

## Copyright + Ethics Case Scenarios

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The following scenarios are based on actual situations involving computers and other new technologies. Although intended for a college classroom and teacher-training situations, the issues and questions involved may be adaptable to lower levels.

### Who cares about ethics?

In the Fall of 1995, Ms Sara Webmaster, the school librarian at Mulberry High offered a week-long alternative course for students called "Ethics and the Internet." She found out it was canceled because only three kids signed up. Her 14 year-old son told her "Mom, how can you expect anyone to sign up for a course like that?" Maybe he has a point?

1. Should a course on "Ethics and the Internet" be required of all students in the school? Did Ms Webmaster make a mistake in titling the course? Would another title attract students? If so, what?
2. What content or activities would you include in the course to make it attractive and interesting to students?

### Is painting dead?

With the availability a new computer lab in the school, Mr. Ebel decides to have his Art One students use digital-paint software rather than tempera paint when doing their first project, a self portrait. Students' enthusiasm and success with this project leads Mr. Ebel to look for other areas of the curriculum where computer-based media might be used instead of traditional art media.

1. Imagine that Mr. Ebel decides to replace all traditional studio activities involving color and composition with computer-based work. Is this appropriate?
2. Will students learn the subject matter as well (perhaps better) using computers? Consider arguments on both sides. What will be gained in having students work with computers more in art class? What might be lost in the change?
3. Are individual teachers, regardless of background, the appropriate decision makers in cases such as this?

### Putting the yearbook on the line

Mr MacDonald, a high school journalism instructor, was talking at a parent-teacher conference about putting the school yearbook online. The parent asked if he was going to include in this online publication the full names and pictures of all the students. If so, she didn't think it was a good idea. According to this parent, "There are net-stalkers who could find where her child is eight hours a day, and what she looks like."

1. Should Mr Mac get the permission of all parents before proceeding with his online project? What if some parents say no to putting their children's names and pictures online? Should Mr Mac then forget about doing the project?
2. Are the ways to diminish parents' fears about the online community?

### **Playing and Learning Side by Side?**

The computer lab at Glen Springs High School just completed installation of a multi-million dollar computer lab with enough computers, server facilities, and disk space for each (of 100 students) to have an e-mail account. The lab is equipped with state-of-the-art machines, a T-1 Internet connection for every terminal, and a fully-equipped multi-media production facility. With all of this at hand, 90% of the machines are used by students for playing various war games, combat simulations, and other games that they have installed and use during their free periods. The administration and teachers know that these machines shouldn't be "wasted" on games, but at the same time don't want to have to spend the energy, money and time enforcing a no-games policy.

1. Is it appropriate to allow teachers and students to use a school's computers for non-educational activities?
2. What are some ways that the school can turn this into a "teachable opportunity?"

### **Creativity on the Cover of Time**

On June 27, 1994, Time magazine ran a cover story on the arrest of O.J. Simpson for the murders of Nicole Simpson and Ron Goldman. In deciding on the cover, James Gaines, the Managing Editor of Time, had an abundance of photographs to choose from including a mug shot of Simpson released by the Los Angeles police department (LAPD). In addition, two portraits of Simpson were commissioned: one by the artist Greg Spalenka; and another by Matt Mahuring, a master of photo-illustration, who used the LAPD mug shot of Simpson as a starting point. After considering all the images available, Gaines selected Mahuring's work for the cover.

A storm of controversy followed publication of the cover. Time was accused of darkening Simpson's face "in a racist and legally prejudicial attempt to make him look more sinister and guilty, to portray him as some kind of animal" (Time, July 4, 1994, p.4). Others argued that the mug shot had been altered and that news photographs should never be altered. (During the same week, for example, Newsweek magazine used the "straight" LAPD mug shot for its cover story on Simpson's arrest.)

In defending his decision to go with Mahuring's photo illustration on the cover, Gaines stated, "I found what he did . . . quite impressive. The harshness of the mug shot--the merciless bright light, the stubble on Simpson's face, the cold specificity of the picture--had been subtly smoothed and shaped into an icon of tragedy. The expression on his face was not merely blank now; it was bottomless. This cover, with the simple, non judgmental headline "An American Tragedy," seemed the obvious, right choice" (Time, July 4, 1994, p.4). To know that the cover was a photo-illustration the reader had to turn to the contents page or see the original mug shot on the opening page of the story.

Gaines further argued that ". . . every major news outlet routinely crops and retouches photos to eliminate minor, extraneous elements, as long as the essential meaning of the picture is left intact" (Time, July 4, 1994, p.4). While critics felt that Mahurin's work had indeed changed the picture fundamentally, Gaines maintained that Mahurin had "lifted a common police mug shot to the level of art" (Time, July 4, 1994, p.4).

1. Would you say that Time was ethically wrong in using Mahurin's photo-illustration of Simpson on the cover? Why or why not?
2. Does Gaines argument that he viewed Mahurin's illustration of Simpson as "art" rather than as a news photograph justify his decision to publish the work on Time's cover? Why or why not?
3. Do news sources have a moral obligation to clearly indicate to their audience when they have used a computer to "alter" photographs in any way? Do image-makers in general (e.g., artists, filmmakers, photographers and videographers) have such an obligation? Why or why not?
4. How has digital imaging changed the role and perception of photography in our society today?

### **Can I copy the American Gothic?**

Lorena Nice, an elementary art teacher, is working on a technology grant for her school. One of her goals it to use desktop publishing to create written materials for her students to use in the classroom. She has drawn many of her own examples for the project. But, when it comes to master art works she decides to scan reproductions of works such as the "American Gothic" and "Mona Lisa" from art postcards and history books to include in her class handouts.

1. Has Ms Nice violated copyright law in this situation? If so, whose rights has she infringed upon?
2. What if Ms Nice decides to put these images on a school web site so that other art teachers can see what she is doing? Is this a violation of copyright law?
3. What alternative(s) does Ms Nice have in this situation? (e.g., Can Ms Nice create her own illustrations based on the art works?)

### **Is it right to make multiple copies of software, when it's for classroom use?**

Ms Mann, a high school art teacher, has four new Macintosh computers, a color scanner and a color printer in her room purchased through a technology grant. In addition, several new graphics software programs were purchased (i.e., one copy each of Painter, Photoshop, PageMaker, and ClarisWorks). Ms Mann doesn't know much about computers; however, she's eager to learn with (and from) her students. In an effort to introduce computer art activities into her program, she gives a desktop-publishing assignment to her AP students requiring them to use Photoshop and PageMaker. There are 16 students in the class.

During the course of the project, Ms Mann notices that student progress is slowed down because they have to wait to use the one copy of each of the software programs available on the machines. One of her more computer-literate students suggests that things would move along quicker if he were to copy the Photoshop and PageMaker programs onto the other two machines. Eager to move the project along, Ms Mann decides to allow the student to do so.

1. How would you characterize Ms Mann's decision to allow the student to copy the software? (Be prepared to defend your response.)

Extremely Unethical   Probably Unethical   Undecided   Ethical but with Reservation  
Highly Ethical

2. Let's say that Ms Mann decides not to allow copying of the software. Knowing that a number of students in her AP class own and or have access to a computer elsewhere with extensive graphic software, Ms Mann suggests that these students work on the project at home. The few students without such access are advised to use the computers in the art room when they are available outside of class. Is this fair? Why or why not?
3. What alternatives does Ms Mann have in this situation?

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