



Ethical Dilemma

Monitoring e-mails

Description	An ethical dilemma: Exploring the ethical issues regarding email privacy at work
Task Type	In-class activity, tutorial, assignment
Time	45 minutes-1 hour
Level	Appropriate as introductory, developmental or final level
Class Size	Small or large classes. Class needs to be divided into groups of 4-6 students
Learning Outcomes	<p>Students should be able to:</p> <ul style="list-style-type: none"> ✦ Demonstrate an understanding of the perspectives of multiple stakeholders in workplace situations. ✦ Demonstrate an understanding of the role of personal, social and corporate responsibilities. ✦ Demonstrate an understanding of the ethical issues involved.
Method	<p>This is a relatively open-ended activity to promote creativity and to authentically represent likely situations that occur in the workplace (i.e., employees are not necessarily prompted or given highly structured directives in ethical situations). Students are given a description of the scenario and a list of questions to discuss in small groups, they are free to select from these questions or choose their own, with the general aim of coming to a better understanding of the ethical issues and the important aspects for ethical consideration.</p> <p>Students are asked to read materials before the class (see additional materials below). Have a discussion and the present and/or write up their examination of the ethical issues.</p>

Concluding Activity	<p>Each group should present a summary to the class of the issues covered in their discussion. The class discussion should cover:</p> <ul style="list-style-type: none"> ✦ The issues that arise from different points of view (business owner, employee, client). ✦ The key ethical aspects involved in their consideration.
Assessment	<p>Assessment activities:</p> <ul style="list-style-type: none"> ✦ If the group oral presentations are to be assessed, students should be given some time to prepare them, for example the presentations should be in a subsequent session. ✦ Alternatively groups could be asked to submit a written report. Students could be assessed individually on a written report covering the question. The length would depend on the weight given to the assignment. Material covered in group discussions would form a basis for individual assignments.
Tips	<p>Try to encourage students to work it out for themselves because that is what they will need to do in workplace situations.</p>
Student Instructions	<p>Read the instruction sheet and the preparation materials. Then investigate the issues about email privacy at work.</p> <p>You might like to consider these questions as a starting point for your investigation, but you may prefer to formulate different questions. It is up to you and your team.</p> <ul style="list-style-type: none"> ✦ Who are the stakeholders in this scenario and what was the effect of what happened on each of them? ✦ Are there any ethical principles that Perry might apply to answering some of the questions posed at the end of this dilemma? ✦ What could Johnson and Dresser include in an email policy? ✦ Should the government and private business be able to monitor emails? ✦ Are the proposed new laws for Australia ethical? (See above news stories and search the web for more information)
Additional Material	<p>You might like to look at these news stories and integrate your consideration of them into your response to this ethical dilemma.</p> <p>[Link] [Link] [Link] [Link]</p>

Summary of Scenario

E-Mail Privacy at Johnson and Dresser

(adapted from Spinello (2003, p.115-118))

Jason Perry left the executive office suite of Johnson and Dresser shortly after 3:30 PM. and returned to his own office on the floor below. He had made a rare visit to the company's chief operating officer in order to discuss the company's questionable e-mail policies. The meeting had gone reasonably well and Perry was wondering about his next steps. As he checked over his notes and waited for his next appointment, he reviewed the events leading up to this meeting.

Perry had joined Johnson and Dresser, a moderate-sized retail brokerage firm, about seven years ago. He was hired as a senior systems analyst, but within two years he was promoted to the position of Information Systems (IS) director. He was relatively well known in the industry and aspired to work for one of the major brokerage houses on Wall Street.

A year or two after Perry's Promotion, he oversaw the purchase and installation of an advanced electronic mail system that would be used throughout the company. Although many were slow to make the transition to an on-line communication system, within a short time almost the entire organization became dependent on e-mail.

The new product had been introduced at several training sessions where electronic mail was frequently compared to regular postal mail and where the confidentiality of one's communications was certainly intimated. Users were not told that all of the company's e-mail messages were archived and available for future inspection at any time.

Perry did not expect that Johnson and Dresser would make much use of the archived messages, but when an insider trading scandal broke at the firm it was decided to check the e-mail of several brokers who had been implicated. All the brokers involved resigned quietly and nothing further came of the matter. The brokerage house had a strong reputation on Wall Street for integrity and always acted quickly when there were problems of this nature. The company was keenly aware of the importance of an unimpeachable reputation in order to maintain its current clients and attract new business.

In the aftermath of this potential scandal senior managers at the firm decided to inspect employee e-mail routinely. This was to make sure that no one else was involved in the insider trading scandal and to ferret out any other compliance problems or suspicious behaviour. As a result some managers regularly asked for a compilation of e-mail messages before an employee's annual review. In the vast majority of cases they found nothing incriminating or damaging in these messages and the individuals never knew that anyone had been checking their electronic mail messages.

But there were some exceptions to this. One incident that bothered Perry a great deal involved a young analyst named Lisa Curry. She was a 10-year veteran at the company responsible for following the utility industry. She worked closely with brokers providing reports and advice on various utility stocks. Like others at Johnson and Dresser, she was a little wary at first of using the e-mail system. Soon, however, she came to rely heavily on electronic mail for a large portion of her communications with her fellow employees. Indeed over time she felt much less inhibited when she composed e-mail messages. Thus, although she was usually pretty diffident around the company, she found herself engaging in some intense e-mail discussions with Margaret Leonard, one of the few women brokers at the firm. She often sent Leonard messages that complained about sexist corporate policies or messages that conveyed the latest company gossip. None of these messages were especially incendiary or provocative, but they were fairly critical of Johnson and Dresser. Also, on occasion she criticized her boss for his lack of sensitivity on certain issues; she was perturbed, for example, at his condescending attitude toward some of the other women analysts.

Curry never dreamed that anyone would ever see these messages. Leonard assured her that she promptly erased the messages right after she read them. Curry let her know that she did the same with Leonard's messages. Both of them assumed that when they hit the delete key the messages would permanently be erased from the system. When Curry was due for her annual review, her manager decided to check her e-mail communications and found the messages she had sent to Leonard. He was furious that she was so critical of Johnson and Dresser and also chastised her for wasting so much time sending "trivial, gossipy" e-mail messages. He told her that she did not seem to be a real team player and that maybe she should look around for a company that had a philosophy closer to her own. The end result was that despite her excellent track record as an analyst, Curry received a small salary increment and a mixed performance review.

Curry was completely shocked by this. She could not believe that her messages were not considered completely confidential. She expected such confidentiality especially since she was not told anything to the contrary. Indeed, in her view she had been led to believe by the IS department that her privacy would be protected.

Among those she called in the company to complain about her treatment was Perry. She told him that she had thought that her e-mail messages would be confidential. She stressed that she would be loath to continue using e-mail if everything she wrote would one day be scrutinized by her manager and "Who knows who else at this paranoid company!"

When asked about the legal implications of all this, Perry noted that according to current law the company was well within its rights to read an employee's email. He wondered, however, if the company was living up to its high moral ideals by inspecting these messages. Isn't it a violation of confidentiality to read someone's postal letters? Why should electronic mail be any different? Should the company be proactive and declare electronic mail off limits except under unusual circumstances? Should it even continue to collect and store the large volume of e-mail messages generated by its many employees?

Spinello (2003) *Case studies in Information Technology Ethics*(2nd ed), New Jersey: Pearson