Digital Rights in a Digital World

MGMT 413: Organizational Development & Management Consulting
Spring 2015

Instructor:
Olivia A. O’Neill, Ph.D.
School of Business

Advisory Panel:
Matthew Daniels, J.D., Ph.D.
Good of All

Peter Stearns, Ph.D.
College of Humanities

Michael Krauss, LL.M
School of Law

Neomi Rao, J.D.
School of Law

Jason Smith
Department of Sociology

Class meetings: Thursdays 4:30 – 7:05pm (Fairfax: Enterprise Hall 174)
Instructor office: Enterprise Hall 225 (Fairfax)
Instructor office hours: Before class and by appointment
Instructor contact: e-mail: ooneill@gmu.edu
Work: 703-993-1770 (Management Area); 703-993-1870 (fax)
Course website: Log in to Blackboard via mymason.gmu.edu.

Course Description

Throughout history, great ideas and technological advances have had profound implications for traditional patterns of community formation and social discourse. The Internet is one such example. In the coming years, the social and cultural ripple effects of the Internet are likely to accelerate, as “digital natives” (i.e., the global population under 30 years old who have never known life without access to the Internet) replace generations of “digital foreigners” (i.e., those
without access to the Internet) and “digital immigrants” (those born before the advent of the Internet but who have integrated it to some extent into their lives).

The effects of the internet’s changes are far reaching, impacting upon national and international commerce, too. Until now, the commercial law and policy paradigms have been forged largely by either veterans of business and commerce who examine these challenges through pre-digital lenses or the tech gurus who made their fortunes swiftly by developing computer software, hardware, or Web-based applications, but who have little if any expertise in the concepts of basic human rights, specifically, Article 12 of the Universal Declaration of Human Rights, which focuses on the right to privacy.

The foundational focus of this course will be organizational changes at the intersection of the UDHR and the private sector with an emphasis on the issue of the right to privacy online. Questions to be addressed in the course will include: What obligations do private companies owe to their customers with regard to the security of the information they collect? Ought companies be allowed to require or even ask for customers’ information that is unnecessary to complete the transaction? Should companies be allowed to retain their customers’ personal information that they no longer need once the transaction has been completed? Ought companies be required to compensate customers for their personal data when it is used for a purpose other than the transaction for which it was provided (i.e., ought it to be regarded as private property, regardless of who might be in possession of it)? What about the obligations of companies whose stock in trade is personal data derived from digital social media, such as Google, Yahoo!, Facebook, Pintrest, Instagram, YouTube, and LinkedIn – ought they be treated differently? How can international societal norms be developed and enforced so as to protect individual privacy in a way that still allows these kinds of companies to remain profitable? Can this be good for the company’s corporate image? Can it be used to pressure the competition to do likewise? What can companies do to promote both their brand and the universal, fundamental right to privacy for their clientele? How can we make respecting individual privacy profitable? What laws, if any, ought to be adopted or repealed to foster such incentives? Can the promotion of these rights by the private sector help to change governments’ perspectives on and respect for individual privacy? How can businesses “do the right thing” and respect the right to privacy of their customers while still making a profit? Can they do so in a way that also benefits the company’s human capital on an ongoing basis? Can such an approach be used to create coalitions in the private sector that can be used to force whole sectors of the global economy and even governments to behave better? How can companies use the expertise of their interns (digital natives) to promote both human rights and their global corporate image via digital social media?

This course is designed to expand students’ understanding of organizational change theory and ground them in the methods of organizational consulting through a focus on private sector online privacy change initiatives. This course will have a strong interdisciplinary component and will focus on developing critical thinking skills through analysis of individual online privacy rights. By focusing specifically on the issue of online privacy, it is the purpose of this course to help students either as future consultants or as managers bringing about change within organizations and in society to understand the options and tools available to them.

The design of the course is highly interactive. Students will have the opportunity to learn about online privacy and organizational change through class lectures, guest speakers, case studies, and assignments designed to enhance the learning process. In addition, students will be invited to learn about organization development and consulting by, among other things, analyzing and creating organizational case studies, completing organizational change intervention, and analyzing companies for the purpose of creating a company transparency report.

