Ethics of Information

This module looks at some of the legal and ethical aspects of information access and use. Although you do not need to become a copyright expert, you do need to understand some copyright basics as well as ways to avoid plagiarism. This module also asks you to explore some of the social and political issues related to information.

After completing this module, you will be able to:

- demonstrate an understanding of why copyright laws exist and reasons for respecting those laws
- explain what the 'public domain' is and what is in it
- define plagiarism accurately, including its relevance to images and ideas as well as text
- explain why plagiarism is harmful and to whom and demonstrate ways to avoid plagiarism
- define the "digital divide" and explain how it relates to the ethics of information access
- locate needed assistance for writing papers

Copyright

Why should you care about copyright?

1. As a user of information, you need to know your legal responsibilities
2. As a creator of information, you need to know your rights

Imagine you wrote a well-researched paper for a class. You received an A. You posted it on your Web site for your parents to read to prove that they didn't waste their money on your college education. You later decide to go to graduate school and pursue the same line of research. In your literature search for your master's thesis, you find that someone else modified your paper and then published it as their own. How do you feel?

Copyright laws give creators of original works (literary, dramatic, musical, artistic, and other intellectual works) certain exclusive rights. These rights help ensure that creators of works get the credit and profit their works generate. These exclusive rights are:

1. to reproduce or distribute copies
2. to prepare derivative works or creations based on the original work
3. to perform or display the work creatively

As a user of these original works, you need to obtain the creator/author's permission for these rights. "It is illegal for anyone to violate any of the rights provided by the copyright law to the owner of copyright." (U.S. Copyright Office http://www.copyright.gov/circs/circ01.pdf)

Fortunately for you, there are exceptions -- works in the Public Domain (see below) and uses governed by Fair Use principles (see below).

Digital media and the Internet have made copyright violations more prevalent because it is so easy to reproduce and distribute materials. That does not, however, make it ethical or legal.

Intellectual Property
from: http://www.thecopyrightsite.org/ip.html The Copyright Site:

Intellectual property refers to unique and unobvious products of the human mind such as ideas, inventions, writings, speeches, names, industrial processes and the like. U.S. laws define four types of intellectual property: patents, trademarks, copyrights, and trade secrets. Intellectual property is like any other kind of property in that it can be bought or sold, and like any other type of property, the owner has the right to control how it’s used. The main difference between intellectual property and “real” property is that it is intangible. In order to be protected, it must be expressed in some tangible form.

The concept of Intellectual Property is very important in the academic setting. Faculty researchers are concerned with their intellectual property rights (do they retain those rights when they leave the university? or, does what they create while being paid by the university belong to the university?), and students have intellectual property rights as well.

Copyright Video

Brigham Young University has an informative tutorial called Copyright 101 for college students. Watch module 1 of this video and then review the concepts it covers in the following slides.

http://copyright101.byu.edu/videos/vid2.htm

What is Copyrighted?

Is everything protected by copyright law?

Copyright is automatic. Material is copyrighted as soon as the work is fixed in tangible medium (for example, saved to a disk, placed on the Internet, printed on paper). Items no longer must be registered with the Copyright Office or have the ©, as of 1989.

Although some things protected by copyright are obvious, like books, movies and music, there are many things you might not think of as formal "works" that are also protected by copyright. In fact, you probably create several copyrighted works every day. These include the emails you write, photographs you take, posts to discussion boards, and more.

What do copyright laws NOT protect?

Ideas, facts, titles, names, discovery or method of operation, procedures, processes, and items in the public domain are not covered. For example, the phone book as a compilation of facts is not copyrighted.

