Lack of Ethics for eLearning: Two Sides of the Ethical Coin

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ABSTRACT

Among the many concerns an eLearning program administrator faces, ethics for eLearning is among the top. Ethical concerns come from within the program and external to it. This article is a review of some of the ethical concerns facing eLearning administrators; looking at two sides of the ethical coin. The first side of the coin looks at internal ethical issues which has brought about concern for the quality of eLearning programs and has led to five new federal regulations facing IHE. The flip side of the coin looks at ethical concerns coming from outside the program by way of unethical behaviors from students and how eLearning program administrators can deal with these unethical practices.

Keywords: Administration, Credit Hour, eLearning, Ethics, Federal Regulations, Gainful Employment, Incentive Compensation, Last Day of Attendance, Misrepresentation, Quality, Technoethics

INTRODUCTION

Before discussing the ethical dilemmas of eLearning administrators it is first important to understand the basis for ethical concerns related to technology, known as technoethics. Technoethics is defined as the study of moral, legal, and social issues involving technology. Technoethics examines the impact of technology on our social, legal and moral systems, and evaluates the social policies and laws that have been framed in response to issues generated by its development and use (Tavani, 2004).

An early look at ethics in eLearning noted a lack of a national code of ethics for higher education (Gearhart, 2000). Early research on young adults entering higher education finds students are not prepared to be self-directed nor able to understand the complications of moral solutions facing students during their post-secondary educational experiences (Burgan, 1996). Gearhart (2005) discussed the “psychological distant” student who, through the use of technology and distance delivery and when not facing others face to face, saw no problems with unethical behaviors, not comprehending that actions were hurting others; “out of sight, out of mind” so to speak. As early as 1990, informal polls showed that as many as three quarters of students on campuses admit to some sort of academic fraud (Gearhart, 2000), which is increasing through eLearning. Such academic fraud and unethical behaviors include harassment, defamation, infringing on intellectual property rights, hacking, plagiarism, and cheating.

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According to Strike and Ternasky (1993) ethics can be applied to education in three principal ways: assisting in educational policy making, assessing the institutions' roles as moral educators, and informing standards to govern the conduct of educators. Many institutions of higher education have chosen to develop and enforce policy to deal with the unethical behaviors that have caused concerns for eLearning. However, widespread unethical practices by institutions, particularly in the area of eLearning, have led to the Department of Education taking action to correct these practices.

When looking at what approach to take on the issues of ethics related to eLearning, two different aspects of the issues were most evident. The question was which one to address—a discussion of the new federal regulations which have come about from institutional unethical behavior or a discussion of the unethical behaviors demonstrated by students in relation to use of technology used in eLearning courses. Both are extremely important to eLearning program administrators, so this article will deal with both sides of the ethical coin.

FIRST SIDE OF THE COIN

Institutions of Higher Education (IHE) have been working hard for over a year now to meet the state authorization rules. There are, however, a number of other federal regulations that affect eLearning and most IHE have not been paying close enough attention to these regulations and to their ramifications.

All involved with eLearning are familiar with the HEOA passed in 2008 and in particular to H.R.3746 Part H and S.1642 Part G—Program Integrity:

(ii) the agency or association requires that an institution that offers distance education programs to have processes by which it establishes that the student who registers in a distance education course or program is the same student who participates, completes academic work, and receives academic credit;

There are five other federal regulations over the past several years that eLearning program administrators need to pay careful attention to as some have come about from unethical practices in the field. The five include:

- Definition of a “Credit Hour.”
- Prohibition against “Incentive Compensation.”
- Definition of “Misrepresentation.”
- Clarification of “Last Day of Attendance.”
- Definition of “Gainful Employment.”

Definition of a “Credit Hour”

This federal regulation describes a credit hour as the amount of work represented in intended learning outcomes verified by quantifiable evidence of student achievement, as measured against the standard of the Carnegie Unit. It is the institution’s responsibility to determine credit for the courses delivered in its programs but at the same time, the institution responsibility to meet regulatory standards. Credit is delivered in a variety of delivery formats at different levels among all institutions. An institution needs to have proper assessment mechanisms in place to demonstrate students are meeting the learning outcomes of their academic programs, in line with the expectations of the institution’s regulatory agency. Failure to do so can lead to sanctions to the institution, including the loss of federal financial aid to the institution (Goldstein, 2011).

Prohibition Against “Incentive Compensation”

Unethical recruiting practices that have surfaced over the past several years has led to this federal regulation which in essence states that an institution will not provide any commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments or financial aid to an persons or entities engaged in any student recruiting or admission activities or in making decisions regarding the
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