

Information Literacy Lesson Plan: Module Five

Requires approximately 1 ½ to 2 hours

ACRL Standard 5: An information literate student understands many of the economic, legal, and social issues surrounding the use of information and accesses and uses information ethically and legally.

Module 5 addresses the legal and ethical concerns of using information by

- presenting controversial scenarios that require a personal and ethical response
- examining copyright and privacy laws in a practical and modern context
- exploring both the fluidity and authority of netiquette
- demonstrating appropriate methods of obtaining, using, and citing information

Background Knowledge/Prerequisites

- For Module Facilitators: familiarity with the DeVry University policies surrounding plagiarism and copyright
- For Students: Having taken Modules 1-4

Materials Needed:

- Appendices A-G
- Need to know how much DeVry paid for the library databases it subscribed to this fiscal year.
- Computer with Internet access and connected projection unit

Student Deliverables (individual even if working in a group):

1. Looking for Yourself Activity, Appendix B
2. To Censor or Not to Censor Assignment, Appendix C
3. Netiquette Activity, Appendix D
4. Is It Plagiarism Or Is It Not? Exercise, Appendix G

Step 1: Understanding many of the ethical, legal and socio-economic issues surrounding information and information technology

[55 minutes]

Discuss (Neely, 2006):

- What is the role of information in a democratic society, such as ours? What are the issues that affect information?
- How is information relative or important to an informed citizenry?
- What is the value of information?

Discuss:

You are changing your child's diaper in the rest room of your local box store and notice another shopper walk in with several boxes of online games. You see the person go into a stall and hear the packaging being cut open, the unzipping of a bag, and the programs being stuffed down under some stuff in the bag. The bag is zipped up and the person hastily exits the stall, shoving the packaging under the used paper towels in the waste bin (Jacobson & Gatti, 2001).

- How do you feel about this?
- Have you witnessed a crime? Explain.
- Did the other person do anything unethical? Explain.
- Is there a term for this sort of activity?

Discuss:

You are the mother of two living in suburban St. Louis. You receive an e-mail from an old friend living in the capital of the Czech Republic. He says the photo of your family which had gone out on your Christmas cards last year was now a larger than life size banner in a local Prague grocery store. Surprised, you ask him to send a photo and sure enough, they you all are—poster size! You had also posted the high resolution photo to your blog and few social networking sites. You contact the store and they take down the banner, but do not apologize. (*Family surprised at Czech meaning of 'say cheese'*, 2009, June 12).

- How do you feel about this?
- Have you been the victim of a crime? Explain {*While the international nature of the incident complicates this incident, it does represent a violation of US copyright law. Any fixed or tangible work is automatically protected from the moment of its creation*}
- Did the store do anything unethical? Explain.
- Is there term for this sort of activity?

Discuss:

You are a twelve year old honors student living with your mother in a New York City Housing Authority apartment. You love music and share it widely using Internet file sharing. You have shared approximately one-thousand files with others. In September 2003 the Recording Industry of America (RIAA) notifies you and two hundred sixty other "egregious" file swappers that you are being sued for up to \$150,000 per song!

The following day the RIAA and your mother settle out of court for \$2000. "We understand now that file sharing the music was illegal," says your mother, and she assures the Association, law enforcement officials, and the media you would not be doing this anymore. You say "I am sorry for what I have done. I love music and don't want to hurt the artists I love."

The RIAA states, "We're trying to send a strong message that . . . the illegal distribution of copyrighted music has consequences," adding, "And as this case illustrates, parents need to be aware of what their children are doing on their computers." (12-year-old settles music swap lawsuit, 2004, February 18; 12-year-old sued for music downloading, 2003, September 9; Borland, 2003, September 9; RIAA settles with 12-year-old girl).

- How do you feel about this?
- Who is the victim of a crime in this case?
- Did the girl or the RIAA do anything unethical? Explain.
- Is there term for this sort of activity?

Discuss:

You are in the thick of writer's block for you final paper which is due next week. You Google a search or two and *viola!* --there is a site which says just what you want to say, but oh so much better than you could put it! But after cutting and pasting it, the words start to come and flow and you are now in the inspired groove of writing. In your final rewriting and revising you realize you didn't cite where you got this from and you can't find it again either. It might have been on that site with the 404 Error that you can't access now. Then again, maybe it wasn't. The words are just right and it would be a shame to change them so you leave them in your paper.

- How do you feel about this?
- Have you committed a crime? Explain
- Did you do anything unethical? Explain.

Discuss:

You are poetry collector. Your grandmother gives you some manuscripts written by a friend of hers who died young, 75 years ago. The woman never married or had children and lived in by herself. She wrote about her life, nature, lost loves, and other personal yet profound thoughts while living in the mountains. The poems are really quite good. You publish them under your name and collect a modest royalty check every month for several years.

- How do you feel about this?
- Have you committed a crime? Explain
- Did you do anything unethical? Explain.

Discuss:

- Have you ever had anything stolen?
- How did you feel as the victim of a crime?
- How do you think writers, composers, web designers feel about having their hard work misappropriated and getting nothing in return?

Explain:

Research and writing touches people's lives, even before someone else reads one of your words. It is often seen as a solitary act, but everything you read is somebody else's. There are a number

of ethical conventions, standards, and norms, to say nothing of laws, which govern how you use other people's ideas, just as there are for how you treat people's other stuff.

The authors, producers, Internet site producers, your fellow researchers, and your professors expect you to adhere to these norms, standards, and laws. Just as if you were working with someone else's tools, computer, or other possessions, their work deserves to be treated with respect.

Your grades, career, reputation, and legal future depend on the choices you make with regard to the use of information on your part. (Manuel, 2006)

According to a recent survey (*Survey information*, 2009, October 22), privacy is the greatest concern of Internet users. Other studies confirm this continuing concern. Nowhere in the United States Constitution or the Bill of Rights is individual privacy specifically mentioned or guaranteed. However, several of provisions are interpreted by the courts and constitutional scholars as protecting this right. (Chapter two: privacy basics, n.d.).

The Fourth Amendment safeguards individuals and their homes, papers, and effects, from unreasonable searches and seizures—this limits government intrusion into people's private lives.

Other privacy protections arise from:

- the First Amendment's freedom of expression and association clauses.
- the Fifth Amendment's privilege against self-incrimination
- In the Ninth Amendment the Supreme Court has found protections for the privacy of our family and reproductive life
- the Fourteenth Amendment has also been interpreted by the Supreme Court as applying to privacy

While the U.S. Constitution protects privacy against governmental intrusion, other laws specifically address privacy concerns. For example: the Family Education Rights and Privacy Act (FERPA) protects the confidentiality of student records and the Health Insurance Portability and Accountability Act (HIPPA) guarantees the privacy of medical information, among other things.

The right of privacy is generally understood to cover four areas (Wilson, 2005):

- Disclosure—is the public disclosure of private facts. This is the most common understanding of the term invasion of privacy. It centers on the disclosure of information would be embarrassing, objectionable, and offensive to a person of ordinary sensibilities and was not public prior to the disclosure.
- False light—being placed in a “false light” in the public eye. This involves portraying someone falsely, injuring their dignity, and causing the resulting mental suffering.
 - Defamation is similar to this. Defamation says the individual's reputation has been harmed too and that the information is false.
- Intrusion—involves incursion into some private area of life. This usually involves actions analogous to and including trespassing. It covers eavesdropping, reading others' email, photos taken with a telephoto lens, or placing them under webcam surveillance.
- Misappropriation—the commercial use of name or image without permission. This would involve the unauthorized use of a person's image or name, with resulting damage to the person's dignity and peace of mind.

Nevertheless, technology allows businesses and others to stay within the law but still keep tabs on you. This is not a new issue either. Back in a 1963 Supreme Court opinion, Chief Justice Earl Warren noted, with "the fantastic advances in the field of electronic communication constitute a great danger to the privacy of the individual." (Angwin & McGinty, 2010, August 2). In the intervening half century this is truer than ever.

An article in *USA Today* ("These 'cookies' aren't tasty, 2010, August 9) underscored this issue. Imagine you are being shadowed at the mall. Whenever you enter a store, make a purchase, or view a movie somebody writes down all that information on note cards and then hands it over to a bunch of merchants and people you don't even know. What conclusions might they make about you if you bought a home pregnancy kit or a book on bankruptcy?

Companies routinely do this whenever you go online. Your likes, dislikes, interests, purchases, and so forth are kept track of. Tracking files or cookies are common, if not intrusive, and for the most part, unregulated. Consumers often don't realize how much information on them is being tracked, collated, and sold. Companies use cookies to help target customers with ads for things they think will be useful.

In 2010, the *Wall Street Journal* (Angwin & McGinty, 2010, August 2) examined the fifty most popular US websites to measure the number and capabilities of the cookies, beacons, and other trackers installed on a visitor's computer! The 50 sites installed a total of 3,180 tracking files on the test computer. Twelve sites installed more than one-hundred tracking tools each. Only one site installed none—Wikipedia. On the other hand, Dictionary.com exposed visitors to the most "potentially aggressive surveillance." The firm attributed this to the many different ad networks it works with; each of which puts tools on its site.

