Case studies and codes of ethics: the relevance of the ACS experience to ALIA

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This paper comments on a recent *Code of Ethics* project conducted on behalf of the Australian Computer Society, and proposes a similar project for the Australian Library and Information Association (ALIA). It reviews the scope and methodology of the project, which developed a comprehensive set of case studies and related them to the ACS *Code of Ethics* and to specific standards of conduct in the *Code*. It discusses a small selection of the case studies and suggests that a similar series for ALIA could assist in the provision of useful context for ALIA's *Statement on Professional Conduct*, material for the profession's continuing professional development (CPD) programs and a stimulus to further ethical debate in the profession.

This is a refereed article

Introduction

THE USE OF CASE STUDIES TO DEMONSTRATE AND CONTEXTUALISE ETHICAL ISSUES IS NOT new. Library educators have provided their students with such case studies for many years and from time to time these have been published, most notably Zipkowitz's *Professional Ethics in Librarianship: a real life casebook* (1996). A more recent project of the Australian Computer Society (ACS), however, has taken the use of case studies to a level not yet seen in library and information services. This project, which involved members of the Centre for Applied Philosophy and Public Ethics (CAPPE), developed a set of case studies (ACS 2004) that illustrate and contextualise the ACS *Code of Ethics*; they are intended for the benefit of its members, to sit on the ACS website.

The project has interesting implications for the library and information services profession in Australia, which has shown considerable interest in information ethics and, in recent years, in developing a 'statement of core values' (ALIA 2002). This article will discuss the development of the ACS case studies, some based on actual practice, some — actual and hypothetical — gleaned from the literature and some developed by the project participants themselves to illustrate aspects of the code of ethics not previously covered. It also discusses the interesting way in which the case studies have been presented, with links to values and ideals embodied in the ACS Code of Ethics and to specific statements therein relating to standards of conduct. It suggests that this might be a useful model for ALIA.

Literature review

The process of revising the American Library Association's (ALA) *Code of Ethics* (ALA 1995) during the 1980s and 1990s and the debate surrounding that process are well-documented (Lindsey and Prentice 1985, Koster 1992, Alfino and Pierce 1997). Following this revision of one of the longest established codes in librarianship, the International Federation of Library Associations and Institutions (IFLA) commissioned a survey of ethical and legal issues of concern to the profession worldwide (Froelich 1997) and, subsequently, sought contributions about the codes of ethics in around seventeen countries or, where no code existed, the reasons for not having one (Vaagan 2002).

Balnaves (1990) gives a useful summary of their development in the United States and the United Kingdom, which presents the Australian debate of the 1980s within this context. He outlines the approach taken in the development of the then Library Association of Australia's (LAA) *Statement on Professional Ethics* (LAA 1986). The 'emerging concept of a librarian's duty of care' was explored in the pages of this journal (Levett 1992, Ferguson and Weckert 1993), and this has since become a part of the *Statement on Professional Conduct* (ALIA 2001), which replaced the 1986 Statement on Professional Ethics. More recently a proposal for a new way to identify what constitutes 'good' information — ideally a central theme in what constitutes an ethics of librarianship — was put forward (Jones 2001).

The ready access to codes of ethics and standards of practice on the websites of professional associations enables their examination and comparison by those who seek to harmonise ethical and practical guidelines across geographic and professional boundaries. The IFLA website provides links to the ethics documents of over thirty library associations (IFLA 2004). Those of the associations of other information professions are easily located. They range from the very brief statements (ALA 1995, ALIA 2002), to those with considerable commentary (Society of American Archivists 1992) and to very detailed and extensive codes of practice (British Computer Society 2004).