Public Domain

"A public domain work is a creative work that is not protected by copyright and which may be freely used by everyone." http://www.unc.edu/~unclng/public-d.htm

Items in the Public Domain include:

1. Published works that were never copyrighted
2. Works published before 1923
3. Works published before 1989 which do not contain a notice of copyright, unless that work "has been rescued" subsequently and now is copyrighted. Any work published after March 1, 1989 is protected by copyright even if no notice of copyright is present.
4. Published works with expired copyrights: Copyrights dated 75 years or more prior to the current year may or may not have expired, depending on whether the copyright owner renewed the copyright after the first term of protection
5. Government publications

See a chart explaining "When U.S. Works Pass Into the Public Domain"
So, if it's in the public domain, you don't need to get permission to use it. Keep in mind that determining whether or not something is in the public domain can be tricky.

For example, although the Mona Lisa is no longer protected by copyright, a photographer would own the copyright of his or her photograph of it.

Also, just because something is in the public domain does not mean that you do not need to cite it or can take credit for its creation. You must cite it!

For a more detailed description of public domain, see the [Copyright Site](#).

**Fair Use**

**What is fair use?**

There is no clear-cut, widely accepted definition of fair use. According to copyright expert Georgia Harper of the University of Texas, fair use is described as "a shadowy territory whose boundaries are disputed, more so now that it includes cyberspace than ever before. In a way, it's like a no-man's land. Enter at your own risk."

Basically, fair use allows you to use copyrighted works without permission of the author or creator as long as it is for an educational purpose. But, there's a lot more to it.

**Factors for determining fair use**

Section 107 of the Federal Copyright Law (title 17, U.S. Code) describes fair use and lists some cases in which reproducing a work may be legal. These cases include criticism, reporting, education, scholarship, and research. Section 107 also describes four factors that are weighed when deciding whether or not a particular use is fair:

1. **the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;**
   
   If a work is being used for a non-commercial use, for example education, the balance is tipped towards fair use. If the work is being used for a commercial purpose, like advertisement, the balance is shifted toward needing explicit permission.

2. **the nature of the copyrighted work**
   
   This refers to the type of the work in question. If it is a factual or scholarly work, as opposed to a creative or artistic work, it is more likely that it can be used without permission. Unpublished works are also more likely to require permission to be reproduced.

3. **the amount and substantiality of the portion used in relation to the copyrighted work as a whole**
   
   If a smaller or less significant portion of the work is being used, it is more likely to be a fair use.

4. **the effect of the use upon the potential market for or value of the copyrighted work**
   
   If the use makes the work less profitable or reduces the need for somebody else to purchase it, it is less likely to be considered a fair use.

These four factors are considered together, rather than individually. Thus, if a teacher photocopies an entire book for his or her students, it will likely not be considered a fair use even though it is for an educational purpose.

**Creative Commons**
Creative Commons, founded in 2001, provides creators of works alternative licensing options that allow them to share their works while maintaining some of their rights. Works with a Creative Commons license occupy a middle ground between default copyright and the public domain. Creators can, for example, specify that their works can be reproduced but only with attribution. They can also choose whether or not others are allowed to alter the original works.

To learn more about Creative Commons, visit http://creativecommons.org/about. Or, to see an example of how Creative Commons licenses are being used, visit the Creative Commons section of flickr: http://www.flickr.com/creativecommons

Watch a 3-minute Youtube video explanation of Creative Commons.

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**Plagiarism**

**What is Plagiarism?**

"To use another person's ideas or expressions in your writing without acknowledging the source is to plagiarize. Plagiarism, then, constitutes intellectual theft and often carries severe penalties, ranging from failure in a course to expulsion from school." [MLA (Modern Language Association), from the MLA Handbook for Writers of Research Papers, 4th ed.]

Plagiarism is usually thought of in terms of text and writing, but non-written works can also be plagiarized. Any images, sounds or videos you use must be properly cited.

Also, remember that plagiarism is different from copyright infringement. Even if a work is in the public domain you still must acknowledge its creator or source in your academic works. For example, you can't copy one of Shakespeare's sonnets and pretend that you wrote it.

