

Closing Remarks

Online Teaching, Copyrights, and the Need for Concerted Solutions

Gisela Gil-Egui

Temple University

Abstract

Most higher education institutions with online learning programs in the U.S. face similar challenges when it comes to establishing intellectual property (IP) policies that balance adequate stimulus for authors and appropriate investment return for the organization supporting their creative production. However, no university has yet been able to come up with a “golden standard” in this regard. While, by the time of writing this, Temple University was still in the process of discussing elements of a new IP policy for online contents, its preliminary experience on the matter reveals the benefits of proactive attempts at achieving consensus among all stakeholders, as opposed to adopting reactive or remedial stances.

Institutional change does not come about easily. The challenge of launching the OnLine Learning Program at Temple University was embraced by this university's community with both enthusiasm and caution. While many faculty members saw in this initiative an opportunity to explore emerging instructional technologies and settings, there were also questions in the air about the need for Temple to refine its policies regarding ownership of Intellectual Property (IP), in light of new possibilities for creation, reproduction, delivery, and retrieval of course contents.

The issue, which would later gain renewed attention with the project known as Virtual Temple (a for-profit distance education venture), made evident the importance of establishing a clear "default rule" regarding ownership of online instructional content produced within the setting of the University. Such a rule was to be designed in a way that it stimulate instructors to generate content, while providing Temple's administration with an adequate return for investment in equipment and resources necessary for faculty to create instructional online content.

Temple University already had an Invention and Patents Policy in force since 1985.¹ According to the University Counsel, George E. Moore, "the tradition had been that [Temple] did not assert its copyright (under the established work-for-hire legal doctrine) in textbooks, scholarly articles, and creative works that disseminated the results of academic research or scholarly study."² Still, some perceived the existing institutional approach as ill suited for the new copyright issues emerging from the application of online technologies to distance education. Thus, understanding the need for a formula that satisfies all the parties, Temple's former president Peter Liacouras appointed a Task Force on Intellectual Property in January of 1999 to develop a more precise copyright policy.

Nine representatives of the faculty and nine representatives of the administration composed the Task Force. The 18 members of this committee agreed, at its first meeting on March 1999, to name George Moore and Maurice Wright as co-chairs. As mentioned before, the former works as University Counsel and was designated convener of the Task Force. The latter, on the other hand, is a professor of music composition at Temple, with experience in both copyright protection and online teaching.

Thus, the Task Force was created in a way that it would, at least in theory, provide a setting where faculty and administration had equal representation in the formulation of a new IP policy. This effort emerged mainly from a shared concern that vagueness in the definition of ownership of courses materials could

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