Precedents for the use of case studies to illustrate and explain the relevance and application of ethics to situations that professionals might encounter in the workplace can be found in the literature of several components of the information industry. In librarianship, case studies have been published to assist US professionals make ethical decisions about particular aspects of their work (Hauptman 1988, Devlin and Nissley 1995) and to support the teaching of ethics to new professionals (Zipkowitz 1996). In the United Kingdom, the Chartered Institute of Librarians and Information Professionals (CILIP) refers to the existence of 'a growing collection of practical examples' (CILIP 2004), which it plans to manage and make available in a database during 2005, for use in conjunc-

tion with its code. This may have been in response to Paul Sturges's call that the newly formed body's codes should 'be backed by a set of case studies, such as the Institute of Information Scientists [absorbed by CILIP] provided for users of its Guidelines… What alert professionals need is a wealth of precept and case study material to help them work out principled but situation-specific ethical responses for themselves' (Sturges 2002: 319–320). Related professional groups have also published case studies, one of the more substantial examples being the forty case studies published by the Society of American Archivists to contextualise every clause of their code of ethics (Benedict 1993). Similarly well established are the case studies for use with the Association of Computing Machinery (ACM) Code of Ethics (Anderson et al. 1993) and Spinello's *Case Studies in Information Technology Ethics*, now in its second edition (2003).

Some regard the use of case studies as inappropriately located in the processes of the teaching of ethics, especially in the light of the globalisation of professions and professional education. One computer engineering writer has noted that some teachers are troubled about 'what moral or ethical framework to appeal to in analyzing cases and making recommendations for action…about whether there are common standards to which they can legitimately appeal. If there are not, it seems that the effort of teaching cases cannot go forward' (Weil 1999). Livia Iacovino (2002), while she does not deny the value of case studies in highlighting ethical dilemmas, suggests it is more important to introduce an ethical framework that prepares information professionals more thoroughly for independent action when an ethical question arises.

The argument that seems to be emerging is that codes of ethics of associations of information professions should interlock increasingly to support growing collaboration among their members — with the result that their content will be broad and general — and that case studies should be available to assist the interpretation of these broad codes in the workplaces of each of the professional groups.

The ACS/CAPPE project

Even before the development of its case studies, the ACS had a more detailed, in some respects, *Code of Ethics*, than ALIA's *Statement on Professional Conduct* (2001) or its *Core Values Statement* (ALIA 2002). It begins by enunciating a set of broad values and ideals under the following headings: 'Priorities', 'Competence', 'Honesty', 'Social Implications', 'Professional Development' and 'Information Technology Profession'. These in themselves indicate the broader scope of the ACS Code, which covers areas of professional practice and competence not addressed by ALIA's statements. Each of the headings has a corresponding value statement: for instance, under 'Information Technology Profession' is the statement, 'I must enhance the integrity of the information technology profession and the respect of its members for each other' (ACS 2003). These statements are contained in section 4.3 of the Code (the numbering reflecting the fact that the Code is part of the ACS's Regulations). They are all very broad, not unlike the ALIA statements mentioned above.

These broad value statements are followed, however, in Sections 4.4 through to 4.10 of the Code by 'standards of conduct', which are intended to explain how these values and ideals might apply to a member's professional work and, as section 4.4 puts it, to illustrate 'the meaning of the Code of Ethics in terms of specific behaviour' (ACS 2003). In other words, even before the development of the case studies, the ACS had gone to the effort of contextualising to a limited extent its broad value statements, by providing

specific instances that show them in operation. To take an example, the Code states, under 'Social Implications' (4.3.4): 'I must strive to enhance the quality of life of those affected by my work' — a wonderful ideal. The Code's subsequent standards of conduct include these, more concrete, statements under 'Social Implications' (ACS 2003: 4.8).

4.8.1 I must protect and promote the health and safety of those affected by my work.

4.8.2 I must consider and respect people's privacy which might be affected by my work.

4.8.3 I must respect my employees and refrain from treating them unfairly.

4.8.4 I must endeavour to understand, and give due regard to, the perceptions of those affected by my work.

4.8.5 I must attempt to increase the feelings of personal satisfaction, competence, and control of those affected by my work.