**Plagiarism at ODU**

ODU considers academic ethics to be of utmost importance. You should all know the ODU Honor Pledge:

"I pledge to support the Honor System of Old Dominion University. I will refrain from any form of academic dishonesty or deception, such as cheating or plagiarism. I am aware that as a member of the academic community it is my responsibility to turn in all suspected violations of the Honor Code. I will report to a hearing if summoned."

"Plagiarism" figures prominently here. So, be sure you understand the following:

- It is possible to inadvertently plagiarize and not realize that you are doing so.
- Ignorance will not help if you are accused of plagiarizing.
- It is your responsibility to know what plagiarism is and how to avoid it.

**Plagiarism Tutorial**
To learn more about plagiarism, complete this 10 minute tutorial, which was created by Arcadia University.

http://library.acadiau.ca/tutorials/plagiarism/

A checklist on how to avoid plagiarism:

- Using a sequence of sentences or word language of another author's work is considered an act of plagiarism.
- Downloading information from the Internet or any other electronic database product to include in your paper, without citing its source, is considered an act of plagiarism.
- Paraphrasing does not mean you do not need cite the source.
- Changing a few words of another author's work it still considered an act of plagiarism.
- Learn how to cite your sources using the appropriate style manual.
- Keep careful notes and documentation as you do your research.
- It is advisable not to "overquote" in your paper. Remember the paper should be made up of your own ideas and arguments.
- Cite ideas from other sources when they add weight to your own argument or ideas.
- Learn how to paraphrase wisely using your own words and citing the source appropriately.
- Use quotation marks even if a footnote is provided.
- Always quote the exact words of an author and surround them in quotation marks, citing the source within the body of the text and in the reference list.
- If you are not sure whether to cite a source, cite it.
- Do not start your paper the night before your paper is due. This may cause you to stress out enough to "cut corners."

This checklist was adapted from the StarQuest tutorial, ethics module, by Elizabeth Hogue, http://www.lib.odu.edu/research/tutorials/starquest/ethicsmodule/.

Plagiarism Activity

The checklist below will help you understand when you need to cite in order to avoid plagiarism. It is a good idea to use this checklist if you're ever in doubt about whether or not to cite something.

Here is the checklist:

1. What type of source are you using: your own independent material, common knowledge, or someone else's independent material? You must acknowledge someone else's material.

2. If you are quoting someone else's material, is the quotation exact? Have you inserted quotation marks around quotations? Have you shown omission with ellipsis and additions with brackets?

3. If you are paraphrasing or summarizing someone else's material, have you used your own words and sentence structures? Does your paraphrase or summary employ quotation marks when you resort to author's exact language? Have you represented the author's meaning without distortion?

4. Is each use of someone else's material acknowledged in your text? Are all of your source citations complete and accurate?

5. Does your list of works cited include all of the sources you have drawn from in writing your paper?

To reiterate, you don't need to acknowledge "your own independent material" or "common knowledge," but "you must acknowledge someone else's material." Also note that if you choose to paraphrase or summarize, you not only need to use "your own words," you must also use your own "sentence structures."

Refer to the checklist above to complete the following true/false statements.
1. You're having trouble with a paper. Your friend took the same class last semester with a different professor and lets you look at his paper. You are writing on a different topic, but decide to borrow a couple of sentences for your introduction. This is considered plagiarism.

True  False  

2. You've been sick all week and were not able to meet with your group about your project and didn't help with any of the work. Your friends understand and allow you to put your name on the project even though you didn't do anything. This is considered plagiarism.

True  False  

3. It is always best to over-cite.

True  False  

**The Writing Center**

If you are uncertain of how to properly quote or cite a source, you can get help from the Writing Center. They offer a wide range of writing services and offer help at all points in the writing process.

