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| James Madison University    **Ethics, Law and Policy in Cyberspace 2024**  **CS523\_EX81\_8W1\_SM24**  June 3 – July 28, 2024    Instructor: Robert West  Email: rwest180@gmail.com    **Summary Course Description:**    This is a course designed to create an awareness of the ethical issues, legal resources and recourses, and policy implications inherent in our evolving on-line society.  The course provides an overview of the American Legal System to include ethical and legal challenges faced by individuals and organizations in the information age and introduces the complex and dynamic state of the law as it applies to behavior in cyberspace.    **Course Objectives:**    Upon completion of this course, the student should be able to:    1. Use basic legal theories to evaluate the appropriateness of a collection of policies, laws, regulations, guidelines and practices designed to mitigate the risk and punish the misuse of on-line systems.    2. Create policies and standard operating procedures for an organization that are ethically, morally and legally sound.    **Textbooks and Other Source Materials:**    Required textbook: **Koenig, Thomas H. and Rustad, Michael L., *Global Information Technologies – Ethics and the Law*, 2nd Edition, West Academic Publishing, St. Paul, MN, 2023 (ISBN: 9781685615703)**  Other required materials: Additional reading assignments may be assigned under specific threaded discussions.  Law Dictionary: It is highly recommended that you invest in one of the pocket edition Law Dictionaries. They are available at most bookstores, or you can find them online. You will want to keep the dictionary close at hand, especially when reading cases. There are also several Law Dictionary apps available for smartphones.    **Syllabus**    **Week 1 (Monday, June 3, 2024, through Friday, 7 June,2024): Introduction and Constitutional Principles**    Administrative matters concerning the course.   An overview of the Legal System, to include Constitutional Law principles.    **Text Assignment:**  Koenig and Rustad, *Global Information Technologies – Ethics and the Law, 2nd Edition.* Read Chapters 1 and 2.  **Additional readings** (Assigned within appropriate discussion thread):  *Marbury v Madison*, 5 [U.S.](http://en.wikipedia.org/wiki/United_States_Reports) [137](https://supreme.justia.com/cases/federal/us/5/137/) (1803)  *"Notes on Statutory Law"*  **Week 2 (Saturday, 8 June, 2024, through Friday, 14 June, 2024): Intellectual Property**  Discussion of copyrights, patents, trademarks, trade names, trade secrets, cybersquatting.   **Text Assignment:**  Koenig and Rustad, *Global Information Technologies – Ethics and the Law, 2nd Edition*. Read Chapters 7 and 8.  **Additional reading** (Assigned within appropriate discussion thread):  *GOOGLE LLC v. ORACLE AMERICA, INC*., **593 U.S. \_\_\_ (2021)**  **Week 3 (Saturday, 15 June, 2024, through Friday, 21 June, 2024): Criminal Conduct**  Discussion of computers as instruments in conspiracies or crimes, law enforcement issues, search and seizure issues, The Computer Fraud and Abuse Act (18 U.S.C. § 1030), and the Electronic Communications Privacy Act (18 U.S.C. §§ 2701 *et. seq.*). Discussion of types of cybercrime to include unauthorized intrusions, ransomware, espionage, fraud and financial crimes, and identity theft. Discussion of computer crimes associated with social media usage, to include cyber-stalking and cyber-bulling.  **Text Assignment:**  Koenig and Rustad, *Global Information Technologies – Ethics and the Law, 2nd Edition*. Read Chapter 4.  **Additional reading** (Assigned within appropriate discussion thread):  *Van* *Buren v US,* 593 U.S. \_\_\_ (2021)  **Week 4 (Saturday, 22 June, 2024, through Friday, 28 June, 2024): Privacy and Adult Material**  Discussion of privacy, common law invasion of privacy, Fourth Amendment, Fifth Amendment, e-mail privacy, The Electronic Communications Privacy Act (), The USA PATRIOT Act (P.L. 107-56).  Discussion of obscenity, indecency, child pornography, and federal and state compliance issues.    **Text Assignment:**  Koenig and Rustad, *Global Information Technologies – Ethics and the Law, 2nd Edition.* Read Chapter 5.  **Additional readings** (Assigned within appropriate discussion thread):  *Griswold v Connecticut,* 381 U.S. 479 (1965)  **Week 5 (Saturday, 29 June, 2024, through Friday, 5 July, 2024): Contracts**    Discussion of contract fundamentals such as: the bargaining process, offer, acceptance, consideration, mutuality of obligation, restatement of contracts, statute of frauds, definiteness, documentation and performance.    Discussion of damages, remedies, reliance, restitution, enforcement, warranties, avoidability, unforseeability, uncertainty, mistake, performance, breach, unconscionable and the Uniform Commercial Code.    