

Online Teaching and University Policy: Investigating the Disconnect

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Abstract

Universities are just beginning to experience the impact of the increasing use of online technologies on academic policies and procedures originally formulated for the traditional face-to-face teaching context. In this case study, the experience of one university is used to demonstrate the types of policies that require examination and modification as well as the areas in which new policies may be required. Examples of policies and issues that are common to most universities are examined, and include instructor responsibilities and workload, course evaluation, grading and evaluation of students, privacy and records, copyright clearance of third-party materials, and ownership of intellectual property. The review suggests that the work involved in policy updating in a changing environment can be challenging but it is important that direction be provided at both the micro and macro policy levels. The work involved in addressing policy issues, even at the micro level, can range from the relatively simple tasks of providing clearer wording to changes requiring collective bargaining.

Resumé

Les universités commencent à peine à ressentir l'impact de l'augmentation de l'utilisation des technologies en ligne sur les politiques académiques et les procédures conçues à l'origine pour le contexte traditionnel de l'enseignement en face à face. Cette étude de cas, en relatant l'expérience d'une université, tente de démontrer quels types de politiques doivent être examinés, modifiés ou créés. Des exemples de politiques et de problématiques communes à la plupart des universités sont examinés. Ils comprennent les tâches et responsabilités des formateurs, l'évaluation des cours, la notation et l'évaluation des étudiants, les archives et la vie privée, la libération des droits d'auteur du matériel de tierces parties et la propriété intellectuelle. Les études suggèrent que le travail de mise à jour des politiques dans un environnement en évolution peut être envisagé comme un défi, mais il est important de lui donner une direction, tant au niveau micro que macro politique. Ce travail consistant à prendre en compte les problématiques politiques, même au niveau micro, peut comprendre des tâches relativement simples comme clarifier le sens des mots jusqu'à des tâches complexes comme la négociation de conventions collectives.

Introduction

The Internet has altered the ways in which university instructors may teach and students may learn. The movement to the online environment of teaching and learning activities has, however, seldom been part of a planned vision, and universities are now beginning to experience the impact of the increasing use of online technologies on academic policy. Barone (2003) has highlighted the need for institutions to address the critical relationship between technology use and policy and suggests that technology decisions are being increasingly recognized as academic decisions that have an impact on campus practices, policies and conventions.

Despite the growth in use of educational technologies, university policies often reflect an institutional assumption that instructors, students and instruction are on campus. As a result, existing policies often fail to provide guidelines for online teaching and learning activities. A helpful categorization for policy review is provided by Smith, Lewis and Massey (2000) in which the policy implications of online learning are separated into two broad categories: concerns regarding how to implement educational technologies (“doing things right” or micro issues), and macro, politically charged questions regarding why and how educational technologies are to be used (“doing the right things”). Both aspects are linked and must be dealt with by policy processes such as strategic planning.

The purpose of this paper is to examine policy implications relating to Smith et al's (2000) first category of “doing things right” or implementation issues. The limited scope of the study does not, however, diminish the importance of the need for policy examination at the macro level, particularly with respect to vision, strategic planning, and organizational change. The dynamics of innovation and use of educational technologies invite exploration of broad social, pedagogical, and economic questions and these very necessary discussions are taking place elsewhere (Anderson & Garrison, 2003; Bates, 2000; Downes, 2005; Foster, 2001; Katz & Rudy, 1999; Lewis, 2001, Oblinger & Rush, 1997, Petrides, 2000, and Pittinsky, 2003). In the discussion that follows, we will, rather, in Valovic's (2000) terms, avoid discussion of how to “jump on the bandwagon of technology” and instead focus on “knowing where the parade is headed and how it will affect the more mundane intricacies of everyday life” (p. 12).

Context

The policies used as illustrations in this study are those of the University of Manitoba (UM), a large university offering undergraduate and graduate degree programs as well as medical, doctoral, and professional

degree programs. It is the oldest university in western Canada, with two major campuses and 22 faculties and schools, and an enrolment of 26,000 students.