The Network Advertising Initiative (NAI) has an "Opt-out Tool" which gives consumers a choice of "opting out" of the behavioral advertising delivered by member companies. Opting out does not stop tracking, block cookies, nor halt online advertising. It only means the opted out network will stop delivering ads geared to your web preferences and use patterns (Network Advertising Initiative, 2010; Calo, 2009, April 27).

While some computer users try to block or get rid of cookies, they are often thwarted and dismayed to learn that "flash cookies," restore old deleted cookies.

Cookies don't track names, which is why they remain legal. But a few years ago a computer consultant wrote a simple piece of software that allowed him to download public wish lists that Amazon.com used to identify wish list items. These lists usually include the name of the list's owner and her/his city and state. He downloaded over a quarter million such lists in one day and looked through it for potentially controversial titles such as the anti-war piece *Slaughterhouse-Five* or even the *Koran*. He then used *Yahoo* People Search to identify addresses and phone numbers for many of the list creators. He concluded that once upon a time, "you had to get a warrant to monitor a person or a group of people. Today, it is increasingly easy to monitor ideas" then trace these back to their adherents.

Beyond this, data mining can identify individuals with considerable accuracy as people often leave names, addresses, zip codes, phone numbers, and gender information at any given website. In theory, GPS transmitters in cars, cell phones, I Pads and other technology make tracking individuals even easier. Algorithms are even being developed to predict where people will go next. (Murray, 2010).

Collecting these data violates no federal or state laws. Tracking companies are not well regulated, though many firms are seeking to regulate themselves and are following professional standards. But such controls lack teeth and can't control renegade operation. ("These 'cookies' aren't tasty," 2010, August 9; Carr, 2010, August 7).

If you want to see how cookies work; Privacy.net <http://news.privacy.net/> has a cookie tracking demo that illustrates this.

Similarly Spyware will target advertising and gather personal information about you and can even change the configuration of your computer. This can cause your computer to slow down or even crash. Spyware is often installed covertly with other software.

The key in all cases is whether or not you (or someone who uses your computer) understand what the software will do that you have agreed to install on your computer. (Microsoft Corporation, 2010).

To ensure your own privacy there are a number of steps to be taken. The Center for Democracy and Technology has 14 steps to be taken to help protect your privacy on Appendix A.

Many college students might assume what they do online is their own business and does not affect their career prospects--they might also be mistaken. A survey ("Research shows online reputations matter, n.d.) commissioned by Microsoft found that almost 80 percent of US hiring managers and job recruiters review online information about job applicants. What is more, of those, 70 percent report they have rejected candidates based on what they found!

Some people are even turning to Online Reputation Management (ORM) firms to enhance their online auras. ORMs though cannot do much more than you can do yourself. So here are some tips to save your money, online reputation, and privacy.

- First, search your name and any variations: nicknames, middle name, maiden names, etc. while you are at, search you Social Security Number and credit card numbers. too
- Some search engines allow you to sign up for alerts to let you know automatically if your name or other personal information appears.
- To better ensure your privacy:
 - Keep your personal information to yourself online—know how any organization or person will use your information when you give it to them
 - Keep your professional and personal email addresses separate.
 - Your participation in 'fan' sites and discussion boards may be visible for years. Such sites may indicate personal information about you or even poor online netiquette.
 - Use the privacy settings. Most reputable social networking and photo-sharing sites let you decide who can access and respond to your content. If the site you are using doesn't have such a feature, it might be time for a different site.

- Make sure any photos you post of yourself don't look like someone a potential employer would not want to hire.
- Your content is important too—assume any future employer will read what you post.
- If a website has information about you that you would like to have removed, contact the website owner or administrator and request that they remove it. Many sites have policies to deal with such requests.
- An attorney can provide legal advice on whether a false and defamatory posting might be considered libelous. However, you will most likely be unable to remove public records; court cases or published news articles, for example.
- At the same time, if you can't remove unflattering information you can try to build your brand by starting a blog, website and/or social media profile that puts you in a better and professional looking light. As you want more hits for the complimentary material, you will need to post using your name and content often. (Privacy Rights Clearinghouse, 2010; Take charge of your online reputation, 2010).

Facilitate:

Distribute the “Looking for Yourself” Activity (**Appendix B**) to the class
{Scoring this assignment will be based on the completeness of the assignment. The instructor may want to verify that the student was through in her/his efforts}

Explain:

Some Information does not come cheaply. DeVry will paid \$_____ for the library databases it subscribed to this fiscal year.

Some journals in the sciences cost thousands if not tens of thousands of dollars for an *annual* subscription. This is due to a number of factors ranging from having a small subscription base and few advertisers to the practices of predatory publishers—firms which charge excessive rates for journals because libraries and universities will pay for them as they are considered essential to research collections.

While a student you have free access to all the databases in the library. But when you graduate, you lose access to many of them. What was free to you as a student is no longer free to you as an alum. The reason is licensing.

Licensing agreements provide the right to use a product or library database without buying it, but requires certain stipulations be met. Licensing gives permission for use over a specified period of time to a certain period of time or territory. The library agrees to pass along the right of access to its patrons—those with DSI numbers.

However as these are leased and not purchased, there are certain legal restrictions that apply to software and the lessee must adhere to the terms of the agreement. The fees for the use of the library's databases are transparent to students—it has already been paid for through your tuition dollars. (Carson, 2007).

Increasingly there are open access journals available for searching for free. The articles themselves may or may not always be free for the customer though. The cost of subscription to

these is significantly less than traditional titles, however. These resources have gained stature over the last ten years as libraries and universities have responded to the high costs of journals.

There are a number of online access services to these open access journals too.

- Directory of Open Access Journals <http://www.doaj.org/> provides access to over 5,000 free full text peer reviewed journals. Only about half of these are searchable at the article level though.
- Open J-gate <http://www.openj-gate.com/Search/QuickSearch.aspx> Open J-Gate is the contribution of Informatics (India) Ltd to promote open journal access. It indexes over 7500 journals in a variety of disciplines. Some titles may not be accessible by individuals though.
- Stanford University sponsors HighWire <http://highwire.stanford.edu/lists/freeart.dtl> a publishing platform of over 1,300 independently published peer reviewed periodicals. While many of these are available for free there is often an embargo period of a year or more before they can be accessed.

One of the most active areas in the fee v. free struggle is with books. There are a number of projects seeking to provide free Internet access to books

Million Book Project began in collaboration with the National Science Foundation, Carnegie Mellon University, and universities in China and India to bring together titles in the sciences, particular agriculture. It also seeks innovative solutions with machine translation, storage, scanning, and searching. (St. Clair, 2008).

The Open Content Alliance (OCA) is an international collaborative effort of cultural, technology, nonprofit, and governmental organizations seeking to create a permanent online repository of multilingual digitized text and multimedia material. There is an archive of contributed material available through the Internet Archive website and through Yahoo! The OCA seeks to create an alliance of libraries, publishers, and online readers and researchers to create joint *open* access repositories of *content* and to *not* scan material under copyright protection. ("What is the Open Content Alliance? (n.d.); Ashmore & Grogg, 2008, January).

Google Book Search is the most ambitious book digitization project and one which has generated considerable controversy regarding copyright. Google Book Search has some 5 million holdings which are full text searchable. Most of these are copyrighted materials and therefore only sections of each title are available as this is Google's effort to circumvent copyright law. The jury (almost literally) is still out on the legal action launched against Google because of this project regarding charges of copyright infringement.

Discuss:

- Is Freedom of Speech an unlimited or limited freedom?
- Is censorship ever justified?

Explain:

Historically, materials are often censored or free speech denied for one or more of these major reasons.

- National security—there is a long standing tension between the need to keep a people and their armed forces secure and the right of a people to know what is going on. In the American Civil War, Union general William Sherman tried to keep the press away from his command and even fumed that journalists ought to be hanged. More recently, President Richard Nixon invoked national security to cover up some of his misdeeds during the Watergate scandals.
- Blasphemous or heretical works are banned for violating the dominant religious beliefs for either being presumed to be offensive to the deity or promoting false religious doctrines. The Greek philosopher Socrates was charged with refusing to recognize the gods recognized by the government and even introducing new ones and subsequently executed.
- Seditious and subversive books are banned for being a threat to civil authority through either attacking the political leaders, or undermining the political, economic, or social mores. The Russian Nobel Prize winning author Alexander Solzhenitsyn was beaten and imprisoned in a labor camp for his criticisms of Soviet Leader Josef Stalin and the communist government's conduct of WWII. He was later exiled when his novel the *Gulag Archipelago* was published.
- Immoral or obscene works occasionally artistic or literary that challenge the moral and especially sexual conventions of a society are also often seen as offensive and censored. The Roman Catholic Church forbade members from reading works by de Sade and Casanova because of the sexual content of the books.
- More recently, books which have depicted some groups in a negative light have been censored as these titles are considered to be hate literature. One of the most frequently challenged books in the US is *The Adventures of Huckleberry Finn* for its persistent use of racial stereotypes and the n-word.