4.8.6 I must not require, or attempt to influence, any person to take any action which would involve a breach of the Code of Ethics.

Even with this level of contextualisation, however, the group that developed the ACS case studies felt that information technology professionals might not always find in the ACS Code of Ethics solutions to the ethical problems they face in their daily working life. This may be either because the ACS Code of Ethics statements are still somewhat broad, in which case it can be difficult to decide which statement addresses a specific problem, or because the ACS Code of Ethics is not comprehensive enough to accommodate the wide range of ethical issues that the IT professional can face.

The ACS Code of Ethics Project emerged from talks involving John Ridge (former ACS president and CAPPE Board Member), Seumas Miller (CAPPE director) and John Weckert (CAPPE professorial fellow). The project was approved by the ACS Management Committee in August 2003. The project team consisted of five CAPPE staff members, three ICT (information and communication technologies) industry professionals and an academic from the University of Canberra — five were also ACS members. Its brief was to develop thirty scenarios or case studies designed to highlight various aspects of the ACS Code of Ethics. The scenarios, it was hoped, would provide guidance for ACS members who face ethical dilemmas in their work and look to the Code of Ethics for help.

The project team members produced about eighty scenarios, half of which came from textbooks and published journal articles on computer ethics, while the other half came from the project team members by way of invention. The project team members then met in December 2003 to finalise the case studies. Of the eighty produced, thirty-three were selected for final submission to the ACS. The selection process met the ACS requirement that half of the scenarios should come from the literature, while the other half should come from the team members. All of those selected were matched with one or more of the clauses of the ACS Code of Ethics. The final product consisted of a document listing the thirty-three cases along with references to relevant clauses of the ACS Code of Ethics, and another document showing each clause of the Code linked to its associated case(s). It was proposed at the December meeting that the document be made available via the ACS website, as a simple reference guide.

ACS Code of Ethics and the case studies

The way in which statements in the ACS Code of Ethics are linked to the scenarios is best demonstrated by example. The following scenarios are taken from the final thirty-three case studies submitted to the ACS, and on the basis of interest and/or relevance to people in the library and information management sector.

Case study 1: Employee consent

An internal website development team wants to perform a usability test on a website using internal and external participants in equal proportions. The ethical issue revolves on whether the consent form designed for external users should also be used for the internals. Some members of the usability team argue that the terms of employment are sufficient to require internals to participate. Others argue that the purpose of 'consent' is to ensure that participants understand why they have been asked, what is going to happen, what data will be collected and how it will be used, and that they are free to cease participating at any time. Given that the company paid for usability testing and given that the employees have agreed to work for the company for payment, however, is the employee free to leave the test? (ACS 2004)

This case study illustrates the application of two of the statements from the ACS Code of Ethics. First, it deals with 'social implications' of the Code, as stated above: 'I must strive to enhance the quality of life of those affected by my work' (4.3). It relates to one particular standard of conduct under 'Social Implications' (4.8.3): 'I must respect my employees and refrain from treating them unfairly'. In other words, while employees may, in a legalistic sense, have given their consent, the ACS Code of Ethics suggests that there is a case for confiming their consent because, otherwise, they are not being treated with the respect that the Code attempts to foster. Second, the scenario relates to the following statement, under 'Information Technology Profession' (4.3.6), which encourages a similar respect for members of the profession: 'I must enhance the integrity of the information technology profession and the respect of its members for each other'. These are the standards of conduct that are especially pertinent:

4.10.1: I must respect, and seek when necessary, the professional opinions of colleagues in their areas of competence.

4.10.6: I must take appropriate action if I discover a member, or a person who could potentially be a member, of the Society engaging in unethical behaviour.