To learn more or schedule an appointment, go to [http://al.odu.edu/writingcenter/](http://al.odu.edu/writingcenter/)

**Free Speech and Censorship**

The First Amendment to the U.S. Constitution addresses freedom of speech: "Congress shall make no law... abridging the freedom of speech, or of the press." Although freedom of speech is highly regarded in the United States and many other countries, there are certain limitations that the courts have dealt with: for example, hate speech and obscenity. Freedom of speech applies to the Internet as well, which brings many more issues and challenges.

Censorship is a way of denying a person's/group's freedom of speech.

"Censorship reflects a society's lack of confidence in itself. It is a hallmark of an authoritarian regime . . . ." — Supreme Court Justice Potter Stewart, dissenting Ginzberg v. United States, 383 U.S. 463 (1966)

Read the following entry on [Censorship](http://al.odu.edu/writingcenter/) from Carla List-Handley's *Information literacy and technology* which addresses some of the Internet issues.

**Digital Divide**

Originally, the term "digital divide" referred narrowly to an idea of technological "haves" and "have-nots." Some individuals, schools and groups had access to technologies, like computers or broadband Internet, and this gave them a distinct advantage over those who did not.

As digital technology has become cheaper and more widely accessible, there are fewer people in the United States who do not have any access to a computer or the Internet. Many would argue, however, that the digital divide is now about more than just possession or access. Poor design, commercial interests, and a lack of technology education prevent many users from taking advantage of what technology has to offer. This disparity puts many at a disadvantage, and widens the gap between
privileged and underprivileged groups and individuals.

Read the following article by Jakob Nielsen and consider how the "digital divide" has affected society and how the issue may evolve in the future.


from: http://tikor.files.wordpress.com/2008/09/digital-divide1.jpg

### Accessibility of Information and Personal Privacy

As information becomes easier to create, access and distribute, new opportunities arise. New technologies can lead to economic growth and greater convenience, but they can also lead to a loss of privacy and the abuse of power.

For example, electronic medical records can make it easier for medical professionals to share information and learn about a patient's medical history. Some fear, however, that if these records are not properly secured, sensitive information about a patient's medical history could be misused. As technologies advance, it is important to anticipate problems and respond with technical and administrative protections. Medical records management, for example, is addressed by the Health Insurance Portability and Accountability Act (HIPAA).

Social networking sites, like Facebook, also require users to weigh the benefits and hazards of making information widely available. While it is convenient to let your friends know where you are and what you're doing, it is not something you'd want a potential stalker or cyberstalker to know.

Information from profiles could also be used to perpetrate identity theft. Birth dates, for example, are sometimes used to verify people's identities for phone or electronic transactions. Pet names, relative names, and hometown information are sometimes used for password retrieval questions.

Consequently, it is important to regulate what information you share and with whom you share it.

http://www.kpao.org/blog/2009/12/

### Summary

In this module, we looked at some of the ethical and legal aspects of information.

- Copyright laws give creators of original works (literary, dramatic, musical, artistic, and other intellectual works) certain exclusive rights. These rights help ensure that creators of works get the credit and profit their works generate.
Copyright is automatic. Items no longer must be registered with the Copyright Office or have the ©, as of 1989.

- As a user, you may need to obtain the creator/author’s permission.
- For works in the public domain, you don’t need to obtain copyright permission.
- The "Fair Use" doctrine allows you to use copyrighted works without permission of the author or creator under certain conditions, one being that it is for an educational purpose.
- "To use another person’s ideas or expressions in your writing without acknowledging the source is to plagiarize." Plagiarism violations are part of the ODU Honor Code and are taken very seriously.
- "Censorship on a public level ... involves someone -- a committee, a political body, an individual -- dictating what is and is not available to all." Access to information is limited.
- The "Digital Divide" is a result of unequal access to information technology.
- A loss of privacy, the abuse of power, and identity theft have resulted from technologies that create easy access to information. It is your responsibility to regulate what information you share and with whom you share it.

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**Return to your Blackboard course for further assignments**

Feedback: Please take a few moments to complete a brief survey with your feedback on the module.

**Suggested Readings/Sources Consulted**


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