At its most extreme works are burned. This is an act with certain finality to the physical object, but not necessarily to the idea itself. Burning books, papers, records, software etc. also implies a certain process of purification to remove something that was unclean. While a well known ritual for Nazis, the practice can be traced back to the ancient Roman era and is mentioned in the Bible. (Bosmajian, 2006; Vu, 2010, July 28). It is a practice still sanctioned by some even in twenty-first century America (Amazing Grace Baptist Church; Rev. Terry Jones)

Demonstrate:

View the Nazi Book Burning clip http://www.youtube.com/watch?v=s4_j4c7Bop0

Discuss:

- Why do some feel the need to destroy certain ideas in such ways?

Explain

Freedom of Speech is guaranteed in the first amendment to the *US Constitution*: "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

The courts interpret the first amendment to include art, film, and other forms of expression even though they are not specifically mentioned.

Freedom of speech extends to expressions we may find disagreeable, including those that are repugnant, rebellious, and rude. Government may not prohibit the expression of an idea just because society finds the idea itself offensive or disagreeable.

Generally speaking, individuals cannot be tried or otherwise punished by the government if the reason for the punishment is the message or idea expressed.

At the same time, there are limits on free speech. The classic example is that one cannot yell "Fire!" in a crowded theater.

Beyond this, the courts have ruled that there are certain types of speech that are not protected (Lesson one, n.d.)

These include:

- Imminent Lawless Action in *Brandenburg v. Ohio*, (1969) ruled that speech which incites imminent and likely lawless action is not protected. This case actually expanded the scope of free speech as previously the Court held that even the advocacy of violence or lawlessness was illegal.
- Fighting Words, or Words that are Likely to Cause a Breach of the Peace --words or expressions which are generally considered provocative are not protected. In the (1942) *Chaplinsky v. New Hampshire* case, the Supreme Court defined these as expressions "which by their very utterance inflict injury" and which "are not essential part of any exposition of ideas." This includes hate speech.
- Libel and Slander: The First Amendment does not protect speech that constitutes dishonesty intended to defame or damage the reputation of a person or an organization.
- Obscenity: The First Amendment does not protect speech that is obscene. In the *Miller v. California* (1973) ruling, the Court established the three point Miller test which stated that material is considered obscene
 1. If the average person, applying contemporary community standards, viewing the work as a whole, finds that it appeals to prurient interests
AND
 2. If the work depicts or describes sexual conduct or excretory functions in a patently offensive way
AND
 3. If the work taken as a whole lack serious literary, artistic, political, or scientific value
- Conflict with Other Legitimate Social or Governmental Interests: The First Amendment does not preempt other rights or trump other compelling but competing interests. For example, there may be legitimate reasons to restrict First Amendment rights because of conflicts with wartime security.

Facilitate:

In the To Censor or Not to Censor Assignment (**Appendix C**), students will decide if sites should or should not be censored.

{Scoring will be based on the rational and reasoning applied to the discussion of the two sites and the clear expression of good ideas}

Discuss (Wright & Lucas, n.d; US Copyright Office, 2008, July):

Article 1, Section 8 of the US Constitution states, "Congress shall have the power...to promote the progress of the sciences and useful arts, by securing for limited terms to authors and inventors the exclusive rights to their respective writings and discoveries." Title 17 of the US code is the copyright law and has elaborated on this concept over the years. Author's rights now include the exclusive right to make and distribute copies, make derivative works as well as perform and display a work publically.

- Why would there be laws supporting copyright?

At the same time, fair use allows portions of copyrighted material to be used without obtaining permission first.

Explain:

Intellectual property refers to unique products of the human creativity such as ideas, inventions, writings, speeches, names, industrial processes and such. Intellectual property is like any other kind of property in that it can be bought or sold as a way of rewarding its creator-owners for their endeavors. Creators-owners of intellectual property have the legal right to reproduce, adapt, or distribute their work. Respecting other people's intellectual property also means not plagiarizing it or presenting their work as your own. As with, 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 though, it must be expressed in some tangible form. U.S. laws define four types of intellectual property:

1. Patents
2. Trademarks
3. Trade secrets.
4. Copyrights

Patents are monopolies granted by the US Patent Office for a limited time to the creator of inventions or discoveries. The holder of a patent can stop anyone from manufacturing the invention without permission or even from importing an infringing item into the US. There are different types of patents and their coverage varies accordingly. For example, a utility patent may be granted for a new technical or industrial process and last twenty years after the patent is filed. Design patents that are ornamental, but don't affect the functional aspects of a product last for fourteen years from the date they are issued. (Wilson, 2005).

Trademarks are words, phrases, symbols, logos, etc that identify a product or service to consumers and distinguishing it from those of others. Typically, the company using the mark first has superior rights to any other company using the mark. Registering marks enhances rights, but does not create the rights which are in place when the mark is used in commerce. It is usually fairly easy to register a mark within a state, but federal trademark registration confers greater benefits. A trademark lasts as long as the mark is used in commerce. (Wilson, 2005).

Trade secrets maintain secrecy of business materials, formulae, and inventions which have not been patented. In these cases the intellectual property has economic value and the loss of the secret could have a detrimental effect to the business. The owner of the trade secret must also take reasonable precautions to protect the information too. There is no filing process, but mis-

appropriation of trade secrets is still grounds for a lawsuit. Also, many states have laws protecting trade secrets. Some federal laws, such as the Uniform Trade Secrets Act, may apply as well. (Carson, 2007).

In this module, the focus will be on copyright laws.

The material we cover in this module is offered as general guidelines and should not be construed as legal advice. If you have specific legal questions you should consult an attorney.

To be copyrighted a work must meet three legal standards. All of these must be met in order to qualify for copyright protection. The work must:

- be original—not copied from another work
- embody some expression of the creator and not just an idea or ideas
- “fixed” in some tangible medium of expression.

Let’s discuss each of these briefly:

Originality—is the key. Even if two authors through some amazing coincidence wrote the same identical text independently of each other and simultaneously without copying anyone else, both would hold copyright. For copyright law, the similarities are not the point; the fact that both created the work without copying it is the point.

Expression—unlike plagiarism, copyright does not apply to the idea or fact involved. It covers the expression of that idea. In copyright cases the court must often decide if the defendant took the expression of work from a defendant or simply appropriated an idea.

Fixation—copyright is extended to works “fixed in any tangible medium of expression” this excludes improvised or extemporaneous remarks as well as dance as these are not “fixed” per se. They can be protected by copyright if they are written down or recorded. (Wilson, 2005).

How long does copyright last?

For works created on or after January 1, 1978, copyright is given *from the moment of creation* and endures for the author’s life plus an additional 70 years after the author’s death. For “a joint work prepared by two or more authors,” the copyright lasts for 70 years after the last surviving author’s death. For works made for hire, and for anonymous and pseudonymous works (unless the author’s identity is revealed in Copyright Office records), the term of the copyright is for 95 years from publication or 120 years from creation, whichever is shorter.

Works created on or after January 1, 1978, cannot be renewed.

Things which cannot be copyrighted:

- Works that have not been fixed in a tangible form of expression such as choreographic works that have not been notated or recorded, or improvisational speeches or performances that have not been written or recorded.
- Titles, names, slogans, or short phrases as well as familiar symbols or designs—trademark law often covers these.
- Mere variations of typographic ornamentation, lettering, or coloring; mere listings of ingredients or contents

- Works consisting entirely of information that is common property and containing no original authorship –things such as standard calendars, height and weight charts, tape measures etc.
- Ideas, procedures, methods, systems, discoveries etc are not covered by copyright., as distinguished from a fixed and tangible works which are covered. Other forms of intellectual property law will often apply to these works.

(U.S. Copyright Office, 2009, May; Wright & Lucas, n.d.; *Fair use of copyrighted materials*, 2005, March 30).

Copyright law gives the owner of the copyright the right to reproduce or authorize reproduction of a work there are certain limitations to this; among these: fair use.

There are various purposes for which the reproduction of a particular work may be considered fair use. These typically include criticism, comment, news reporting, teaching, scholarship, and research.

Copyright law sets out four factors to be considered in determining “fair use:”

1. The purpose and nature of use, including whether the usage is of commercial or educational nature. Fair use *tends* to favor not-for-profit, educational, and personal use of copyright materials. The copyright owner will typically exercise her/his prerogative to authorize reproduction of a work if it is for commercial purposes.
2. The nature of the work. If you are using the facts presented in a work that is fair use. How the facts are expressed though is protected by copyright. For example, the song “April 26, 1992,” by “Sublime” is about the riots following the acquittal of the police officers who were accused of beating Rodney King. The fact of the event is not copyrighted, but the song is. The more imaginative the interpretation of an event or fact the greater the likelihood it is not covered by fair use.
3. The amount and substance of the portion used in relation to the whole of the copyrighted work. The distinction here between fair use and infringement is unclear and is not easily defined. There is no specific number of words, lines, or percentage of a work that can be copied without permission.

