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Initial Post

by [Michael Botha](#) - Saturday, 4 May 2024, 10:02 AM

The importance of ethics in business and professional governance is widely accepted by governments, businesses, and society (Boyles, 2023; De George, 2015). However, business ethics like any other form of protective measure requires both individual commitment as well as enforcement structures (BCS, N.Da). This is evident through the examples of unethical behaviour which are still documented today (ACM, N.D). For instance, a case presented by the Association of Computing Machinery (ACM) in which a piece of software was effectively used to hoodwink users into selecting particular product options (ACM, N.D).

The British Computer Society (BCS) which is a renowned body that Information Technology (IT) professionals can obtain membership with, aim to maintain a high professional and ethical standard in society (BCS, N.Db). One way that this is achieved is through their code of conduct. For instance, analysing the previously mentioned unethical case through the lens of this code yields the following points (BCS, 2022):

- The programmer and his manager would have protected the interests of the public if they had adhered to principle 1a and 1c of the code, which respectively support the welfare and non-discrimination of others (BCS, 2022).
- If the above individuals were members of the BCS and were reported to this body they could have their membership removed, which could damage the reputation of their organisation and that of their professionalism (BCS, 2022).

References

ACM. (N.D) ACM Code of Ethics and Professional Conduct: Using the Code: Case Studies. Available from: <https://www.acm.org/code-of-ethics/case-studies> [Accessed 04 May 2024].

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BCS. (2022) *Code of Conduct for BCS Members*. Available from: <https://www.bcs.org/media/2211/bcs-code-of-conduct.pdf> [Accessed 04 May 2024].

Boyles, M. (2023) What are Business Ethics & Why are they Important. Available from: <https://online.hbs.edu/blog/post/business-ethics> [Accessed 04 May 2024].

De George, R. (2015) A History of Business Ethics. Available from: <https://www.scu.edu/ethics/focus-areas/business-ethics/resources/a-history-of-business-ethics/> [Accessed 04 May 2024].

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Peer Response

by [Steve Fisher](#) - Monday, 6 May 2024, 7:24 AM

Hi, Michael.

Thanks for your post.

I thought your introductory paragraph set the scene well in respect of the importance of ethical behaviour in business. Whilst voluntary codes of conduct can have a role to play, a study by McNamara et al. (2019) showed that exposing software developers to the ACM code of conduct had no effect on their decision making; hence your comment on the need for enforcement mechanisms is well founded.

I would be interested in your thoughts regarding the following:

- Do you think that Stewart's company could also be held in violation of parts 2(d) & (f) of the code?
- Would the company who instructed the changes to their website be liable for prosecution for fraud if the website's users made complaints to law enforcement? Would Stewart's company have any legal liability in these circumstances?
- In the absence of any legal liabilities, would a fraud case against their clients have any other possible repercussions for Stewart's company?

Regards

Steve Fisher

References.

McNamara, A., Smith, J. and Murphy-Hill, E., (2018). Does ACM's code of ethics change ethical decision making in software development? In *Proceedings of the 2018 26th ACM joint meeting on european software engineering conference and symposium on the foundations of software engineering* (pp. 729-733). DOI:10.1145/3236024.3264833

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Re: Peer Response

by [Michael Botha](#) - Friday, 17 May 2024, 7:35 AM

Hi Steve,

Thank you for your comments and questions. Certainly, 2(f) of the code is applicable and inadvertently noted by Stewart when he expressed to his superior that the change could trick users into an undesired outcome (ACM, N.D.; BCS, 2022). This shows that some form of ethical clearance should be attained through the company's information risk management structures, where an assessment of ethical and legal implications could be performed during a project lifecycle (Dodson et al., 2022: 5). By doing this relevant parties can be more protected.

Understandably, the laws governing the digital activities under critique are different the world over. The features of Dark Patterns are covered in multiple laws within the European Union, where breeches of such carry varying penalties (Culligan & Moore, 2024). However, the outcomes pertaining to the possibly broken laws are difficult to elucidate without legal expertise. Additionally, laws continue to change whilst governments try to align legislation with the current digital environment. Therefore, training may be beneficial for a professional to be able to meet the legal requirements specific to one's area of focus.

References:

ACM. (N.D) ACM Code of Ethics and Professional Conduct: Using the Code: Case Studies. Available from: <https://www.acm.org/code-of-ethics/case-studies> [Accessed 04 May 2024].

BCS. (2022) Code of Conduct for BCS Members. Available from: <https://www.bcs.org/media/2211/bcs-code-of-conduct.pdf> [Accessed 04 May 2024].

Dodson, D., Scarfone, K., Souppaya, M. (2022) Secure Software Development Framework (SSDF) Version1.1: Recommendations for Mitigating the Risk of Software Vulnerabilities. NIST Special Publication 800-218. Available from: <https://doi.org/10.6028/NIST.SP.800-218>

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Summary Post

by [Michael Botha](#) - Sunday, 19 May 2024, 8:27 AM

In summary, although structures exist that promote a higher ethical standard, significant effort is required from individual professionals to ensure alignment with such (BCS, 2022). This would include not only holding oneself accountable, but also other stakeholders within one's sphere of influence (BCS, 2022). Furthermore, companies should employ an ethical code as well as require registration with bodies that promote professionalism (BCS, N.D.). Thus, forming a solid

foundation in preventing legal and other related issues (BCS, N.D.). It is also important that professionals are aware of the laws that surround their area of expertise, and perhaps seek training where a lack of understanding in these specialised areas is required.

One clear overarching principle that would significantly improve an organisations resilience to ethical failures, is the incorporation of ethics within the risk assessment process pertaining to any software project (Dodson et al., 2022: 5). By doing this an auditable trace would be present and a group can collectively weigh in on any decisions.

Dark patterns are clearly an effective means in tricking consumers (Culligan & Moore, 2024). Legislation is evolving to counter this as well as other digital crime and unethical behaviour, however, the system of creating laws is lagging the speed at which technology is advancing and being deployed.

References:

BCS. (2022) *Code of Conduct for BCS Members*. Available from: <https://www.bcs.org/media/2211/bcs-code-of-conduct.pdf> [Accessed 04 May 2024].

BCS. (N.D.) BCS organisational membership. Available from: <https://bcs.org/membership-and-registrations/membership-for-organisations/> [Accessed 19 May 2024].

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