DISTRIBUTED LEARNING
Policy Issues

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Distributed Learning

- Distributed Learning: all technology-mediated or assisted learning (at a distance or in residence). Anywhere, anytime learning.
Distributed Learning: Why?

- Traditional higher education
  - Improve learning
  - Learning styles
  - Collaboration
  - Active learning
  - Visualization
  - Improve efficiency

- Distance learning
  - Ditto
  - Serve new customers
  - Preserve our role
  - Make $$ to support core mission
THE EDUCATION PUZZLE

A. Traditional higher education maintains focus on traditional mission. New participants absorb growth.

B. Traditional higher education expands mission to meet new needs and provides most of the growth.
Cornell and eCornell

- **Faculty/schools**
  - Develop content
  - Offer courses
  - Issue certificates
  - Oversee learning process

- **Cornell**
  - Owns IP jointly with eCornell
  - Lends its name
  - Invests venture capital

- **eCornell**
  - Creates courseware
  - Markets e-courses
  - Delivers e-courses
  - Compensates schools/faculty
  - Expected to return revenue stream
  - Right of first refusal
DISTRIBUTED LEARNING
Policy Issues

- Intellectual property
- Conflict of interest/commitment
- Institutional authority
- Commercialization
- Academic integrity
- Workload/accessibility/compensation
- Use of copyrighted materials
- Licensing information resources
- Privacy
- Transfer of credit/residency
- Accreditation & approvals
- Access for disabled
- ?????????
DISTRIBUTED LEARNING
Policy Issues

Media independent
Intellectual Property

- **One approach: Who is the owner?**
  - **Tradition: patents vs. copyrights**
  - **Work for hire, agency law > institution owns**
  - **Academic exception > faculty owns**
  - **Contributions vs. claims > faculty owns except if institution makes substantial & specific contributions > institution owns**

- **Another approach: What rights do the parties want?**
Intellectual Property

- Copyright law
  - Copyright owner
    - Make reproductions
    - Make copies
    - Make derivative works
    - Make public performances/display
  - Can license use/collect fees
- Public rights
  - Fair use
Intellectual Property

- Contributions
  - Intellectual
  - Financial
  - Reputation

- Claims
  - Profits
  - Access to use
  - Control
**Intellectual Property**

**Models of Ownership**

- Faculty-created on own initiative with no special support
- Institutional-"work for hire"
- Institutional-provided substantial and specific resources
- Joint ownership-created by faculty/staff team
- Contractual-what is agreed-upon
Intellectual Property

UNBUNDLING

- Creative environment fosters work
- Work protected by copyright
- Benefits of authorship accrue to author
- Benefits of ownership also accrue to institution
- Institution fosters creative environment

Intellectual Property

Creator Claims

- Be identified as author
- Make reproductions
- Use in composite works
- Right to update/alter
- Portability
- Use in pursuit of profession
- Use for his/her institution to make derivative works
- Be informed in advance of uses, reproductions, distributions
- Exclusive control of decisions related to publishing
- Share of financial gain
**Intellectual Property**

**Institution Claims**

- Members of community may copy and use
- Control of institution name or logo in conjunction with work
- Require acknowledgement of support
- Members of community may use in composite works
- Be informed in advance about uses, reproductions, distributions
- Exclusive ownership of technical mechanism of delivery, tools
- Share of financial gain
Intellectual Property

Responsibilities

- Protection of intellectual property
- Maintenance of content
- Maintenance of mechanism of delivery
INTELLECTUAL PROPERTY

Inclusion of Creative Professionals

- Recognizes team contributions
- Addresses staff retention
- "Credits"
- Money

Stein, Sarah. 2001. The Media Production Model. EDUCAUSE Review 36(1)
Intellectual Property

- Shared non-exclusive ownership with rights and responsibilities specified
- Specified "ownership" with non-exclusive license for specified rights
- Does it matter?
Conflict of Commitment/Interest

- Arthur Miller vs... Harvard
- Casenet
- Cornell’s ILI
- Financial conflict
- Intellectual conflict
  - Faculty commitment
  - Availability of materials to colleagues, students
- Reputational conflict
- Regardless of IP ownership, policy on use of property to compete with institution should be articulated

Institutional Authority

- Who can agree to offer DL courses/programs with third parties?
  - ILI
  - Casenet
COMMERCIALIZATION

- "For profit" education is an opportunity
- "For profit" education threatens core roles
  - Educating students broadly
  - Engine of social mobility and opportunity
  - Creating new knowledge (even with no present value/even if threatening)
  - Encouraging the thoughtful critic
  - Defending values that can’t be priced

Bowen, Wm.G. 2001. At a slight angle to the universe ARL 216:1-15
Academic Integrity

- Plagiarism (and electronic tools for detection)
- Identity authentication
  - Testing centers, proctoring services
- What responsibility does an institution have?
- www.academicintegrity.org
Academic Integrity

- www.turnitin.com (www.plagiarism.org)
- Google
- Glatt Plagiarism Services (www.plagiarism.com)
- Integrigard (www.integrigard.com)
- Lou Bloomfield, Physics, UVa
Workload/Accessibility/Compensation

- Teaching load
- "Office hours"
- Tenure/promotion
- AAUP: Faculty role must be the same as in traditional courses
- "Faculty.....courses"
USE OF COPYRIGHTED MATERIALS

- Specific exemptions
- Fair use
- TEACH Act
- Otherwise
  - Faculty sign warranty
  - Use only owned or public domain works
  - Process for clearance of permissions
  - What to do about “pendings”?
  - Permissions include electronic distribution

Gasaway, Laura N. 1999. Distance Learning and Copyright: Is a Solution in Sight? CAUSE/EFFECT 22(3)
Use of Copyrighted Materials

Fair Use

- Purpose and Character of Use
- Nature of the Work
- Amount & Substantiality of Portion Used
- Market Effect
USE OF COPYRIGHTED MATERIALS

Copyright Act Sec 110(2) - In transmission

- Limited to nondramatic literary or musical works
- Pay royalties if requested
- Non-profit educational institution or government
- Directly related to teaching content
- Directed to classroom reception
USE OF COPYRIGHTED MATERIALS

Copyright Act Sec 110(1)-Classroom Exemption

• In non-profit educational institution
• Face-to-face
• In a classroom
• Is an audiovisual work
USE OF COPYRIGHTED MATERIALS

TEACH Act (S.487, June 7, 2001)

- Removes requirement that use occur in a physical classroom
- Allows downloading for educational uses
- "Class session" is time student is logged on
- Obligations
  - Prevent retention for longer than class session
  - Prevent unauthorized dissemination
Licensing of Information Resources

Definition of “Institution”
Privacy

- Tracking use (cookies)
- Permissions
  - Images on web
  - Display of student work
  - Video of class
Credit Transfer/Residency

- Residency requirement?
- How many credits from other institutions (how many institutions?) will you accept for your degrees?
Accreditation & Approval

- Institution offers programs in another state
  - Physical presence (student aggregation)
  - Credit
- Institution offers programs from foreign institution
  - Physical presence
  - Institution has undergone "substantial change" for purposes of accreditation
Access for Disabled

- Mobility impaired access is often improved
- Online access for visual/auditory impairment—how far do you go?
- Guidelines for web design:
  http://www.dartmouth.edu/~7Ecc/principals/access/index.html
“Are we ready?”