To some degree it depends on how the work is to be used. If is being used once in class it is more likely to be seen as fair use than if a commercial copy shop is copying a crucial but brief chapter of the same thing. However, the law does not necessarily consider for-profit-use as a deciding factor. Establishing clearer grounds of what constitutes fair use is not likely to happen. In the late 1990s publishers, producers, recording studios, movie studios, software producers, scholars, government agencies, libraries, universities, museums met for two and one half years and failed to agree to agree on what constituted fair use. (*CONFU*, 2004, December 22).

4. Whether the copying or reproduction would impact the copyrighted work’s potential market or value. This fourth factor is often weighed in collaboration with the other three. A not-for-profit group copying a work to avoid having to buy multiple copies and thus depriving

the creator of income would be more likely to be in violation of copy right than a company making a single copy, one-time copy to use. Though potentially both could be liable.

Beyond this, the courts have regarded parody of a work to be protected from claims of copyright. Parody has a long and recognized history. Parody, by definition relies on the work of someone else and is the quintessential derivative work. As the holder of the copyright is unlikely to grant permission for her/his work to be made fun of the courts recognize that action is often not subject to infringement.

Although copyright law may seem nebulous and the guidelines unclear; the law does provide for a “good faith fair use defense” if the person making the copy reasonably believes that what s/he was doing was within the parameters of fair use. At the same time; acknowledging the source of the copyrighted material does not substitute for obtaining permission.

Creative Commons (CC):

The Creative Commons began in 2001. The nonprofit corporation seeks to make it easier for people to share and build while remaining copyright compliant, The corporation provides free licenses and other legal tools to allow creators to mark the degree of freedom they which to ascribe to their work.

These licenses range from “Attribution” which only asks that user acknowledge where s/he got the information to “Attribution Non-Commercial No Derivatives” which allows users to use a work so long as it is acknowledged, and not changed or charged for.

Major participants include Al Jazeera TV network which created repository of video shot in Gaza of Palestinian/Israeli confrontations which was unavailable to other media. The band *Nine Inch Nails* distributed the first disc of *Ghosts I-IV* under a CC agreement. Open access journals are available through the Public Library of Science. The White House now requires third party content posted on Whitehosue.gov to be available via CC Attribution only.

(Wright & Lucas, n.d.; Stanford University Libraries, 2007).

The public domain is the intellectual property that is open and available for the public to use freely as it is not covered by copyright. After a copyright expires the work falls into the public domain. The length of time that material is copyrighted has varied over time. Currently:

- Any work published in the United States before 1923 is now in the public domain.
- Materials published before 1964 for which copyright was not renewed are in the public domain too.
- Some works published in the United States before March 1, 1989 but did not contain copyright notice are in the public domain. The 1976 Copyright Act gave automatic copyright protection to works once they were created rather than requiring registration.
- In addition, local, state, and federal laws and court decisions are typically in the public domain.
- Many Federal government publications are also in the public domain. Specifically those produced by an officer or employee of the government as part of that person’s official duties and are not otherwise copyrighted are considered in the public domain. At the same time, many GPO publications are prepared by others and may be subject to copyright protection. Laws regarding a state’s publications will vary from state to state.

Things *not* in the public domain (but you probably thought they were):

- Clipart available for free in books, on CDs, and online these are often referred to as being copyright free. This is often a misnomer as the work is still copyrighted, but it is royalty free. Clipart programs and packages will still often stipulate that the all the art cannot be reproduced and sold. Others clipart software stipulates that it cannot be used for commercial purposes.
- Shareware is software distributed free-of- charge on a trial basis and if the customer likes it and intends to use it, a fee is paid. Freeware is software that is made available to the general public at no cost.
 - As with clipart, both of these are still covered by copyright law. Even though you get them for free you cannot reproduce and distribute them without the permission of the copyright owner. Even though it is free does not place it in the public domain.

Discuss (U.S. Copyright Office, 2006, July 12:)

Q: Can I make a backup copy of my computer software?

A: Yes, under certain conditions. The law allows you to backup or archive software if:

- the new copy is being made for archival (i.e., backup) purposes only;
- you are the legal owner of the copy; and
- any copy made for archival purposes is either destroyed, or transferred with the original copy, once the original copy is sold, given away, or otherwise transferred.

It is also important to check the terms of sale or license agreement of the original copy of software in case any special conditions have been put in place by the copyright owner

Q: Can I make a backup copy of my music that I legally downloaded?

A: No, the law only allows backup or archival copies of software. Archival copies of music, films, articles, etc. are illegal.

Q: I don't really need to worry about copyright, because odds are, I will never be caught—right?

A: It is true that the odds are in your favor. But, the consequences of being caught can be severe.

Q: Can I use a copyrighted work for my club or other not-for-profit group? I won't be making any money off of it.

A: The law states that the copyright owner decides how the work is to be used. Money is not a consideration.

Step 2: Following laws, regulations, institutional policies, and etiquette related to the access and use of information resources

[Approximately 50 minutes]

Discuss:

What are the fundamental rules of Netiquette? (Dube, 2003, April 15; McAdoo, n.d).

Explain:

At its most basic level, Netiquette follows the general rules of civility in our culture and is based on good old common sense.

Cyberjournalist.net has created a “Bloggers’ Code of Ethics” which would be applicable to most online situations.

- “Be Honest and Fair”—this includes not plagiarizing, but identifying sources, not distorting information and distinguishing between commentary and reporting.
- “Minimize Harm”—show compassion, respect, and good taste while respecting people’s privacy.
- “Be Accountable”—admit and correct mistakes, disclose conflicts of interest, don’t play favorites, maintain high standards even when other don’t

More broadly, the *Core Rules of Netiquette* (Shea, 1990-2005) outlines ten precepts to govern online conduct.

- Rule 1: Remember the human- the golden rule applies here. But beyond this, before you post anything—ask yourself; would I say this to the person’s face. Also, never put anything into e-mail that you wouldn’t want to explain in court.
- Rule 2: Adhere to the same standards of behavior online that you follow in real life. In cyberspace there is anonymity and with that a emboldened feeling that one won’t get caught. If you are in an online ethical conundrum, ask yourself what you would do in real life and follow the same. Also, pay for shareware—it pays big benefits for all.
- Rule 3: Know where you are in cyberspace—what is considered acceptable in one forum might be taboo in another. A good rule of thumb is: “Lurk before you leap.” That way you get a sense of the acceptable behavior before you join in.
- Rule 4: Respect other people's time and bandwidth--people are busy and the information carrying capacity of the Internet is finite. Be considerate in the use of both. Also, as there are demands on these scarce resources, don’t expect them to conform to your expectations and certainly not immediately. Finally, don’t forward or copy everybody on everything. They simply may not be as interested as you and they are probably busier with more important things.
- Rule 5: Make yourself look good online—as was noted, the Internet caters to anonymity. You are not judged by your looks, color, age, clothing, etc. You are judged on the quality of your writing though. As many others are living in a text medium, spelling and grammar do count. Even more importantly, know what you are talking about and try not to impress people, because you probably won’t. Don’t post flame bait by seeking just to be confrontational. Finally, don’t swear.
- Rule 6: Share expert knowledge—cyberspace offers a lot of opportunities to interact with a lot of different people. If you have something new and creative to contribute—jump in and do so! It makes the virtual world and the real world better places.
- Rule 7: Help keep flame wars under control. Flame wars are an Internet tradition and can be entertaining both as a reader and writer of flames. But the rules of Netiquette draw the line on perpetuating flame wars. These get old quickly for the non-participants and violate rule 4.
- Rule 8: Respect other people's privacy. You wouldn’t snoop through some else’s desk or read their mail. Don’t go through their computer or read their e-mail either. It can cost you trust, friendships, and even your job.
- Rule 9: Don't abuse your power—experts and systems administrators should not abuse their power, but use it for the greater good. Like Spiderman, their power comes with commensurate responsibly.

- Rule 10: Be forgiving of other people's mistakes—everyone was new once, even you. Show kindness and forgiveness, because you will need both someday.

Facilitate:

For the Netiquette Assignment (**Appendix D**), students will decide if certain scenarios pertain to accepted practices of Netiquette and information ethics.

{Scoring is based on attention given to the details discussed in the module, rational and reasoned thought, and clear expression of good ideas}

Explain:

Acceptable use policies and End User License Agreements are included in the agreements to abide by the rules and policies of the university. End User License agreements are typically associated with library databases and specify the terms under which you may use these resources. Among other things these agreements often specify the purpose for which results can be used limiting use to DeVry students, staff, and faculty.

Library database contracts forbid the re-use of the information or sale of the information or software to third parties (Manuel 2006).