As part of this course, students will:
1. Understand what is meant by the right to privacy and why it matters
2. Synthesize legal, business, IT security, and government perspectives on online privacy
3. Identify the pressures for organizational change and types of organizational change that are relevant to privacy online
4. Analyze case studies involving privacy online and pressures for change
5. Analyze the major approaches to diagnosing change in the private sector
6. Explain the reasons behind resistance to online privacy change from legal, business, IT security, and government perspectives
7. Diagnose how to navigate an organization through sustained organizational change.
8. Make informed recommendations for private sector change related to privacy online

Course Materials

3. Course readings (available through Blackboard and Harvard Business course link)

Course Requirements

I. Participation   20%
II. Response Papers   20%
III. Change Intervention Paper   20%
IV. Final Exam   40%
Total   100%

I. Participation (20%). Participation points will be used to reflect my judgment of your class participation as well as your classmates’ evaluations of your participation in the class. Given that case discussions comprise a large component of the course, there will be many different opportunities to participate throughout the semester. Several factors affect your participation grade. These factors include but are not limited to: (1) the insight you provide in your answers, questions, and comments during class, (2) the frequency of answers, questions, and comments during class, (3) the collegiality and respectfulness of your questions, comments and interactions with other students and with the professor. To encourage active participation from everyone, I reserve the right to “warm call” on you at any time. Please note that the most important factor in my evaluation of your participation is the quality, not the quantity of your questions and answers.

Participation will be assessed and documented after each class session, thus, my evaluation will be the average of your participation points across the semester. The remainder of your participation grade will come from class nominations. At the end of the semester, I will ask your classmates to nominate students whose in-class participation significantly contributed to their learning.

II. Response Papers (20%). We will devote one week to each course topic, as detailed in the class schedule below. Each week students will complete short response papers on the weekly topics (excluding Week 1). These papers should be no more than 250 words. Response papers
should not simply summarize the readings, because I assume you have read and understood them. Instead, the response paper should go beyond a simple summary. It could extend or critique the arguments given in the readings, illustrate the points with examples drawn from your own experience, draw connections to other concepts covered inside or outside the class, bring in other articles or books you have read, or relate to the week’s topic or assigned readings in other ways. Do not attempt to address all aspects of all the readings – focus on whatever interests you the most. The goal of the response paper is to get you to think about the week’s topic and thus deepen your understanding of it and improve class discussion. Responses will be graded on a 1 (unsatisfactory) to 5 (exceptional) point basis. The normal grade will be “3” (meets expectations). Grades of “1” will be assigned to papers that are late, simply summarize the readings, or do not clearly demonstrate adequate thought about the topic.

IV. Change Intervention Final Paper (20%). This assignment consists of designing a change intervention study to address online privacy issues discussed as part of the class. This assignment can be done individually or as a team. In addition to the design of the intervention, you are expected to discuss what “academic” points are being used and the underlying rationale behind the change intervention you are proposing. Final papers are due in class on 4/30/15. A hard copy of the final paper must be submitted to me in double-spaced format with 1 inch margins all the way around. Length should be no more than 10 pages of text (not including references, tables, and appendices). Please use Times New Roman 12 pt. font.

V. Final Exam (40%). The final exam will consist of a case and essay questions. The exams will cover the lecture material, the readings, and material presented by the speakers.

Evaluation

Every graded deliverable in this class will be given a letter grade based on your demonstrated level of understanding. Most grades will fall into three categories: “B-/B” level work involves minimally sufficient explanation and application of the concepts; “B+/A-” level work involves a correct explanation and application of the concepts along with a demonstration of somewhat creative thinking OR an above average description of concepts; “A” level work involves exceptional explanation and application of the concepts and a demonstration that you have thought enough about the concepts and their application to have significantly learned from that thinking and gained insight. Assignments that are missing, wrong, or unsatisfactory in content will earn C’s or lower. To earn “A” grades in this class, you must not only know the material, but you must also challenge your thinking on the topics, engage the material at a deep level, and be willing to think critically about the implications of what you are learning.

APPOINTMENTS AND E-MAIL

I strongly urge you to contact me to ask questions, clarify assignments, or obtain additional help. It is best to contact me via email to ask a question or to set up a phone or in-person appointment (oonell@gmu.edu).

CLASS ETIQUETTE

MGMT 413 is a “safe space”, which means we commit to: (1) Making our class a welcoming, open space for everyone; (2) Being aware of our prejudices and insecurities and how our words affect others; (3) Providing room for each of us to explore our own identities; (4) Allowing others to define their own identities and to speak for themselves; (5) Respecting the privacy of others by maintaining confidentiality.
**ELECTRONIC DEVICES**
Cell phones, laptops, tablets, etc. must remain on silence and be stowed away from your desk during the class. Use of electronic devices is disrespectful to the professor and to your classmates. It also inhibits your learning (see research article “The Pen Is Mightier Than the Keyboard: Advantages of Longhand Over Laptop Note Taking” published in Psychological Science, April 2014). Use of them during lecture or class exercises will negatively impact your participation points. Students who choose to use electronic devices may be asked to leave the class at the professor’s discretion. An exception to this policy will be occasional situations in which computers are necessary for class exercises or urgent calls (notified in advance).