Case study 2: Web design consultancy

In this scenario, one is asked to imagine that one is contracted by a web design consultancy company to interview its staff with a view to establishing their current knowledge. The aim of this is to inform the company about the type of training courses they need to implement and therefore, to highlight areas of overall weakness as opposed to individual shortcomings: nonetheless the data collected will be able to identify an individual's weaknesses. Informed consent clearly states that comments made to you by interviewees are to remain private but, following the study, a senior vice-president of the company approaches and asks 'Who did well in the study?' How does one respond? (ACS 2004) Clearly there is a privacy issue here, which is something that concerns library and information professionals, especially in the United States since the passing of the Patriot Act.

These are the sections of the Code and the Standards of Conduct to which this case study relates. The left-hand column shows the value or ideal in the Code addressed by the scenario, while the right-hand column lists the more detailed standards of conduct.

Code of Ethics	Code of Ethics — Standards of Conduct
4.3.1 Priorities I must place the interests of the community above those of personal or sectional interests	*4.5 Priorities* 4.5.4: I must endeavour to preserve the confidentiality of the information of others 4.5.6: I must advise my clients and employers as soon as possible of any conflicts of interest or conscientious objections which face me in connection with my work
4.3.4 Social Implications I must strive to enhance the quality of life of those affected by my work	*4.8 Social Implications* 4.8.2: I must consider and respect people's privacy which might be affected by my work. 4.8.3: I must respect my employees and refrain from treating them unfairly

As the statements in the right-hand column demonstrate, this simple scenario raises complex issues of confidentiality, disclosure, privacy (related but not identical to confidentiality) and, again, respect for other people.

Case study 3: Issue of cultural values

This is one of several cases that relate to issues of different customs and cultures in the workplace — another set of issues with which library and information professionals are familiar. Ilnaz, a twenty-two-year-old woman, originally from Iran, does well in her job interview with CompuSoft, an Australian company that specialises in the design of CD ROMs, and the manager offers her the job immediately. Ilnaz, who needs this job, is so happy that she accepts the offer straightaway. When she reports to work the following week, however, she finds that she has to share the office with Jason, a male colleague. Apparently her manager has placed her with Jason because both of them will be doing similar tasks in nature. The manager thinks that, this way, they would both help and learn from each other. He also thinks that, given they would also be working together in a joint project that the company has just acquired, it is important that they both have access to each other during the day. Ilnaz, however, is not happy with this arrangement: it is against her religion and culture to be in complete isolation with an unrelated man. Her husband is also upset and threatens to stop her from going to work when he learns about this arrangement. The following day, Ilnaz goes to her manager and asks him what she should do (ACS 2004).

It could be argued that this is largely a cultural issue and not an ethical one; however, the view taken here is that, while it is largely a cultural issue from the organisational perspective, the problem confronting the individual ICT professional is primarily an ethical dilemma. More important, the problem with which she confronts her employer is one that is addressed by the ACS Code. In this instance, the social implications of the Code are central:

Code of Ethics	Code of Ethics — Standards of Conduct
4.3.4 Social Implications I must strive to enhance the quality of life of those affected by my work.	*4.8 Social Implications* 4.8.1: I must protect and promote the health and safety of those affected by my work. 4.8.3: I must respect my employees and refrain from treating them unfairly. 4.8.5: I must attempt to increase the feelings of personal satisfaction, competence, and control of those affected by my work.

Discussion

Clearly the ACS Code of Ethics is substantially different from the ALIA statements on professional conduct and core values. ALIA's concerns are primarily societal and relate to issues such as freedom of information, privacy and freedom to read, while much of the ACS Code focuses on the work practice of the ICT professional. ICT professionals, for instance, are responsible for developing systems that have the potential to benefit or, if poorly designed, disadvantage clients materially. Thus issues of liability and duty of care receive far more attention from the ICT profession than from our own (Ferguson and Weckert 1998). IT professionals also tend to work more closely in groups than the typical professional in library and information services, which may explain the greater emphasis in the ACS Code on working relationships than in our own ethical statements — although perhaps there is a case for considering the standards of conduct promoted by the ACS Code.