Retrieving some information is difficult, if not illegal. Some information is protected by law. You cannot go in and find out about your cousin's medical condition in her doctor's records. Nor are you able to get financial information from a private company as they are not publically owned held and do not report such information. Private conversations cannot be recorded without the consent of the other party (Manuel, 2006).

It is also considered unethical to distort the meaning of another's words or ideas, especially if you disagree with them. You need to engage others ideas fairly. Not only do you give them the respect and consideration they deserve, but it also challenges you to do your best. You have to take on the opposing point of view in a fair fight so to speak without giving yourself an undue advantage. Reducing opposing perspectives to straw-men which can easily be refuted is dishonest, intellectually lazy, and challenges the validity of your own perspective. You need to be able to persuade your reader that your point of view is genuinely the best (Lipson, 2004).

Term paper mills sell term papers to students. These and other unscrupulous people will sell assignments and papers online. Not only is this a violation of academic integrity, it is stupid. There is a reason you have to purchase these assignments sight unseen. More than one student has purchased an assignment which is poorly written, badly cited, and/or out of date. Not only have such students misspent their money they often wind up with a poor or failing grade for the assignment or the class, even if they don't get caught.

Think about those money back warranties too. If you don't get that guaranteed "A" do you really want to have to fight the system to get your money back from a company that was aiding you in an unethical and possibly illegal undertaking? Doing so puts you in the same category as those complaining to the police that their stash of illegal drugs was stolen!

Term paper mills are good to avoid for other reasons too:

- Students post papers to these sites to gain access to other papers. Beyond this there is no quality control and as a result the papers are often of poor quality and often out of date.

- Seldom do the papers match the nature of your assignment. Professors select topics that cannot be easily replicated. The time you would take to customize such a paper to your class would be better spent doing the research and writing yourself.
- Plagiarism software such as Turnitin targets these sites. Selecting a paper from one of these is an invitation to be caught. (*Why students should avoid term paper mills*, 2004, March 26).

Starting in July 2010, the US Department of Education began enforcing compliance with The Higher Education Opportunity Act (HEOA). This law requires all colleges and universities to:

- Provide an annual disclosure to students describing copyright law and campus policies related to violating copyright law.
- Fight the unauthorized distribution of copyrighted materials by anyone using its network. This includes the implementation of deterrents that are technology based.
- Provide alternatives to illegal downloading

DeVry's *Unauthorized Distribution of Copyrighted Materials*_Appendix E takes a strong stand against the unauthorized distribution of copyrighted materials.

Beyond legal compliance, file sharing with peer-to-peer (P2P) file sharing software runs its own risks. Common results include the inability to go to desired websites, unwanted pop-ups, and very slow computer response. While connected to file-sharing programs, others may access your private files. You may also download a virus or facilitate a security breach.

P2P software is increasingly causing serious problems for users. Simply removing the sharing software is usually not enough to cure the problems; anti-spyware programs are often needed to remove the "spyware" installed by P2P programs. Resolving P2P-related problems can be costly and time-consuming.

The focus of our discussion though is on downloading material protected by copyright law.

The recording industry is abandoning its early strategy of suing violators and now seeking to work collaboratively with Internet service-providers. Customers who appear to be making music available for others to take will be warned by their ISP to stop. If they persist they will receive two more warnings and perhaps slower service before having their access cut off. Egregious users will still be subjected to lawsuits. (McBride & Smith, 2008, December 19).

The entertainment industries use detection agencies to trace copyright-protected files directly to the source which often includes students. Universities and colleges are considered liable for copyright infringement when students or other campus network users engage in this illegal activity and work diligently to keep students and employees from engaging in the practice.

In particular, the Recording Industry Association of America (RIAA) is now sending universities letters when it identifies what it sees as specific instances of illegal file sharing and requests the university to forward the letter to the person the university identifies as conducting the activity.

This "Pre-Settlement Letter" instructs the individual that s/he has a certain number of days to settle with the RIAA by going to a designated website, entering identifying information, and

paying a set amount--usually between \$3,000 and \$5,000; though sometimes higher amounts. Should the recipient of the letter choose not to file, the RIAA says it will file a lawsuit and the originally stipulated settlement amount may be off the table. Students receiving such a letter are encouraged to seek the services of an attorney.

Even if your computer has legitimate copies of music files, you still violate the law if, and when, other users access your files to download copies. Many file-sharing software packages are written to distribute files on your machine to others. This can occur even if you have attempted to disable this function.

Copying and distributing illegal files uses considerable bandwidth and can interfere with legitimate computing needs. IT doesn't view the content of individual network traffic, but can monitor bandwidth utilization to identify anyone utilizing large amounts of bandwidth for illegal file-sharing.

How bad can it get? Worst case scenario? Copyright holders could file a lawsuit against you in civil court. If guilty, the judgment against you might include "statutory damages," ranging from \$750 to \$30,000 for every illegal copy you made. If the court finds that you copied the files "willfully," the court could award additional punitive damages to the copyright holders as well as paying their attorney's fees. You could also be prosecuted under the No Electronic Theft Act in Federal criminal court. If convicted, you could be sentenced to prison for up to five years and fined up to \$250,000 per offense.

Appendix F provides sites for legally obtaining clipart, fonts, and photos. (Computer Infrastructure Support Services, 2010; Information Technology Services, 2010, April 12; Information Technology, 2010; University Information Services, n.d.; *Peer-to-Peer File-Sharing and Copyright Infringement*, 2010, June 29; University Publishing, 2010).

Discuss: Demonstrating an understanding of what constitutes plagiarism and does not represent work attributable to others as their own.

Plagiarism has always been a grave offense. A *plagiarist* was once a term for a kidnapper and applied to one who stole children or adults and was punishable by death. (Simpson and Weiner, 1989). While penalties for plagiarism are not quite as severe, the idea is still the same—taking someone or something and claiming it as yours is wrong.

Respecting other people's intellectual property also means not plagiarizing it or presenting their work as your own. Plagiarism is more than just copying someone else's words it is taking their thoughts and concepts and passing them off as yours. Plagiarism is to take any other words, ideas, or constructs and presenting them as your own without crediting the source. *Without credit, the ideas are assumed to be your own.* Failing to provide credit is considered stealing their ideas and claiming them as your own.

Plagiarism is different than copyright violation. Copyright is a set of laws and is handled by the courts. Plagiarism is an ethical and professional issue that, while not a legal matter, is still very serious. Investigations occur in colleges and universities, the workplace, national TV and the

court of public opinion. Plagiarists have been expelled from college, had their degrees revoked, lost their jobs, been subjected to national humiliation, and lost elections, among other things.

An idea can be plagiarized, but not copyrighted. However, if that idea is blogged, e-mailed, or otherwise written down, it could be both plagiarized and infringed upon as a copyright violation.

Even if a work falls under the fair use provision of copyright law, it could still be considered plagiarized.

Plagiarism can seem fuzzy and nebulous. The lack of legal standards in plagiarism cases makes them very difficult to defend against. Nevertheless, accusations of plagiarism can be a black mark against a person's professional standing for years.

Also, investigators cannot distinguish between intentional and accidental plagiarism. (Dames, 2008).

Plagiarism and other issues of academic integrity are important for other reasons as well. Upholding academic integrity contributes to:

- Your reputation—as one who does not compromise on issues of academic integrity you let others know you adhere to the highest levels of honesty and ethical standards.
- Your education—your university experience is more than just getting a degree it is about learning new things and being able to think and form new ideas and the development of high cognitive skills as well as being able express yourself professionally in your own voice.
- The quality of your degree—instances of plagiarism or other forms of cheating reflect poorly on the school and all of its graduates and ultimately makes graduates (and you) less marketable. (University of Newcastle Library, n.d.)

Exercise: Appendix G: Is It Plagiarism Or Is It Not?

Hand out the worksheet on Appendix G and have the students fill out the worksheet. Refer back to the work sheet as *you discuss* the elements of plagiarism in the discussion.

In 2006 Ohio University investigated 46 graduate theses going back over twenty years and found 21 showed evidence of plagiarism. Ultimately, eighteen students had to rewrite portions of their theses. One student even had his degree revoked. Two professors were demoted as well. (Gallucci, 2008, February 18; Phillips, 2006, November 6)

In that same year, Kaavya Viswanathan was in her second year at Harvard, hoping to become an investment banker. She was born in India, but raised in the States. Not unlike many active American high school students she attended summer camps and edited her school newspaper. Unlike most she had also written a 600 page novel.

Her personal college admissions counselor was so impressed with Kaavya's writing she got her in touch with a literary agent, who in turn got her a contract with a large publishing firm. Little Brown signed her for two books and gave her a \$500,000 advance. Her first title, *How Opal Mehta Got Kissed, Got Wild, and Got a Life*, opened to strong reviews, and made the *New York Times* best seller list. She hit the talk show circuit. There was even talk of a movie deal. In April, the University newspaper, the *Harvard Crimson*, reported a reader accused her of plagiarizing the book from the novels of Megan McCafferty. Soon it was clear other passages were from other authors' works. Little Brown soon pulled all un-sold copies, cancelled her contract, and probably asked for their half million dollars back. In two months she had gone from a sensation to an abject object lesson. (Gaines, 2008).

