles as members of an academic community. Honesty is essential to learning. Without it, fair evaluation for all is impossible. Academic integrity is demanded, and academic dishonesty at Western Washington University is a serious infraction dealt with severely. Students shall not claim as their own the achievements, work or thoughts of others, nor shall they be a party to such claims. It is the instructor's responsibility to confront a student and to take appropriate action if academic dishonesty, in the instructor's judgment, has occurred.

2. Academic Dishonesty

Academic dishonesty is not qualitatively different from other types of dishonesty. It consists of misrepresentation by deception or by other fraudulent means. Academic dishonesty compromises the instructor's ability to fairly evaluate a student's work or achievement. **It includes, but is not limited to, the following:**

- (a) Giving unauthorized information to another student or receiving unauthorized information from another student during any type of assignment or test.
- (b) Obtaining or providing without authorization questions or answers prior to the time of an assignment or test.
- (c) Using unauthorized sources for answers during any assignment or test.
- (d) Asking or arranging for another person to complete an assignment or take a test in one's place.
- (e) Giving or receiving answers by use of signals during a test.
- (f) Altering answers on a scored test and submitting it for a higher grade.
- (g) Collaborating with others in a required assignment without the approval of the instructor.
- (h) Stealing class assignments or portions of assignments, including electronic files, and submitting them as one's own.
- (i) Not crediting participants for their part in a group project or claiming credit for work not done on a group project.
- (j) Plagiarism, which is presenting as one's own in whole or in part the argument, language, creations, conclusions, or scientific data of another without explicit acknowledgment. Examples include, but are not limited to:
 - (1) Using another person's written or spoken words without complete and proper citation.
 - (2) Using information from a World Wide Web site, CD-ROM or other electronic source without complete and proper citation.
 - (3) Using statistics, graphs, charts and facts without acknowledging their source.
 - (4) Submitting a paper purchased from a term-paper service.
 - (5) Paraphrasing, which is imitating someone else's argument using other words without acknowledging the source.
 - (6) Claiming credit for someone else's artistic work, such as a drawing, script, musical composition or arrangement.
 - (7) Using someone else's lab report as a source of data or results.
 - (8) Using one's own or substantially similar work, produced in connection with one course, to fulfill a requirement in another course without prior permission. A student may use the same or substantially the same work for assignments in two or more courses only with written permission from the instructors of all the classes involved.

3. Procedures

(a) An instructor suspecting an act of academic dishonesty shall discuss the matter thoroughly with the student involved.

Arrangements for this discussion shall be made by the instructor within ten (10) class days after discovering the alleged violation. In the event the student is absent from campus, the instructor shall attempt to contact the student in writing at the most recent permanent address available in the Office of the Registrar. If the incident occurs at the end of a quarter, the instructor within ten (10) class days of the beginning of the following quarter or within a reasonable time thereafter the instructor shall arrange to discuss the matter with the student.

Should the instructor be unable to contact the student to discuss the incident in question before final grades are due, the instructor shall submit a grade of X with a note to the registrar. The registrar shall in turn inform the student of his/her responsibility to contact the instructor and refer the student to the section of the General Catalog addressing "Student Rights and Responsibilities." Should the student not respond to the faculty member or respective department chairperson by the 10th day of the next academic quarter, not including summer, the grade will be changed to an F.

During the discussion between the instructor and student, the student may be asked to explain his or her thought process and the sources of information, ideas, data, or calculations presented in the work under dispute. Failure to give an adequate explanation can influence the instructor's decision.

Following this discussion, the instructor shall determine whether or not an act of academic dishonesty has occurred, and if so, whether it is a minor or major violation. If in the instructor's judgment there has been a minor violation, in which the offenses are either purely technical in nature or the instructor does not perceive an intent to deceive and/or achieve an academic advantage, the instructor shall, according to his or her professional judgment, proceed in one or more of the following ways:

- Explain or clarify the standards of the assignment and ask the student to redo it.
- Issue the student a written warning and give the student a zero on the assignment in question.

If in the instructor's judgment there has been a major violation, in which the offenses include a substantial misrepresentation and/or apparent intent to deceive and gain an academic advantage, the instructor shall assign a grade of F for the course and notify the Vice President for Academic Affairs and the Registrar. The instructor should write a brief account summarizing the evidence for the finding of a major violation. This should be sent to the Registrar with copies to the department chair and the student. A record of the violation is maintained in the Office of the Vice President for Academic Affairs and the Office of the Registrar. Repeated acts of academic dishonesty shall make a student subject to disciplinary action – including possible dismissal – through the "Student Rights and Responsibilities Code," available from the Office of Student Life.

No student shall be allowed to withdraw from a course or from the University to avoid receiving a failing grade based upon academic dishonesty.

(b) Appeal: A student who receives an "F" grade for academic dishonesty and who feels wrongly accused by an instructor may appeal to the dean of the school or college involved. The appeal must be lodged within ten (10) class days of receiving notice of the instructor's decision, and if not, any right of appeal is deemed waived. The dean shall make a decision based on the merits of the case. The reasons for the decision shall be in writing and shall be given to both the student and the instructor within ten (10) class days of receiving the appeal.

Either side may appeal a decision of the dean to the Student Academic Grievance Board and from the Board to the Vice President for Academic Affairs, whose decision is final. Procedures followed shall be those provided in the "Student Academic Grievance Policy and Procedures" (Section B, Appeal to the Board), which is printed in Appendix F of the University's General Catalog.

Reprinted from Western Washington University's General Catalog.

Grade reports: WWU does not mail grade reports to students at the end of the quarter. You will need your WWU Student ID # to access this information from WWU's website. It begins with a W and is followed by eight numbers; i.e., W12345678. This number is the only way to access your records at Western Washington University

If you do not know your WWU Student ID #, please call the Registrar's Office at 360-650-3432. They will ask you for your name, including middle initial; social security #, and birth date to look up your WWU ID#.

To view your academic record on the web:

- Work prior to Fall 1984 will not be on the Web.
- Use mouse to move from field to field, *not* Enter/Return (this will automatically exit)
 1. Go to www.wwu.edu/web4u
 2. Enter WWU ID#, (make sure W is capitalized), e.g. W12345678
 3. Enter six digit PIN, which is one of the following: the first six digits of your Social Security # . Or if you are a Canadian Citizen your birth date in six digit format. If neither of these work call 360-650-3432. Instructions are available for changing your PIN see instructions under NOTE.
 4. Click on "Student Services & Financial Aid"
 5. Click on "Student Records"
 6. Click on "Academic History" If you have a money hold, you will not be able to view academic history and will need to view the "Final Grades" option. If you need a printed copy of your grades reflecting your name, the "Academic History: is the option you should choose.

NOTE: These records are for the student's use only. For use in employment or other academic institutions, these copies *will not* be accepted. i.e., WWU Placement Office will not accept these copies. Also note that there is an option to change pin. Instead of clicking on student "Student Records" click on the "Personal Information" option.

If you can not gain access to the web—use the following phone number. Dial 360 650-RSVP.

- 1) Choose 4—Grading information
- 2) Choose 1—Review Grades
- 3) Enter your student number—This is your nine-digit student number that begins with a W. Do not enter the W but rather the 8 numerical digits. Example: For student number W12345678, you would enter 12345678.
- 4) Enter personal identification number (pin). See clues about pins on number 3 above.
- 5) Select grading term. You will be prompted. Grades, quarter g.p.a, cumulative g.p.a. and academic standing will be relayed.

Note: Quarterly grades are posted once a quarter. Grades are not considered final until the Thursday after the end of the quarter. Instructors often make changes during grade entry.