The differences between the professional codes of practice, and in the responsibilities of the two information-related professions mean that most of the ACS case studies do not translate well to the library and information services environment. Should ALIA consider developing a similar set of case studies, these would almost certainly be different from the ACS case studies, although the three scenarios cited could have more than passing relevance to library and information services. While there has not been time yet for the ACS to evaluate its case studies and their value for its members, there do appear to be benefits in developing such scenarios. They provide contextualisation for the otherwise abstract statements of professional responsibility. As pointed out earlier, case studies have already been used effectively in education for library and information management, and it is suggested here that scenarios similar to the ACS ones would have a significant contribution to make to the education of new ALIA members and, indeed, would have the potential to assist existing members in terms of continuing professional development (CPD). Moreover, Imogen Garner's comment in the January/February issue of *inCite* (2005), that ALIA has prepared some guidelines in response to the increasing number of members reporting cases where police have contacted libraries seeking access to user records, underlines the need to have indicative case studies to which members can refer.

We would go further, however, and argue that the development of scenarios such as these would also make a contribution to the development of better ethical codes, by providing a framework for debate. In other words, the case studies would not become 'law' for the profession — a set of instructional narratives for ALIA members to follow slavishly — but would be a step in a dialectical process, in which the profession, or at least a subset of the profession, uses the concrete case studies to reassess its ethical ideals and practices. Such an approach would be more sensible than the one taken in 2002, when ALIA took a set of ideals drafted by a foreign library association (indeed, subsequently dropped by the ALA in favour of a list of topics on its website (ALA 2004)) and tried, with mixed reaction from members of the profession, to transplant them into an Australian profession, with its own culture, history, socio-political environment and aspirations. To examine our stated core values and ideals in the context of specific scenarios would either reinforce these ideals or prompt us to revise them.

Conclusion

The ACS/CAPPE case studies are still too new to establish their value to ACS members. No doubt there will be some attempt to evaluate them. A brief examination of indicative examples and how they relate to the ACS Code of Ethics and its standards of conduct, however, suggests that it may be worthwhile considering the development of a set of case studies, relevant to the library and information profession. The contextualisation provided by such scenarios for otherwise abstract statements of core values and ideals has considerable merit in terms of its potential contribution to professional education and CPD. Moreover, it is suggested that their development would perhaps provide the basis for a better-informed debate than we have previously enjoyed. The next step is to persuade our professional leaders that the project would be worth the effort.

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Stuart Ferguson is a senior lecturer in Information Management and Librarianship, and has professional experience from Australia, South Africa and Scotland. He has publications in information management, information ethics, knowledge management and literary theory. Other interests include information politics and the knowledge society. He has a PhD in Marxist aesthetics.

Rachel Salmond has worked in special and university libraries in New Zealand, the United Kingdom, Singapore and Australia and has taught in library studies programs in most of these countries. Most recently she has provided guidance and advice to system designers on improving relevance and efficiency in retrieval of web-delivered information.

Yeslam Al-Saggaf is a lecturer in the School of Information Studies, an Associate course co-ordinator for the Master of Information Technology at Charles Sturt University, and a research fellow at the Centre for Applied Philosophy and Public Ethics. His PhD, from Charles Sturt University, is in the area of online communities.

Mike Bowern has extensive experience as a practitioner, manager and consultant in the public and private sectors of the information and communications technology industry. He is a PhD candidate at Charles Sturt University, working in the Centre for Applied Philosophy and Public Ethics. His thesis topic is Ethics and Electronic Democracy.

John Weckert is professor of Information Technology in the School of Information Studies at Charles Sturt University and professorial fellow at the Centre for Applied Philosophy and Public Ethics, an ARC funded Special Research Centre. He is also a visiting professor, University of Melbourne and visiting fellow, Australian National University.