Any of the following circumstances constitute plagiarism:

- Copying, or even quoting, paraphrasing, summarizing, or translating from any source without adequate proper acknowledgment and documentation.
- Copying material verbatim from a source, but failing to include quotation marks, even if supplying proper documentation.
- Letting someone else write a paper for you.
- Paying someone else to write a paper for you—this includes purchasing a paper from a research service or term paper mill.
- Another type of plagiarism is collusion. This may occur in group work. It refers to collaboration with others when working on your assignments or projects. This occurs when someone else writes or even edits your paper significantly. Even if you let someone else use one of your papers with permission they are plagiarizing you and you are likely to be considered an accessory to their plagiarism.
- Self-plagiarism is a difficult concept for some students to agree with. Nevertheless, if you re-use your own paper, or even revise a paper from another class you are committing self plagiarism. To understand this better imagine you are working for Company A and design a plan for them. Because of your expertise, you then get a new position at Company B. You cannot write the same plan for them as the work you did for them belongs with them. Similarly the work you do in one class belongs in that class. Another way of looking at this is that you are in a University to learn new things and you are depriving yourself of acquiring new knowledge if you just hand in the same work from another class (Duke Libraries, 2009, November 20; J. Eugene Smith Library, 2010, April 21; DiMenna-Nyselius Library, 2010; Stewart Library, 2008, October 6).

DeVry's policy on academic integrity states:

Plagiarism is a violation of the Academic Integrity code of this institution and will not be tolerated. The plagiarism policy applies to every aspect of your coursework including threaded discussions, exams, quizzes, essays, assignments, etc. It is important that students fully cite any outside ideas, text and visual aids they reference in that work.

If you copy from, rely on, or paraphrase from your text or from any other source, you must include in-text citations and complete end-of-text citations. For any source, you must include the proper reference material including the full URL and date accessed if the source is from the web. For help, see the APA Citation Policy and Materials section below. Failure to cite completely in-text and at the end of the paper is a violation of DeVry Academic Standards. Instructors are required to follow the DeVry Academic Integrity Policy. Refer to your Student Handbook or the Policy tab under Course Home to read the policy.

Students agree that by taking [a] course all required papers may be subject to submission for textual similarity review to Turnitin.com for the detection of plagiarism. All submitted papers will be included as source documents in the Turnitin.com reference database solely for the purpose of detecting plagiarism of such papers. Use of the Turnitin.com service is subject to the Terms and Conditions of Use posted on the Turnitin.com site.

Discuss:

Why does plagiarism happen?

(Plagiarism dot org, 2010; University of Alberta Libraries, 2010, July 13; Rzadkiewicz, 2009, August 8; *Why Do Students Commit Plagiarism?*; "Top Ten Reasons Students Plagiarize," 2006, February).

- The most flagrant form of plagiarism is direct plagiarism; copying something word-for-word. Some students do it out of laziness.
- Others do so as they lack the research skills to do anything more than "Google."
- Some simply do not know how to cite properly
- Some mistake paraphrasing as a way to avoid having to cite. They don't realize the idea needs to be cited, not just how it is stated.
- Some students think they are just supposed to find the "right" answer rather than developing their own higher level thinking and writing skills—the attributes employers seek.
- Students might feel inadequate to the task too. They realize there is a lot of good information that sounds so much better than anything they could come up with. In order to appear adequate, they feel they need to use someone else's material. They forget that they are in a university to learn and the more they research and write the better they become in expressing their own ideas and finding their own voice. Your professors realize you are not yet an expert, but are on your way to becoming one.
- "Everyone else is doing it." Hardly an excuse. But, students often rationalize plagiarism as pervasive and feel that in order to be competitive they need to copy rather than risk doing their own work and getting a middling grade while others plagiarize and crank out an easy "A".
- Poor Planning--Most good research and writing take longer than students anticipate and they often succumb to the pressure of plagiarizing as the only way they feel they can meet their deadlines and as a result they are willing to risk worse consequences in order to meet a deadline.
- Sloppy note taking is often given as the reason students plagiarize.

- Using good notes or a utility such as NoodleTool's Note cards can alleviate this issue.
- Not knowing what is common knowledge. Given the pervasive nature of the Internet, students may think some ideas are common knowledge and feel free to use such ideas without citing them. The maxim of, "when in doubt, cite it," always applies.
- Some students come from cultures in which the concept of ownership of words or ideas is an alien notion. Such students will need to work closely with their professor to understand American constructs of plagiarism.

Discuss:

What are some ways to avoid plagiarism?

(Riedling, 2006; DiMenna-Nyselius Library, 2010; Writing Tutorial Services, 2004; University of Newcastle Library, n.d)

- Start early to avoid the time pressures that make sometimes feel they need to plagiarize to meet a deadline or due date.
- When you take notes make sure you copy all passages in quotation marks or set them off some other way such as using triple exes (XXX) to note where a quote begins and ends.
- You can also color code your text or use highlighting to differentiate between your quoted material, paraphrasing, and your own ideas.
- Be sure to save any copies or downloads or materials used in your writing.
- Facts that fall into the realm of common knowledge do not have to be cited as it includes undisputed facts. Common knowledge is not specialized or unique and can be easily verified by multiple sources. It is common knowledge that the capital of Illinois is Springfield and Charles Dickens authored *The Tale of Two Cities*. Known formulae or equations, such as $A^2 + B^2 = C^2$, while known as Pythagoras' theorem, is still considered common knowledge. As you progress in your major field of study, your understanding of the common knowledge of that field will grow and you will not have to cite what is commonly known in your profession, even though it may not be widely known by those outside of your field.
- Remember that paraphrasing, when done well, is more than changing a few words, it uses your words and unique way of expressing yourself. Any ideas though have to be cited.
- When in doubt—cite it.

Explain:

As you proofread your work ask yourself (University of British Columbia Learning Commons, n.d; Vega García, 2010, August 16; UNI 101, n.d.):

- Is the idea or argument original to me?
- Is it in my own words and phrasing?
- Is it distinguishable from others' work?
- Are there more and/or better sources I could use?
- Am I honestly doing my own work?

Turnitin as a service that compares students' papers with a variety of sources including other papers, websites, and its own database of other materials. Turnitin looks for similarity of the text in the students' paper with these other resources. While not a plagiarism detection device *per se*, it is used to indicate undue similarity between a student's work and material that has already been written. Students consent by taking a course that they agree to have their written work reviewed for textual similarity by Turnitin.com for the detection of plagiarism. All

submitted papers will be included as source documents in the Turnitin.com reference database solely for the purpose of detecting plagiarism of such papers. If you have questions about the use of the service, how it operates, or the results you receive for your paper, consult with your professor.

For additional information on plagiarism, see your student handbook, which is available in the Student Services website.

If you have been scrupulously careful to avoid plagiarism but are accused of it here are some steps that might help. (Edinboro University, 2006).

- A. Be completely open and honest with your professor—offer to meet with them regarding the matter.
- B. Keep cool, calm, and collected.
- C. Bring all of your materials, notes and drafts with you, if you do meet face-to-face.
- D. Be ready to describe the content of all of your sources.
- E. Those who do plagiarize tend to be evasive and avoid any detailed discussion of the paper or how they did their research and usually become angry and self-righteous.
- F. Bringing your work with you and being willing to discuss the matter, while not a guarantee, can go a long way toward clearing your reputation of charges of plagiarism.

If you conduct a survey, perform interviews, ask people to participate in an experiment or conduct some other action with people as your information source, they are your human subjects. Human subjects are protected by ethical norms, policy, and laws. In any study or research involving people there are certain ethical considerations to be adhered to.

These include making sure your human subjects are fully informed and understand what is involved including any potential risks and benefits. You also must keep them from harm and maximize benefits to their participation. They must always be treated fairly and equitably. They always have an option to opt out and should be treated with respect. This includes abiding by the choices they make and their opinions. You must also ensure their anonymity in the study.

As a researcher you should avoid any conflict of interest such as anything you might stand to gain as a result of the research. Any research has to comply with the law as well as professional and ethical standards. There must also be safeguards in place to assure the quality and integrity of the research.

You should make your professor aware of any research you plan to conduct involving people to see what further review is needed prior to conducting your research. (Office of the Secretary of Health and Human Services, 1979, April 18).

Step 3: Acknowledging the use of information sources in communicating the product or performance.

[Approximately 15 minutes]

Explain:

It is important to select an appropriate documentation style and use it consistently to cite sources.

Documenting research is doing your reader a favor. S/he may want to learn more about where you found your data and sources and may want to explore these sources further. Your opinion and your ideas are your own, but you must be able to support them with facts and your reader is often interested in learning more about the sources you use. Much scholarly writing is also based on the expansion, disagreement, reinterpretation, or deconstruction of the ideas of others and you need to be able to demonstrate the quality of research upon which you are drawing your own conclusions.