In 1996, the university licensed WebCT as the first campus-wide course management system (CMS). Use of WebCT has steadily grown since, and in September 2006, just over half of our degree and non-degree courses (1,500 courses) had WebCT course sites, reaching 13,320 students.¹ WebCT is used most frequently as an adjunct to classroom face-to-face teaching, but is also employed in the delivery of courses entirely online. Current uses include provision of course outlines and content, collaboration and communication, assessment and evaluation of learning, course management, course/instructor evaluation, and research.

Courses may be offered partially or wholly online. Academic units and faculty members have a choice as to whether to develop and deliver online courses via a centralized distance education unit or on their own. Academic units and instructors also have a choice as to whether or not they use the institutionally supported CMS, a fact that further complicates policy administration.

Pospisil and Wilcolcoxin (1998) proposed a model in which institutional development of online teaching may be seen along a continuum with “anarchic development” at one end (in which individuals’ interest in and ability to use educational technology determine what online development occurs; “negotiated development” about the middle (in which “individual or small group interests significantly influence or determine institutional strategic priorities and instructional design models”), and “controlled development” at the opposite end (in which “strategic priorities are determined at a high level in the institution, and central control is exercised over development resources and instructional design models”). In terms of this model, the development of online teaching at our institution would likely fall between the anarchic and negotiated points on the continuum. Recently, with the development of a Learning Technologies Centre and advisory committees, we have moved closer to negotiated and controlled development processes.

As is frequently the case in institutions in which the teaching focus is traditional face-to-face course delivery, change with respect to online teaching has been incremental. Nevertheless, use of online teaching methods has grown steadily, with the result that these activities are no longer at the fringe nor can users be considered first adopters, or in Bates (2000) terms, “lone rangers.” Clearly, the distinctions between “traditional” and online teaching and learning are blurring, and as a result, there is an increasing need for academic policy to address both contexts.

Several years ago, an ad hoc advisory group comprised of faculty members, academic and support administrators, and staff attached to the teaching services (faculty development) unit undertook to identify and review university academic policies pertaining to the online delivery of courses or parts of courses, assess if policy modifications were required, and identify where new policy may be required. In the discussion of common university policies that follows, illustrations have been drawn from the findings of that review.

Academic Policies

Colleges and universities typically have academic policies established by their faculty councils and senates. These policies reflect the norms and values of the institution and articulate the responsibilities of academic units, administrators and instructors with respect to teaching functions. Such policies include those outlining the responsibilities of academic staff with respect to their students and classes, how and when assessment and evaluation will take place, the ways in which student privacy will be protected, and how the appeals process will be handled.

Instructor Teaching Responsibilities

A logical start for a review of “disconnects” is the set of policies outlining responsibilities of instructors with respect to their students and classes. Such policies typically outline the information that must be provided to students at the beginning of term (course syllabi), how courses and evaluation are to be conducted, and when instructors will be available for office hours.

When even a portion of a course is moved to online delivery, the wording of policies such as these often fails to provide clear and sufficient guidelines for the online activity. For example, in our review we discovered that the policy regarding course syllabi required that syllabi and the policy on academic integrity be provided to every member of the class “in writing.” While updated wording in the policy would clarify that an online syllabus meets this criterion, a more substantive issue is the lack of direction regarding whether or not certain material in face-to-face courses may be made available only online (or in what circumstances will alternatives be provided for students who cannot/will not go online). Also lacking is a mechanism to inform students before they register that a portion of their course will be delivered online. This latter point points to a problem with many policies: While institutions increasingly expect students to access the online registration, timetabling, student records and library systems, the issue of whether (or to what extent) students enrolled in face-to-face courses are expected to participate online may not have been addressed.

Similarly, policies often neglect to outline the process by which instructors may choose to move portions of their course online. Since the classroom is seen as the instructors' private domain and because online efforts are often regarded as marginal teaching activities, policy rarely addresses the process by which these decisions are to be made and how these are to be monitored. An example is provided by a University of Manitoba policy outlining the expectation that instructors be available for individual consultation with students outside of class ("*...be available for a reasonable amount of time, on a known and posted basis*"). Many instructors now consult with students online and via e-mail, but the policy fails to address questions such as: Do online "office hours" meet this requirement? If the instructor is frequently available online and via e-mail, may we dispense with the required in-person office hours requirement?

