Law, Ethics and Virtual Learning Communities – Conflict or Progress

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Introduction

- Is 'law' all that counts?
- Or are there ethics?
- Do we agree on what the ethics are?
- Are things the same in cyberspace?
- Is netiquette enough?
- Is virtual learning driven by technology?
- Is there a 'right' to education?

Virtual Learning Communities

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(On-line) education

Arising of virtual learning communities…

adaptive in matching characteristics of learners and staff….
to diminishing gap between work and education.

- On-line Learning is different from consuming on-line content
- When a learner performs a learning activity he/she *uses* learning *content* alone or together

Need for

Rich and *flexible* learning environments,
Available anytime and anyplace

What do you need?

In practice for students:

- Study together
- Personalized education
- Portable portfolio's

In preparation by institutes:

- Development of study materials
- Re-use study materials

Study together

- Closed – Open groups
- Sharing "personal data" with other students
- What should staff be able to monitor
- Prevent plagiarism

Personalized education

Adaptable learning paths on basis of:

- Portfolio's

- Personal preferences

- Results during courses or modules

All the above is logged and can be checked by....?

"Portable" portfolio's

Consist of results like marks, learning styles, reports

To take from one course / curriculum to the other, from one institute to the other.

- What needs to be kept all the way?
- Who can access? Who can change?

Development of study materials

- Flexible delivery
- Medium-neutrality
- Inter-operability
- Different institutes + languages
- Personalization

Reusability

- Manage your content and others content
- Re-use and flexible delivery of content
- Optimise the educational process, by making adaptations

Accessibility, Security, Privacy ...

Ralph Weedon
Project Director of
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Accessibility, Security, Privacy ...

- Accessibility and authentication
- SEN – Special Educational Needs
- Security
- Monitoring and encryption
- Privacy
- Plagiarism
- Human Rights

Accessibility & authentication

- Should all materials be available to all?
- Who has access?
- Restrictions on access
- Is education 'not for profit'?
- Access in/from the 'third world'?
- How is access authenticated?

Copyright

- Copyright & IPR - Awareness?
- Law & 'protection' of 'copyrights'
- Licences & contracts - market forces?
- Threats to Fair Dealing (Fair Use)?

Special educational needs

- Varied: from dyslexia to blindness
- Accessibility of materials
- Access to 'services' & 'facilities'
- How far should an institution go to enable access? How much should it spend?

Security

- How secure is/should be a VLE?
- 'Attacks' from without or within?
- Who or what are we protecting?
- What are the implications of 'Security'?
- Limits on personal freedom?

Monitoring & encryption

- How far should learners be monitored?
- Should they be able to encrypt messages and material securely?
- How far should law enforcement require the right to 'see' messages & materials?
- Will anti-terrorism measures work?

Privacy

- Is this possible in the 'online' world?
- Is complete privacy desirable even?
- Does it exist in law?
- If so, how should it be protected 'online'
- What is 'personal data'?

Plagiarism

- What is plagiarism?

- Is is a legal or an ethical issue?

- Can it be detected?

- What are the implications of running detection programs?

Discrimination & Human Rights

- Is this a problem on the Internet?
- Is it a problem in education?
- How far can the law prevent or control it?
- Is free speech non-negotiable?
- Is there 'a right' to education and is the answer 'on-line'?

Summary

- Is there a conflict between ethics, law and the technology?

- Is this a problem for 'on-line learning'?

- Or is it 'progress as usual'?

… changing relationships

Wilma Mossink

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Information chain

- Universities as producers and consumers
- Publishers as organisers process of information, for peer reviews and distribution
- Libraries for access

Changing environment

- Altered roles different stake holders
- Community of interests
- Working towards a win-win situation for all parties involved

Basics of copyright

- Copyright protects original works of ownership
- Fixed in tangible medium of expression
- Examples
  - Literary works
  - Pictorial or graphic works
  - Motion pictures
  - Sound recordings

Basics of copyright (cont)

- Right to reproduce and distribute

Free flow of information asks for exemptions:

- Fair use

- Library copying

- Display and performances in face-to-face teaching

- Software exemption

Fair use

- Purpose and character of the use
- Nature of copyrighted work
- Amount and substantiality of the portion used in relation to work as a whole
- Effect of use on potential market for and value copyrighted work

Altered roles

- Consortia licensing for journals
- New business models and partnerships
- Relationship university, faculty and publisher regarding scholarly publications
- Involvement publishers in creating new material
- Consortia of universities for creating reusable content

Legal issues for Universities in an online environment

Rachel Vance

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Risk is two fold….

- Increased liability
- More to protect

University as defendant: increased liability

- Wider range of litigants
- Quantity of material
- Material online considered "published"
- Quality of information

Who can be liable?

- Author of material put online or communicated

- All those involved in the dissemination or publishing process

- University as employer – vicarious liability

- Maybe also University for student material?

Liability for employees

- Universities are liable for torts of employees
- Scope of employment very wide
- Academic publishing- usually not our *copyright* but our *liability*
- Visiting Fellows?
- No special defences

What types of infringements?

- Breach of Copyright
- Defamation
- Breach of Privacy
- Harassment
- Misrepresentation

So what can we do to limit liability?

- Exercise control over content on websites
- Keep websites up to date – review often
- Education and awareness

The other side: protecting the university

- Easier for universities to be exploited
- Reputation at stake
- Increased competition
- Increased opportunities online

What needs protecting?

- Intellectual Property:

    - copyright

    - trademarks

    - domain names

    - business name.. etc

- Reputation against misrepresentation

Copyright

- Output of universities
- Content on websites about universities

Trademarks

- University name and logo
- Commercial activities
- Departments, schools, business units?

Domain names

- Cybersquatting
- Protection methods

Misrepresentation

- Fake identity cards
- Fake diplomas & degrees
- Are they a real threat to reputation?
- Difficult to bring action

Overall summary

Fred   Students & staff will produce, re-use, re-access study materials & products online during a life time

Ralph   There is law and there are ethics and Virtual Learning Communities need to consider both

Wilma   Balance of power in information chain should be closely observed

Rachel Management of liabilities needs to be more pro-active in an online environment

Questions & Discussion