The APA style is the standard citation style used at DeVry and other large universities as well. Using any style of citing sources is an acquired skill. NoodleTools, library guides, the *APA Publication Manual*, and your professor are all excellent resources.

Remember, citing something that is copyrighted is not the same as securing permission. Only on the rarest of occasions in school will you need to obtain copyright permission. However, you may need to do so as part of your employment. Should you need to do so, there are several things to keep in mind (Crews, 2006; Wilson, 2005):

- Make sure the material requires permission. Many educational endeavors fall under the umbrella of fair use.
- Identify alternatives to copyrighted materials, in case you are unable to secure permission.
- Remember that copyright owners are within their rights to deny permission or to require a royalty or licensing fee from you—it is their stuff you want to use after all!
- Identifying the copyright holder can be challenging—your librarian can help.
- There are licensing agencies such as Copyright Clearing House (<http://www.copyright.com/>) for print works and ASCAP (<http://www.ascap.com/index.aspx>) and BMI (<http://www.bmi.com/>) for musical works through which you may obtain permission to use a work—often for a fee. Remember: the holder of the copyright has the right to charge what s/he wants.
- If you are unable to secure permission through one of these services, and still want to use the item, you may draft a permission request. Here are some considerations. State:
 - Precisely what you want to use—this includes the full and complete title, the edition, the publisher, and date of copyright.
 - Why you want to use it.
 - A termination date for the permission.
 - A maximum number of uses or copies.
 - The medium (print/electronic) in which you will use the work.
 - Whether the copies will be distributed or sold.
 - The terms of the license--if you want an exclusive or non-exclusive license, for example.

Conclude:

The scope of information ethics encompassing and affects the individual, the university and the workplace with issues of access, ownership, property, and privacy. Adherence to ethically sound positions with regard to information will serve you well in your career at this university, but also as you embark on your career.

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Appendix A

The Center for Democracy and Technology has 14 steps to be taken to help protect your privacy.

1. Learn how to read online privacy policies

Many sites and software have privacy policies, but that does not mean that the site protects your privacy. Such a policy only informs you if your information will be disclosed to third parties and for what purposes.

2. Opt-out and use any other privacy options offered

Many reputable firms will provide you with the opportunity to "opt-out" of the lists that share your information. Some will even go so far as to ask your permission to "opt-in" so you can choose to whom your personal information is shared with.

3. Get a separate account for your personal e-mail

Don't use your work e-mail for personal communication. Your company has the right to see what you are saying if you are using their account or computer. Free accounts are available from Google or Hotmail, among others for personal communications.

4. Teach your kids not to give out personal information online without your permission

Although federal law requires companies to gain parental consent before collecting personal information from children under 13, many sites seek to circumvent the law.

Check on the privacy settings for children using social networking sites so that only their real friends that they approve can see their information.

5. Be careful when using social networking sites and picture/video sharing sites

On social networking sites be careful about who can see your information. Make sure your settings are such that you are not sharing your pictures with strangers, especially those of children.

6. Learn about - and use - the privacy features in your browser

Browsers such as Internet Explorer, Safari, Camino, Firefox, and Chrome have a variety of tools to set privacy and security of your information as you use the Internet.

7. Make sure that online transactions are secure

Most e-commerce websites have a secure mode that encrypts sensitive transactions over the Internet. Major browsers also indicate whether a transaction with a particular website is encrypted. In most cases, the address for a secure website will start with "https" - the "s" indicating secure. HOWEVER, this does not ensure that the data you send will be used properly once it reaches that site.

8. Learn how to spot phishing and other scams

Before giving out personal information online, know who you're dealing with. While some "Phishing" scams are ridiculously easy to spot, such as those from Nigeria, others are becoming increasingly sophisticated seeking to get you to disclose personal information.

9. Reject or delete unnecessary cookies

Although all of the major browsers allow you to reject cookies outright this may interfere with the functioning of various websites you want to use. For this and other reasons it is best to delete your cookies selectively, not wholesale.

10. Use security software and promptly install security upgrades

Reputable anti-virus and anti-spyware software will protect your computer from many, but not all security threats. Reviews at CNET, Consumer Reports, or GetNetWise.org for example will help you decide. Make sure you purchase your security software from a reliable vendor too!

11. Safeguard important files and communications

Secure your laptop, your phone and other portable devices with a strong password. Keep your important files out of any shared or public folders. In situations where there is a particular need for

security, you should use encryption. Pretty Good Privacy (pgpi.org), is popular encryption software, is free for non-commercial use.

12. Use anonymizer tools, but cautiously

If anonymity is important you may want to consider anonymous browsing tools such as <http://www.torproject.org> and <http://www.anonymizer.com>. Anonymous "remailers" can allow you to send anonymous email messages. However, different anonymizers use different methods, in ways that may crucially affect their effectiveness. You should be thorough in deciding which best meets your needs.

13. Use strong passwords and protect them

Do not use passwords that can be easily guessed by someone who knows your name. Especially do not use your children's or spouse's names, your date of birth, current or old addresses, phone numbers, or Social Security number -- it is just too easy for someone to find out these things about you. Do not use the same password across sensitive sites. Change your passwords occasionally. Use upper and lower case as well as numbers and punctuation.

14. Use common sense

Use the good sense you were born with as well as some good research. Bottom line, if a deal seems too good to be true, it probably is.

Fourteen ways to protect your privacy online. (n.d.). *Center for democracy and technology* [CDT's guide to online privacy: Tips]. Retrieved from <http://www.cdt.org/privacy/guide/basic/tips.php>

Appendix B

Activity: Looking for Yourself

Be an Online Reputation Manager for yourself

- 1) First, search your name and any variations (nicknames, middle name, maiden names, etc) as well as your Social Security Number and major credit card numbers.
 - a) Describe your search strategy.
 - b) Summarize what you find.

- 2) Did you find anything that might give a less than positive image about yourself to a potential employer
 - a) Explain.

- 3) Whether or not you found less than flattering information about yourself, describe the steps you might take to build your brand online

- 4) Sign up for Google Alerts with your name—make a screen capture to show that you have done this.

Appendix C: To Censor or Not?

Each student will be given a URL for a website and the topic of another website. Each will decide whether site of the URL and the topic of suggested site should be censored and why. They should discuss the content in terms of legal protection, individual liberty, common good, and the implications of their decisions. Some students might find the sites disagreeable or even offensive and should be reminded that the use of these examples does not imply and endorsement of them or their cause.

1. <http://theflatearthsociety.org/cms/> What about a site that tells how to make a bomb?
2. <http://norml.org/> What about a site recruiting for al Qaeda?
3. http://www.wnd.com/news/article.asp?ARTICLE_ID=53327 What about a site that denies the Holocaust occurred?
4. <http://www.abovetopsecret.com/forum/thread329728/pg1> What about a site that leaks the plans for the capturing bin Ladin and reveals the names of our spies in Pakistan?
5. <http://www.environmentalgraffiti.com/offbeat-news/5-endangered-species-we-could-save-by-eating/1112> What about a site that displays and sells child pornography?
6. <http://www.pro-polygamy.com/> What about an anarchist-arsonist site that coordinates National Burn a Bank Down Day slated for the 5th of next month to protest high interest rates?
7. <http://www.petakillsanimals.com/> What about a site that makes fun of the Prophet Mohammad..., the Buddha..., and/or Jesus the Christ?
8. <http://yeltsin.tripod.com/index.html> What about a site that says your professors engage in numerous illegal, illicit, and immoral deeds complete with poorly photo-shopped graphics of them allegedly doing these awful activities in the library?
9. http://www.democraticunderground.com/discuss/duboard.php?az=view_all&address=364x711840 What about a site that advocates human sacrifice as free expression of religion?
10. <http://www.fixedearth.com/> What about a site that encourages anorexia?

Each student will write a response of 100-250 words on each of their two sites (the real one and the suggested one) explaining why a site should be censored or not.

Appendix D Netiquette

Assignment: Read the following scenarios pertaining to accepted practices of Netiquette and information ethics. Write a one-hundred response to each on what the ethical violation was. Be sure to consider if the circumstances would be any different if technology was not involved. Remember good netiquette also involves common sense. (Riedling, 2006; Harris, 2005).

Abdul opens a message from a “friend” he met last week on his favorite social networking site entitled Hey DUDE! It is funny and he forwards it to others. He notices his computer is running slower after that. The next time he boots up his computer it tells him he needs to upgrade his anti-virus software. Which is odd, he just bought the latest version two months ago. He can’t log in to anything now.

He takes his computer in for repairs and pays extra to have it looked at right away. Paula, the tech, tells him he opened the “Hey DUDE!” virus and probably infected all the computers of the people he forwarded the message to as well

* * *

Lorraine steps away from her computer in the Library to look for a book for her class. Donna notices and decides it might be fun to liven things up in their systems class. She posts several defamatory messages to the class discussion and then e-mails the Metro-president to say some unkind things and then scuttles off before Lorraine gets back.