Policies that define "class time" or contact hours are often outdated and therefore also problematic. The time that instructors spend in front of their classes is often ensconced in academic policy or collective agreements (e.g., a minimum of 150 minutes per week), and conditions under which instructors may cancel a class are also outlined (e.g., "Academic staff members shall not cancel, miss, terminate or shorten scheduled instruction except for good reasons ..."). Policies with wording such as this need to be updated to provide guidance regarding the criteria and process whereby classroom contact hours may be reduced when some teaching components are moved online. Revising such policies may also prove to be more difficult than it might seem. While quantifying the time that instructors spend in front of a class is relatively easy, negotiating an acceptable figure for distributed or online courses along with other often contentious issues relating to faculty workload in online courses, will be more of a challenge.

ACADEMIC INTEGRITY AND STUDENT CODES OF CONDUCT. Given that many students do not have a clear understanding of intellectual property and therefore fail to recognize instances of such theft, most universities, including the University of Manitoba, expend considerable resources in developing students' information literacy skills and educating them regarding a respectful learning environment and appropriate uses of others' work. All universities have student codes of conduct and, increasingly these address online behaviour either explicitly in the code of conduct or by reference to other related policies such as computing and information technologies. Two examples are:

- a) Article 3.5 of the conduct code at Simon Fraser University, which states: "No student shall contravene the Policy on the Fair Use of

Information Resources (GP 24), the Harassment policy (GP 18) or any other University policy” and,

b) Article 13 of the University of Toronto code, which states:

“Subject to the conditions and considerations outlined in Section B., this Code is concerned with conduct arising in relation to a wide variety of activities and behaviours including, but not limited to, conduct related to the use of computers and other information technology and” (Links to these and a number of other universities' policies are included in the reference section.)

Institutions that are developing or revising policies may find the work of authors such as Waterhouse and Rogers (2004) useful in suggesting examples of policy elaboration regarding privacy, disclosure, e-mail, discussion groups, and attendance, collaboration, and software and hardware standards.

COURSE-INSTRUCTOR EVALUATION. Most Canadian universities collect student feedback on courses and instructors. The University of Manitoba uses a senate-mandated, faculty administered, standardized course-instructor evaluation form and process (Herbert Marsh's [1982] Students' Evaluation of Educational Quality: SEEQ). The current policy requires that the instrument be administered in class for all face-to-face courses, but moving course/instructor evaluation processes online has the potential to create administrative efficiencies (e.g., less costly data collection than the current optical scanning processes, more prompt return of results to instructors and administrators, and savings in class time). In addition, online evaluation can include all students (as opposed to those present in class on the day the evaluation is administered) and, if current experience with online courses is predictive, generate response rates similar to those for the in-class survey.

In order for an institution to move its evaluation process online, policy will need to be updated to detail the new procedures by which the evaluation will be conducted online, and the manner in which existing safeguards are to be retained. For example, the University of Manitoba would need to develop clauses to address a) exclusion of instructors from the evaluation portion of the course website, preserving student anonymity, b) exclusion of courses with fewer than the minimum number of enrolled or participating students, and c) institutional policy with respect to data analysis and dissemination of results (e.g., at the University of Manitoba, calculation of means and SDs are proscribed, so those functions in WebCT would need to be suppressed in the online evaluation process).

A more substantive issue arises when the issue of the extent to which current evaluation instruments include items that evaluate online course

components and instruction. Tobin's (2004) work presents a useful discussion of best practices for administrative evaluation of online instructors, and points to the need to examine similarities and differences between face-to-face and online teaching, educate faculty members and academic administrators, and apply national standards, rubrics, and benchmarks.

Appeals

The processes by which students may appeal term and final grades may differ between institutions but such policy is standard. In the case of the University of Manitoba, the policy contained language tailored only to the face-to-face classroom environment. For example, the policy requires that in the event of a final grade appeal, the student may only review his or her final exam in the presence of the instructor. This is an area where policies require updating to reduce barriers for online students. As the purpose of such a rule is to prevent tampering of graded exam papers, the ways in which technology might make such requirements redundant (scanning of originals; read-only access, etc.) may also be considered.

Off-site Exam Invigilation

As long as courses retain a face-to-face classroom component, the issue of off-site exam invigilation does not arise because students can be expected to write final exams on the campus. However, if an instructor places his or her course online, the course may serve students anywhere in the world. Off-site exam invigilation coordination and services are required for such students, and guidelines need to be in place to direct instructors to use them. In the absence of guidelines, instructors may make ad hoc arrangements directly with students and risk that appropriate protocols are not followed.

