

Unit Name : Legal and professional Ethics in Computing

Unit Code: BCT 421

Lesson 1: Introduction to Legal Ethics in computing

Johnson defines the study of computer ethics as

The study of the ethical questions that arise as a consequence of the development and deployment of computers and computing technologies. It involves two activities. One is identifying and bringing into focus the issues and problems that fall within its scope, raising awareness of the ethical dimension of a particular situation. The second is providing an approach to these issues, a means of advancing our understanding of, and suggesting ways of reaching wise solutions to these problems.'

What This Course IS REALLY About

Ethics in general:

- the set of beliefs about *right and wrong* behavior

Ethics in business:

- is becoming more important because the *risks associated with inappropriate behavior have grown* in number, complexity, likelihood and significance
- corporations want to protect themselves and their employees from *legal action*

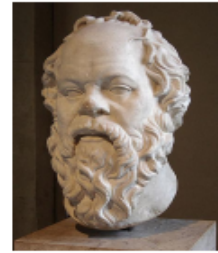
Ethics in information technology:

- email and Internet access *monitoring* by employers
- peer-to-peer networks used for music downloads implies *violation of copyright laws*
- unsolicited e-mail (*spam*)
- hackers breaking into databases of financial institutions can result in *identify theft*
- students downloading material from the web can result in *plagiarism* on term papers
- web sites plant cookies or spyware on visitors' hard drives to *track their Internet activity*

What IS Ethics?

According to Socrates (Greek philosopher, 477 - 399 BC):

- knowledge having a bearing on human life is highest
- self-awareness is necessary for success
- self-ignorance will cause difficulties in life
- people will naturally do what is good, if they know what is right
- evil or bad actions are the result of ignorance.
- so, if a criminal were truly aware of the mental and spiritual consequences of his actions, he would neither commit nor even consider committing them
- therefore, any person who knows what is truly right will automatically do it



Ethics In Practice (Applied Ethics)

Ethics is founded in a society's *moral code*

- the rules (conventions) by which a society lives (an established consensus)
- but there are conflicts...

Moral code depends on personal background

- age group, ethnic and cultural background, religion, gender,...
- example: "Should I put Grandma into a retirement home?"
- example: "Should I buy/manufacture/distribute pirated software?" (China/Vietnam 92%, US 22%)

Moral code tested in real-life situations, such as:

- "Is getting an abortion immoral?"
- "Is affirmative action right or wrong?"
- "What are human rights, and how do we determine them?"
- "Do animals have rights as well?"
- "Is lying always wrong?" and "If not, when is it permissible?"
- "Should I allow a friend to copy my answers in an exam?"
- "Should I keep the umbrella I found in the taxi cab?"
- "Can I keep the \$10 excessive change?"

Applied Ethics

How do we overcome these conflicts?

Should we apply *situational ethics*?

- “moral principles can be cast aside in certain situations if love is best served” (Episcopal priest Joseph Fletcher, 1960s)
- concerned with the outcome or consequences of an action → the *end*, as opposed to an action being intrinsically wrong
- the ends *can* justify the means

Personal Ethics

Rules/morals (habits) you have acquired when growing up (and still acquire/modify as you live on)

- there are good habits and bad habits

Virtues:

- (good) habits that incline people to do what is acceptable
- fairness, generosity, honesty, loyalty

Vices:

- (bad) habits of unacceptable behavior
- vanity, envy, greed, anger
- good corresponding habits: pride, admiration, ambition, force

These ‘good vices’ all can be catalysts of great accomplishments and achievements

- improve your competitor’s product
- train harder than your opponent
- but, apply ethical rules in doing so (no sabotage, cheating, etc.)

Integrity

Act in accordance to a personal code of principles

- do as you expect others to do (recall Socrates)
- apply accountability and moral responsibility as necessary tools for maintaining consistency between one's actions and one's principles, methods and measures

Again, there are often conflicts that compromise consistency:

- you may be asked to work overtime to accomplish a certain company goal
 - integrity rule #1: overtime OK since it benefits the company
 - integrity rule #2: overtime should be properly compensated
- however, your boss may be over budget and cannot bill overtime
 - two rules are compromised and you need to decide which to choose or seek a deal with your company