She smirks to herself when the Assistant Dean calls Lorraine out of class that afternoon.

* * *

Darryl is a busy gal. She works at Student Central, runs her own business, babysits her nephews, and has an active social life as well as a large family she likes to keep up with. In order to keep everything running smoothly she uses her DeVry e-mail account to keep up with her customers and is busy on her favorite social networking sites when not answering student’s questions at work. She does practice good customer service which is why she is surprised when her boss tells her to stop using the University’s email account and computers except for work and school.

“Like, what’s the biiiiig deeeal, I get all my work done and besides, the students really love me,” she protests.

* * *

Peter lives in his parents’ basement. He met a like-minded virtual-anarchist online. He and Paul like to share ideas on how they could use the Internet to create panic, chaos, and pandemonium and perhaps garner some long-sought-after respect along the way. They bat a number of scenarios back and forth. Neither one of the guys would hurt a fly, but the ideas did give them a perverse sense of empowerment. Finally, Peter could stand it no longer. He posted their mother-of-all-ideas to the newspaper’s website. It said that there would be a series of bubonic plague and Ebola outbreaks at major malls across America after Thanksgiving unless Christmas was cancelled.

Representing himself in court, he tells the judge he was just exercising his First Amendment right of Free Speech. He did not hurt anyone and had no intention of doing harm.

* * *

Carl and Yung are in programming classes together and are very good as a team. That night they gain administrator level access and hack into the state's network from home. They are surprised how easy it was for them to do this. They look through various directories and files for several different departments and agencies as well as the lieutenant governor's office.

The next day they are visited at work by several severe looking agents from the attorney general's office. They are not amused when Carl says he doesn't see what the big deal is. They didn't do anything—even though they could have! They look even less happy when Yung asserts the state should pay them for exposing the security shortcomings in the system and wants to know who to bill for services rendered.

Appendix E:

DeVry Policy: Unauthorized Distribution of Copyrighted Materials

DeVry strives to provide access to varied materials, services and equipment for students, faculty and staff and does not knowingly condone policies or practices that constitute an infringement of Federal copyright law. Transmitting or downloading any material that you do not have the right to make available and that infringes any patent, trademark, trade secret, copyright or other proprietary rights of any party is prohibited. Installing or distributing pirated or unlicensed software is also forbidden. Violation of these requirements may subject students, faculty and staff to civil and criminal liabilities. Students, faculty, or staff who violate federal copyright law do so at their own risk.

Copyright status is applied to a work as soon as it is created. Users should assume that all writings and images are copyrighted. Title 17 of the United States Code (17 USC §501 et seq.) outlines remedies for copyright infringement that may include some or all of the following: obtaining an injunction to stop the infringing activity; impounding and disposing of the infringing articles; an award to the copyright owner of actual damages and the profits of the infringer, or in the alternative, an award of statutory damages which may be increased if the infringement is found to be willful; an award of two times the amount of the license fee a copyright owner could have gotten; an award of the full costs incurred in bringing an infringement action, and the award of attorney's fees; and for criminal copyright infringement, fines and imprisonment.

DeVry maintains a campus network to support and enhance the academic and administrative needs of our students, faculty and staff. DeVry is required by Federal Law – H.R. 4137 to make an annual disclosure informing students that illegal distribution of copyrighted materials may lead to civil and/or criminal penalties. DeVry takes steps to detect and punish users who illegally distribute copyrighted materials. DeVry reserves the right to suspend or terminate network access to any campus user that violates this policy and Network access may be suspended if any use is impacting the operations of the network. Violations may be reported to appropriate authorities for criminal or civil prosecution. The existence and imposition of sanctions do not protect members of the campus community from any legal action by external entities.

Appendix F: Legal Sites

Secure, RIAA-approved options are available for downloading music and or videos

DeVry does not endorse any Internet music or movie service provider, these services and sites are offered as examples of the services and providers available. Nor does DeVry warrant that any service is compliant with copyright law. You are responsible for the reading and understanding of service agreements and for adherence to policy and compliance with all applicable laws.

Free and Legal sites for Clipart:

<http://www.coolarchive.com>

<http://www.mediabuilder.com>

<http://www.barrysclipart.com>

Free and Legal sites for Fonts:

<http://www.blambot.com>

<http://www.fonts.com>

<http://free.fonts.freesevers.com>

Free and Legal sites for Photos:

<http://www.freefoto.com>

<http://www.istockphoto.com>

<http://www.photospin.com>

Legal Sites of Music Downloads

| Provider | URL | Description | |
|-----------------|---|---|--|
| amazonmp3 | http://www.amazon.com/mp3 | Offers large selection of a la carte DRM-free MP3 downloads for listening. Songs can be | |

| | | | |
|---------------------------|---|--|--|
| | | downloaded for a modest fee. | |
| iTunes | http://www.itunes.com/ | Users pay a fee per song to download music that can be burned onto a CD or loaded on an iPod™, | |
| Napster | http://www.napster.com/ | Napster currently charges a monthly fee for unlimited listening. For a fee singles can be burned to a CD. Also includes radio streaming | |
| Respect Copyrights | http://www.respectcopyrights.org/getmovies.html | Contains a directory of sites from which movies and TV shows can be accessed legally | |
| Rhapsody | http://www.listen.com/ | Charges a monthly fee for unlimited listening, and a fee to download and store songs. | |
| Y! Music | http://new.music.yahoo.com/ | A subscription music service that requires an annual or monthly fee for unlimited listening. Songs can be downloaded and stored for a fee. Includes radio streaming and music discovery tools. | |

| | | | |
|---------------------------------|---|--|--|
| Zune | http://www.zune.net/ | Offers variety of audio and video formats on a subscription that permits unlimited downloads | |
| Music United | http://www.musicunited.org/6_legalsites.aspx | Contains a directory of sites from which music can be accessed legally | |
| Educause | http://www.educause.edu/legalcontent | Contains a directory of sites from which music can be accessed legally | |
| Buy Music | BuyMusic@ Buy.com | No subscription needed. Downloads include digital rights management | |
| Emusic | http://www.emusic.com/ | MP3 format, Site features music discovery tools and independent labels | |
| Mindawn | http://www.mindawn.com/ | Focuses on open standards and independent music. | |
| Wal-Mart Music Downloads | http://mp3.walmart.com/store/home | Purchase only. Some content is reported to be edited | |

Some things to consider in selecting a service:

Catalogs vary considerably in size, timeliness, and vary in focus.

Costs--Streaming services are usually available for a monthly subscription or other fixed term. Downloads are typically based on a per-item basis.

Digital Rights Management (DRM) encryption is embedded in the data to prevent certain activity. Players unable to decrypt the media cannot play the music.

Flexibility—as the online music market is changing constantly, consider whether the service seems to have room to adapt to change or commits you into a particular format or technology.

Legality--Services should state that they are compliant with the Digital Millennium Copyright Act (DMCA). Nevertheless, you are responsible for any stolen intellectual property.

Platforms--most commercial music services support Windows operating systems, many support Mac OS and some Linux operating systems.

Supported file formats--services typically provide only one or two audio formats.

Terms of use--some commercial services limit your access to the length of your subscription. When your subscription ends, so does your music

Transferability—Some services will not allow you to transfer downloads to other media, computers, or portable devices.

Type of service--Services may offer streaming audio only, purchase only, or both. Some provide access to online radio stations media management tools, and other content.

Above all, read the end user license agreement and all terms of service. Things to look for include whether they are permitted to sell your information to third parties. Some allow adware, spyware, malware, and other malicious code to be downloaded to your computer. If the site offers a social networking feature, know what information will be available to others (Information Technology Services, 2010).

Exercise: Appendix G: Is It Plagiarism Or Is It Not? (Riedling, 2007)

To understand plagiarism better it is sometimes helpful to have a clear idea as to what constitutes plagiarism. Before we discuss this further in class, it is sometime helps to know more clearly as to what constitutes plagiarism. Some instances are clearer than others.

| | Yes | No | Not Sure |
|--|-----|----|----------|
| 1. Copying or sharing assignments with classmates online | | | |
| 2. Failing to cite that William Shakespeare lived in Stratford-on-Avon, England | | | |
| 3. Asking your significant other to write your paper for you | | | |
| 4. Intermixing your ideas with those of an author without citing the author | | | |
| 5. Updating a paper you wrote in one class and handing it in for another class | | | |
| 6. Having your sister, the English major who can't get a job, extensively edit you paper | | | |
| 7. Using NoodleTools note cards to help you keep track of your sources and idea as you progress with writing | | | |
| 8. Buying a paper online and handing it in as your own | | | |
| 9. Cutting and pasting three or four different sources together to make something of your own | | | |
| 10. Paraphrasing and citing sources as you go | | | |

{Correct answers:

1-yes

2-no

3-yes

4-yes

5-yes

6-yes

7-no

8-yes

9-yes

10-no}