The need for multiple, secure, off-site exam invigilation sites is a cost arising from the increased access provided by online courses. Institutions handle these costs in a variety of ways, with some providing invigilation services as part of course tuition, and others expecting students to locate and pay invigilators. By sharing international invigilation centres and standards, universities can reduce the overheads associated with orienting invigilators and maintaining exam security.

Administrative Policies

Large organizations typically have administrative policies that direct virtually all work processes, and many of these will require revision if they are to take into account online activities. By way of example, two major areas of administrative policies directly related to teaching and

learning online, records security and intellectual property, are discussed below.

Records security: Protection of student privacy and intellectual property, security of student academic records, and disclosure mechanisms

Existing policies regarding disclosure and security of students' academic records often do not contain reference to the online environment. This is the case at the University of Manitoba, but we discovered that many sections would require only semantic updating (e.g., directions regarding what grades may be posted within the password-protected course section, to be accessed only by the student to whose work the grade relates). Somewhat more problematic is the fact that, while all the University of Manitoba instructors using WebCT are provided with guidelines regarding the ways in which student identities are to be protected in the WebCT environment, instructors are not required to use the centrally-supported CMS and may therefore choose a CMS that does not provide sufficient security. Options such as multiple platforms encourage innovation and research, but provision of such options also means that policy development and oversight becomes more complex.

PRIVACY AND ARCHIVING. Privacy legislation has resulted in universities examining the process by which the institution's academic and research policies may be balanced with students' privacy rights. Universities are beginning to use online permission or release forms (e.g., Athabasca University), completed by students at the start of courses requiring students' online contributions, for the following purposes:

- a) requesting students' permission for the university to retain the student's online contributions (discussions, conferences, presentations) for a limited period (often one year);
- b) informing students as to the manner in which the discussions may be used by third-party researchers (e.g., transcripts cleaned of names, student numbers and other identifying characteristics); and
- c) informing students as to which authorized personnel will have access to the course website and discussions (e.g., help desk or course designer) while the course is running and after it is archived.

Release policies should also outline the processes that are in place to a) allow students to exercise their option to withhold permission for the university to retain records of online activity and discussions, b) purge the communication records of students who withhold permission, and c) retain contributions for the allowed period, then destroy. Also, as the range of technologies expands, universities should consider developing

policy that includes all of the modes in which online communication may occur (e.g., e-mail video and voice-conferencing).

USE OF THIRD-PARTY MATERIAL. Although we are hopeful that reform of the Canadian *Copyright Act* will soon allow (as does US law) the scanning and uploading of material such as readings, such uses currently constitute copyright infringement.¹ If the amended *Act* allows scanning and uploading of scanned readings on course websites, it may unfortunately be in the context of licenses with rights collectives and will require logging of use and attention to exclusions lists. If the proposed amendments are enacted, online teaching and learning will be facilitated, but administrative costs are bound to increase. Universities need to develop clear digital copyright guidelines and communicate these to instructors and staff.²

Intellectual property: Ownership of copyright to online course materials. McGee and Diaz (2005) report that unfortunately, many institutions lack or have outdated copyright policies relating to digital instructional materials, and Lewis (2001) confirms that intellectual property rights to online materials and learning objects have become a “flash point” at universities.

Perhaps as a result, intellectual property rights are increasingly becoming part of collective bargaining and agreements between faculty associations and Canadian universities (as is the case at the University of Manitoba). Policy summaries on the Edutools website (2006) outline three types of ownership arrangements typically used at universities:

- a) direct ownership by the institution,
- b) “work for hire” whereby the institution owns and controls the material but the faculty member may be given the right to use the course, such as at another institution, and
- c) ownership by the faculty member with exclusive or non-exclusive rights extended to the institution for a limited period.