**ABSENCES, LATENESS, AND ASSIGNMENTS / EXAMS**

**Attendance:** While attendance itself is not evaluated, you cannot earn credit for participation if you are not in class. Therefore, it is clearly in your best interest to attend class. In addition, examination questions will be based on content discussed and exercises conducted in class sessions. If you are not in class you will not have the necessary information to perform well on the examinations.

**Lateness:** Lateness is disruptive and disrespectful to both me and to your fellow students, and habitual lateness will negatively impact your participation grade. Every effort should be made to be in class on time and ready for the topic(s) of the day. Please allow time for traffic or parking problems, as these are frequent occurrences in our area and our school. In addition, I would prefer that the desks nearest the door be left open for late students so that they may easily find a seat with minimum disruption to the class.

**Absences:** If you miss a class, I strongly suggest that you also ask a classmate for his/her notes, as it is likely that key points will be brought up in class discussion and may not be captured on the slides. For excused absences (e.g., job interviews, family celebrations, funerals), you may also consult with me in advance to make alternate arrangements.

**Make-up Exams:** Make-up final examinations will not be given unless a student has a university-validated excuse that the instructor is notified of in advance of the examination. Approval of absence must be obtained from the Assistant Dean of Academic and Career Services before a make-up exam will be arranged.

**Late Assignments:** Writing assignments are due at the beginning of the class period. If you do not turn in your assignment in class on the day it is due, one letter grade will be deducted immediately. An additional letter grade will be deducted for each 24 hour period of lateness. NO writing assignments will be accepted after 1 week from the time the assignment was due. If you will not be in attendance on the day a writing assignment is due, you may email me your assignment, but I must receive your emailed assignment before the beginning of class. As noted below, late Weekly Response papers will NOT be graded.

**INCLEMENT WEATHER**
In the event of inclement weather, please consult Mason’s website or call the main information line (703.993.1000). If the University is officially closed, our class will not meet. If the University remains open during an inclement weather event, our class will meet as scheduled, unless you receive an email from me to the contrary.
CAMPUS RESOURCES

Counseling and Psychological Services (CAPS): CAPS is available for same-day walk-in and pre-scheduled appointments with trained counselors. Short-term counseling is FREE for all students. CAPS located in Student Union room 3129. Same-day consultations are made available beginning first thing each morning on a limited basis; call 703-993-2380 at 8:30am in the morning to find out the times available and to schedule on that day. Services are confidential and use of these services does not become part of the student's academic record.

Learning Services: Learning Services is available with workshops and individual study skills designed to improve academic skills, as well as to assist and support with learning differences such as attention deficit disorder or learning disabilities. The Certificate in Academic Skills Program provides an individualized program of study to develop academic skills. Call 703-993-2999 or visit Student Union room 3129 to schedule an appointment.

The Writing Center: The writing center is available for help with all aspects of the writing process through face-to-face appointment with tutors, style guides, workshops (in-person and face-to-face), and ESL guidance. http://writingcenter.gmu.edu/. For general questions and comments please contact them at wcenter@gmu.edu, call 703-993-1200, or stop by 114A Robinson Hall.

ACCOMODATION FOR DISABILITIES
If you have a documented learning disability or other condition that may affect academic performance you should: (1) make sure this documentation is on file with Office for Disability Services (SUB I, Rm. 4205; 993-2474; http://ods.gmu.edu) to determine the accommodations you need; and (2) talk with me to discuss your accommodation needs.

ACADEMIC INTEGRITY

Honor Code: GMU has an Honor Code (http://academicintegrity.gmu.edu/honorcode/) with clear guidelines regarding academic integrity. Understanding the Honor Code is your responsibility. However, if you are uncertain about the ground rules on a particular assignment, ask for clarification.

Plagiarism: Plagiarism means using the exact words, opinions, or factual information from another person without giving the person credit. Paraphrased material must also be cited, using MLA or APA format. If you have any doubts about what constitutes plagiarism, please ask me and/or see the Office for Academic Integrity.

Violations: Academic integrity is taken very seriously in this class. Violators will be immediately referred to the Office for Academic Integrity for administrative review.
Course Schedule

Please note that the schedule and assigned readings are subject to change. Adjustments will be discussed throughout the semester.