Discussion and review of electronic contracting, licensing content on the internet, employment, software development, maintenance and service contracts.    **Text Assignment:**  Koenig and Rustad, *Global Information Technologies – Ethics and the Law, 2nd Edition.* Read Chapter 6.  **Additional readings** (Assigned within appropriate discussion thread):  *ProCD v Zeidenberg,* 86 F.3d 1447 (1996)  *Hill v Gateway,* 105 F.3d 1147 (1997)  **Week 6 (Saturday, 6 July, 2024, through Friday, 12 July, 2024): Torts**    Discussion of negligence, strict liability, product liability, defamation, misrepresentation, interference with economic relationships, intentional or reckless acts that cause injury.  Discussion of the Communications Decency Act of 1996.    **Text Assignment:**  Koenig and Rustad, *Global Information Technologies – Ethics and the Law**, 2nd Edition.* Read Chapter 3.  **Other assigned readings:**  *New York Times v Sullivan,* 376 U.S. 254; 84 S. Ct. 710 (1964)  A.P. Herbert, *The Reasonable Man*  **Week 7 Saturday, 13 July, 2024, through Friday, 19 July, 2024): Government Regulation of Cyberspace**  Discussion of Internet Law as a separate substantive discipline of law.    **Text Assignment:**  Koenig and Rustad, *Global Information Technologies – Ethics and the Law.* Review Chapter 2.  **Other assigned readings (Assigned under appropriate thread):**  *Cyberspace and the Law of the Horse,* Frank H. Easterbrook, 1996 U Chi Legal F 207  *The Law of the Horse: What Cyberlaw Might Teach*, Lawrence Lessig, 1999 Harvard Law Review Commentary    **Week 8 (Saturday, 20 July, 2024, through Friday, 26 July, 2024): Tying it all together**  Discussion of increased government oversight vs self-regulation. Discussion of the applicability of federal laws with organizational information security policies, to include the Computer Security Act of 2014, Sarbanes-Oxley, Graham-Leach-Bliley, Health Insurance Patient Portability Act (HIPAA), Children’s Online Privacy Protection Act (COPPA), and the Americans with Disabilities Act (ADA). Discussion of applicability of non-government standards such as the Payment Card Industry Data Security Standard (PCI DSS) and other international standards. Security issues associated with Bring Your Own Device (BYOD) usage.  **Text Assignment:**  Koenig and Rustad, *Global Information Technologies – Ethics and the Law, 2nd Edition.* Read Conclusion: The Future of Global Computing.  **Other assigned readings (Assigned under appropriate thread):**  **Grading:**  The overall course grade will be established as follows:    30%: Quality of student participation in discussions. A number of problems will be posed for class consideration and discussion during the course. Be sure you participate in those discussions.    40%: Writing Assignments. Paper 1 will count for 10% of the grade. Papers 2 and 3 will each count for 15% of the grade.).    30%: Final Exam  **Writing Assignments (40% of grade):**    Writing assignments must be available to the instructor not later than the specified dates and times provided below. Papers that are not turned in on time will result in a reduction in grade. See the Writing Assignments section under the Course Information Tab for additional information.    Paper 1 is due end of week 3 (6:00 PM EST, Sunday, 23 June, 2024) (10% of overall grade): Prepare a short paper comparing and contrasting the University's Honor Code regarding plagiarism (found at <http://www.jmu.edu/honor/code.shtml>) and the laws regarding copyright infringement. No page limit.    Paper 2 is due end of week 5 (6:00 PM EST, Sunday, 7 July, 2024) (15% of overall grade): Prepare a policy for employee usage of your organization's information systems and assets, including, but not necessarily limited to, email and web usage. You should also include a policy for the use and control of personal software on organizational assets. The paper should have three parts: (1) Brief description of the organization, (2) The actual policy, (3) An in-depth discussion of the ethical, moral and legal implications of each part of your policy. No page limit.  Paper 3 is due end of week 7 (6:00 PM EST, Sunday, 21 July 2024) (15% of overall grade):  During the 2016 presidential election campaign, Facebook allowed third party companies like Cambridge Analytica (now in bankruptcy) to mine privacy data of Facebook users allegedly for the purpose of conducting academic research. Cambridge Analytica then sold the data to others. When Mark Zukerberg testified before the United States Congress he was careful to say that his company violated no laws, but in the same breath he indicated a strong desire to change a number of Facebook policies. If the company did nothing wrong then why are they so quick to change policies?  