A limited review of policies and faculty collective agreements at large Canadian universities suggests that, while there is much variation between institutions as well as a number of permutations of the above categories, faculty members at most institutions retain copyright to materials they create, including those used in online teaching. (A list of links to sample policies is included in the reference section.) Triggs (2005) points out that academics have long been excepted from the experience in the wider world in which copyright for works produced during the course of employment typically resides with the employer. With the growth in use of digital technologies, shrinking budgets, and recognition that online courses require the resources of the institution, universities are

beginning to reconsider this academic exception and assert claims of ownership. Athabasca University and University of Waterloo are among the institutions that retain the copyright to course materials created by university staff. Others such as York University assert the right to share in the proceeds of exploitation of materials that were developed with the direct support of the institution. Clarehout (2004) suggests that Athabasca University's policy was a response to its experience as a distance education institution and the early recognition that rights for courses produced by teams would otherwise be dispersed.

As is always the case with intellectual property rights, it is critical that the needs of creators are balanced with those of users. At universities, important concerns regarding the unbundling of faculty members' roles, job security, and academic freedom add to the complexity of these negotiations. Recently, other mechanisms for handling digital rights have also emerged and include learning object repositories or Creative Commons licenses, which allow more open access to digital materials.

Even if an institution has an intellectual property policy that clearly assigns copyright ownership of course materials to faculty members, there remain finer points to be considered. As indicated above, new issues emerge regarding ownership and rights of use in instances where the institution has invested considerable resources in creation of learning object or online course, or where a faculty member hires a student or external contractor to create material that is subsequently uploaded to an online course. The issue of repurposing of content should be addressed, as should sale or lease of the materials to another institution. Institutions should also be mindful to include in their negotiations the moral rights held by authors (*Copyright Act*, Part II, 14.1). Such rights, which include the right to the integrity of the work and the right of association (the right for the author to be associated with the work under his or her name or a pseudonym, or to remain anonymous) and may be waived by an author but cannot be assigned to the institution.

The issues of ownership, management and sustainability of files and data on network computers are also problematic. Access to data is sometimes granted only to the owner of a file, with ownership being determined by the userid under which a file is uploaded to a server. In other instances, course files cannot be assigned to a userid (e.g., in WebCT) or files are created jointly. Given that such practices do not address the underlying principle of intellectual property, and interpretation is often difficult due to unclear policy wording (e.g., lack of definition of terms such as "file" and "server"), problems are bound to arise. The following hypothetical cases illustrate potential dilemmas:

- a) A faculty member leaving the university indicates that files on a web server should be deleted despite the possibility that he or

she does not own exclusive rights to the files. As the files were uploaded with his/her userid, should they be deleted?

- b) A faculty member leaves the university without having completed the exit forms and procedures. How is the disposition of files on network or mainframe computer to be handled?
- c) An employee dies and his or her will outlines provisions for the treatment of material on university network computers. The university was not consulted regarding the provisions, and the institutional policy is unclear. How do we proceed?³

Although certain articles in faculty collective agreements may address the matter of copyright, the issues illustrated above involve much finer points of copyright, are wide ranging, and should be included in policy reviews.

Conclusion

As we have seen, addressing the need for policy development and revision, even at the micro policy or implementation level, is a challenge in our changing environment. Making some of the changes identified in the analysis will be very straightforward and relatively simple. Other changes will, however, involve much more time and effort as the discussions will involve a number of groups with vested interests, and some changes will touch upon sensitive issues such as ownership, workload, and compensation. In prioritizing such changes, universities may need to focus upon areas where policy updates can be quickly accomplished and where delays may result in resource consuming appeals or grievances.

As Berge (2000) points out, traditional universities “have a robust capability to resist change” (p. 211), but technology will continue to change the ways teaching, learning and scholarship is conducted at our institutions. The distinctions between “traditional” and online teaching and learning are blurring, and as a result, there is an increasing need for academic policy to address both contexts. In this respect, universities might benefit from a process suggested by Don Olcott (1996) in which institutions examine distance education systems, policy and practice as well as the broader institutional policy and practice with the aim of reciprocal adaptation.