January 22 – Session 1
Topic(s): Overview of Organizational Change
Key questions: What changes in organizations? Why does organizational change happen?
Preparation:
- Read: *Managing Organizational Change*, Chapters 3 and 4
- Read: Read three Huff Post articles on digital privacy and be prepared to discuss in class ([http://www.huffingtonpost.com/tag/digital-privacy/](http://www.huffingtonpost.com/tag/digital-privacy/))

January 29 – Session 2
Topic(s): Overview of Privacy theories and normative definitions
Key questions: What is privacy? Why does it matter?
Speaker: Matthew Daniels, J.D., Ph.D. (Good of All)
Preparation:
- Read: UN Resolution on Online Privacy (Blackboard)
- Read: Nissenbaum book Chapter 1
- Read: “With Big Data Comes Big Responsibility” (HBR)
- Read: “The Laws of Disruption – Personal Information: From Privacy to Propriety” (Book chapter)
- Due: Response Paper #1

February 5 – Session 3
Topic(s): The legal perspective on privacy
Key questions: How are people in law thinking about privacy?
Speaker: Neomi Rao, J.D. (George Mason School of Law)
Preparation:
- Read: Nissenbaum book Chapter 4
- Due: Response Paper #2

February 12 – Session 4
Topic(s): The legal perspective on privacy
Key questions: How are people in law thinking about privacy?
Speaker: Michael Krauss, LL.M (George Mason School of Law)
- Read: Excerpts from Kalven, "Privacy in Tort Law: Were Warren and Brandeis Wrong?", Law and Contemporary Problems
- Read: Excerpts from Sidis v. F-R Publishing Corp., 113 F.2d 806 (2d Cir. 1940), cert. denied. 311 U.S. 711
• Read: Excerpts from Time, Inc. v. Hill, 385 US 374 – 1967
• Read: Excerpts from Doe, a/k/a/ Twist v. TCI Cablevision Factors, on. 110 S. W. 3d 363 (2003) (1984) {Missouri Supreme Ct.)
• Due: Response Paper #3

February 19 – Session 5
Topic(s): The business perspective
Key questions: How are private sector managers thinking about privacy?
Speaker: TBD
Preparation:
• Read: “What was privacy?” (HBR)
• Read: “Chief Privacy Officer” (HBR)
• Read: “Boss, I think someone stole our customers’ data” (HBR)
• Due: Response Paper #4

February 26 – Session 6
Topic(s): The government perspective
Key questions: In what ways do governments hold corporations accountable? What regulations and sanctions exist to constrain private sector behavior?
Speaker: Jason Smith and/or TBD
Preparation:
• Read: “Data.gov (HBR)
• Due: Response Paper #5

March 5 - Session 7
Topic(s): The IT/cybersecurity/third-party vendor perspective
Key questions: How do third-party vendors serve as intermediaries or consultants in the privacy debate?
Speaker: Brad Geesaman (Blackfin Security)
Preparation:
• Read: “The Dark Side of Customer Analytics” (HBR)
• Read: “ChoicePoint (A)” (HBR)
• Read: “Ethics Hold the Key to Network Contradictions” (HBR)
• Due: Response Paper #6

March 12 – SPRING BREAK – no class

March 19 – Session 8
Topic(s): Case study: Facebook and other social media sites
Preparation:
• Read: “Facebook 2012” (Stanford GSB)
• Read: “Ghost in the Shell: The Snapchat Privacy Illusion” (http://mashable.com/2014/10/13/snapchat-inherently-insecure/)
• Read: “Facebook killer called Ello gets the timing right” (http://www.marketwatch.com/story/facebook-killer-called-ellob-tabletime-right-2014-09-25)
• Due: Response Paper #7
March 26 – Session 9  
Topic(s): Case study: Google  
Preparation:  
  • Read: “Google and Internet Privacy (A)” Case (Darden)– Course Reader  
  • Read: “The Nonmarket Environment of Google (Stanford GSB)  
  • Due: Response Paper #8

April 2 – Session 10  
Topic(s): Case study: Nations tracking identity (UK Health System)  
Speaker: Dr. Matthew Daniels (Good of All)  
Preparation:  
  • Read: “The UK National Identity Card” (Teaching Case)  
  • Due: Response Paper #9

April 9 – Session 11  
Topic(s): Case study: Korea  
Speaker: Dr. Matthew Daniels (Good of All)  
Preparation:  
  • Podcast: Jack Schinasi on global privacy regulation –  
    (http://surprisinglyfree.com/2014/01/21/schinasi/)  
  • Due: Response Paper #10

April 16 – Session 12  
Topic(s): Designing a change initiative  
Preparation:  
  • Read: “The Neglected Science and Art of Quasi-Experimentation: Why-to, When-to, and How-to Advice for Organizational Researchers”  
  • Due: Change Intervention Paper (draft)

April 23 – Session 13  
Topic(s): Resistance to change  
Preparation:  
  • Read: Managing Organizational Change, Chapter 6

April 30 - Session 14  
Topic(s): Implementing change  
Preparation:  
  • Read: Managing Organizational Change, Chapters 7 and 8  
  • Due: Change Intervention Paper (final)

May 7 – Final Exam (4:30-7:15)