So often have to make choices between right vs. right

- "Is it OK to drill for oil in Alaska?" preserve wildlife vs. oil feed

Important Test for Morals and Integrity: Truth/Lie

A lie is a deception in the form of an untruthful statement

- intended to deceive others
- motivated by maintaining a secret or reputation, protecting someone's feelings or to avoid a punishment
- a statement of something that is false with the intention that it be taken for the truth by oneself or someone else
- but there are different forms of lies, which challenge personal judgements of situational integrity and ethics

Severity of lie depends on context, situation, and intent

- need a moral understanding when to refrain from lying
- children do not have this
- some adults are habitual liars



Forms of Lies

There are many:

- fabrication: a statement not based on fact
- bald-faced lie: obvious lie
- lying by omission: leave out an important fact
- lie-to-children: simplification (the stork brought you)
- white lie: harmless lie to avoid harmful implication (your tie looks nice)
- emergency lie: strategic lie when it is dangerous to tell the truth
- perjury: false statement in court
- bluffing: tactic lie in a game, expected
- misleading: not an outright lie, but aimed to guide to untruth
- promotion lies: in advertising (you will love our new product)
- jocular lies: sarcasm, storytelling, comedy

There is a moral code when to apply these lies and when not:

- OK to tell white lie to a friend
- not OK to tell a lie to a colleague or a customer

Questions

Why is business ethics becoming increasingly important?

What are corporations doing to improve business ethics?

Why are corporations interested in fostering good business ethics?

What approach can you take to ensure ethical decision making?

What trends have increased the risk of using information technology unethically?

Ethics in the Business World

Risk is the product of multiplying the likelihood of an event by the impact of its occurrence

Risks associated with inappropriate behavior have increased

- and thus a greater emphasis now on ethics

This is due to:

- globalization, creating a much more complex work environment that spans diverse cultures
- heightened vigilance by employees, shareholders, regulatory agencies (S.E.C.)

All of above are sensitive to:

- accounting scandals
- failure to disclose substantial changes in business conditions to investors
- non-conformance with required health & safety practices

Recent Scandals in IT Companies

WorldCom

- SEC filed fraud charges against them in 2002 for inflating earnings by \$11B

Qwest Communications International Inc.

- in 2002, SEC charged CEO and 6 other executives with orchestrating massive fraud (misstated that \$3B from one-time sale was recurring revenue to ensure merger with US West)

Adelphia Communications Corp.

- in 2004, founder and son convicted in Federal court on charges of security fraud (hiding \$2.3B in debt)

Computer Associates (CA)

- several executives pleaded guilty to criminal fraud for recording sales before contracts finalized (inflating 2000 revenues by \$2.2B)
- led to resignation of CEO Sanjay Kumar in 2004

Ethics in Information Technology

Public concern about ethical use of IT includes:

- E-mail and Internet access *monitoring* by employers
- Peer-to-peer networks used for music downloads implies *violation of copyright laws*
- Unsolicited e-mail (*spam*)
- Hackers breaking into databases of financial institutions can result in *identify theft*
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Trends contributing to the risk of using IT unethically:

- growth of the Internet
- ability to capture and store vast amounts of personal data online
- greater reliance on information systems

Ethics in Information Technology

The general public has not realized the critical importance of ethics as applied to IT

- IT policies can affect millions

Important technical decisions often left to technical experts

General business managers must assume greater responsibility for these decisions

- must be able to make broad-minded, objective, ethical decisions based on technical savvy, business know-how, and a sense of ethics
- must also try to create a working environment in which ethical dilemmas can be discussed openly, objectively, and constructively

Summary

Ethics is a set of beliefs about *right and wrong* behavior

Ethics is important since it *respects trust* placed by customers and colleagues

Ethics in business is becoming more important because the *risks associated with inappropriate behavior have grown* in number, complexity, likelihood and significance

Corporations want to protect themselves and their employees from *legal action*

Corporations can appoint a corporate ethics officer, set ethical standards, establish a *code of ethics*, conduct *audits*, require employees to take *ethics training*

Ethical Decision Making: 7 Step Approach

#1: Get the facts

- innocent situations can become controversies if no one bothers to check the facts

#2: Identify stakeholders

- someone who stands to lose or gain from how a situation is resolved and their positions

#3: Consider the consequences of a decision on stakeholders

#4: Weigh various guidelines and principles, legal implications, corporate policies

#5: Develop and evaluate options option you choose

- these should be ethically defensible

#6: Review a decision

- consider POV (Point of View) of stakeholders

#7: Evaluate the results of a decision

- monitor results to see if achieve desired effect