Notes

1. Data available at:
<http://www.umanitoba.ca/campus/ist/cms/webct/admin/statistics.php>
2. The proposed amendments to the *Copyright Act* are available at:
http://www.canadianheritage.gc.ca/progs/ac-ca/progs/pda-cpb/index_e.cfm

3. For an example of the treatment of estates, see Article 38.09 of the University of New Brunswick Collective Agreement; an example of storage and archiving is also provided in Article 38.08:
<http://www.unb.ca/hr/services/Article38.html>

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<http://www.educause.edu/pub/eq/eqm04/eqm0433.asp>

Sample Policies

- Responsibilities of Academic Staff with Respect to Students (University of Manitoba):
http://umanitoba.ca/admin/governance/governing_documents/students/278.htm
- Scheduled classes (University of Manitoba):
http://umanitoba.ca/admin/governance/governing_documents/academic/455.htm
- Examination Regulations (University of Manitoba):
http://umanitoba.ca/admin/governance/governing_documents/academic/454.htm
- Teaching Evaluation (University of Manitoba):
http://umanitoba.ca/admin/governance/governing_documents/academic/365.htm
- See also:
http://www.umanitoba.ca/academic_support/uts/nfocd/docs/uts/blackbar/seeqoverview.pdf
- Freedom of Information and Protection of Privacy Act (FIPPA) and The Personal Health Information Act:*
http://umanitoba.ca/admin/governance/governing_documents/community/244.htm
- Disclosure and Security of Student Academic Records (University of Manitoba):
http://umanitoba.ca/admin/governance/governing_documents/community/245.htm
- Cessation of Staff Employment/Appointment (University of Manitoba):
http://umanitoba.ca/admin/governance/governing_documents/staff/335.htm

Faculty University Collective Agreements (Intellectual Property)

- Acadia University Faculty Association Collective Agreement:
http://admin.acadiau.ca/human/main_sections/files/COLLECTIVE_AGREEMENTS/11TH_Collective_Agreement.pdf
- Athabasca University:
http://www.athabascau.ca/agreements/aufa/0507_aufa_agreement.pdf
- Brandon University Faculty Association Collective Agreement:
<http://www.brandonu.ca/administration/humanresources/CollectiveAgreements/bufaca/B08.pdf>

University of British Columbia: http://www.hr.ubc.ca/faculty_relations/agreements/
 Canadian Association of University Teachers (CAUT):
http://www.caut.ca/english/policy/info_serv/copyright.htm
 University of Manitoba-Faculty Association Collective Agreement:
http://www.umanitoba.ca/admin/human_resources/contracts/umfa/
 See also: University of Manitoba Patents and Copyright Bylaw:
http://umanitoba.ca/admin/governance/governing_documents/community/235.htm
 Memorial University of Newfoundland (Article 27):
<http://www.mun.ca/munfa/art27.htm>
 University of New Brunswick Collective Agreement:
<http://www.unb.ca/hr/services/Article38.html>
 University of Saskatchewan: <http://www.usask.ca/usfa/about/agreement.php>
 Queen's University (Article 16):
http://www.qufa.ca/qufa/Bargaining05/final_with_links_moas.pdf
 York University Faculty Association Collective Agreement: <http://www.yufa.org>
 University of Waterloo Faculty Association Collective Agreement:
<http://www.uwfacass.uwaterloo.ca/>
 University of Winnipeg (Article 17):
<http://www.uwinnipeg.ca/faculty/admin/hr/agreements/uwfa2-7.pdf>

Student Codes of Conduct

Athabasca University:
<http://www.athabascau.ca/calendar/page11.html>
 Brock University:
<http://www.brocku.ca/atyourservice/studentconduct.php>
 Dalhousie University:
<http://www.registrar.dal.ca/calendar/ug/UREG.htm#15>
 University of Manitoba Faculty of Arts:
http://umanitoba.ca/faculties/arts/student/student_responsibilities.html
 See also University of Manitoba: Use of Computer Facilities:
http://www.umanitoba.ca/admin/governance/policies/section_200/238.shtml
 McMaster University:
http://umanitoba.ca/admin/governance/governing_documents/community/252.htm
 Ryerson University:
http://www.ryerson.ca/calendar/2002-2003/sec_97.htm
 Simon Fraser University:
<http://www.sfu.ca/policies/teaching/t10-01.htm>
 University of Toronto:
<http://www.utoronto.ca/govcncl/pap/policies/studentc.html>
 York University:
<http://www.yorku.ca/secretariat/policies/document.php?document=124>
 See also York University Senate Policy on Computing and Information Technology facilities:
<http://www.yorku.ca/secretariat/policies/document.php?document=77>

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