This specific Facebook revelation highlights a more fundamental issue with social media platforms in general - the lack of a single, concise organizational mission statement. On the one hand Facebook advertises a free service that connects subscribers with each other based on common interests. On the other hand, Facebook sells subscriber data to third party companies as the primary way for generating revenue. Is Facebook’s mission to be a social platform for subscribers, or to be a profit generating company for shareholders? Said another way, should Facebook primarily focus on the security of user supplied data in order to protect the privacy of subscribers, or should they primarily focus on generating profits for shareholders without regard for how that data is used by third-party affiliates?  Using each of the five leading theories of computer ethics – Consequentialism, Virtue and Moral Duties, Conflict Perspective, Social Contract Theory and Libertarianism - analyze the ethics associated with this apparent business contradiction with Facebook. No page limit.  **Final Exam (30% of grade):**  The final exam will consist of written responses to a series of questions about legal issues, rules of law, and legal analyses for a fictitious lawsuit. I will provide all required exam materials to the class through the blackboard at 6:00 PM EST on Friday, 26 July, 2024, and your responses are due back to me NLT 6:00 PM EST on Sunday, 28 July, 2024. This will give you two full days to complete your responses and post back to me. Assuming you have kept up with assignments, the exam should take far less time t,nd every han that, and the reason for allowing this much time is to ensure that students in time zones other than EST are treated fairly.    **Participation in discussion modules (30% of grade):**  In this course, it is imperative that you spend some time each and every week in understanding the material for that week. To encourage class participation, I will assign grades each week basedd on my assessment of the quality of student participation in the discussions each week. A number of problems will be posed for class consideration and discussion during the course. You are not required to participate in every thread; however, you should plan on several high-quality posts each week to ensure maximum points. It is extremely important that you actively participate each and every week. If for some reason, you are unable to participate fully in a given week, I will allow students to retroactively post for one additional week; however, to get points for this, you must demonstrate a level of understanding that goes well beyond what we covered during that week. Any posting after one additional week will not count for grading purposes.  This is a course in which you are to research the law, analyze what you find and share the results with the class. This is NOT a class about students' opinions about the law or what the law should be, except to the extent that such opinions are the conclusion of a researched, reasoned analysis of questions presented.  Unsupported opinions seldom prevail, and this is especially true in a court of law. All posts should cite to reference material that supports your position, and while the Internet can be a valuable source for much information, including reference sites like Wikipedia, the Internet is practically useless as a reference for supporting legal arguments. As with the three papers, you may assume that any of the required course materials (the text book and supplementary materials posted under the weekly discussion threads) are current, and you may cite to them freely in your papers and when posting to the discussions.  **Quality of posts is determined as follows:**    Best participation: an opinion relevant to the subject but with supporting citations from authoritative reference material AND a synthesis of the material in a reasoned and developed argument and conclusion    Not as good: an opinion relevant to the subject but with supporting citations from authoritative reference material    Not very useful at all: an opinion relevant to the subject but with no supporting citations of reference material    Negative value: any contribution that is none of the above    **Other Policies:**  **Religious Observation Accommodations**  If you cannot satisfy a requirement of the course for religious reasons you must let me know at least 2 weeks in advance. In some cases you will be required to "make up" the requirement, in other cases the distribution of requirements will be changed.  **Plagiarism and Academic Integrity:**    Students are expected to comply with the JMU Honor Code as stated in the Student Handbook and available from the Honor Council Web site: <http://www.jmu.edu/honor/code.shtml>.  Consulting with other students about problems and solutions is not a violation of the Honor Code provided that the ultimate work turned in for an assignment is your own. This means that everything written down and turned in for an assignment must come from your head and not someone else’s. When in doubt, ask me. |  |