

Chapter 58

Staying Legal and Ethical in Global E-Learning Course and Training Developments: An Exploration

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ABSTRACT

In global e-learning, a mix of laws, policies, and professional practices informs the work environment. While legal issues may be addressed at the institutional level through the important work of legal counsel (university lawyers) and administrators, line-level faculty and staff have responsibilities to uphold and adhere to a variety of laws, ethical principles, policies, and “best practices” for staying legal.

INTRODUCTION

Re-using a Stylebook? A course designer is working under a federal grant to develop an online course that will be used around the country. During the work, a stylebook is originated that may have wide applicability to a variety of projects. Should that course designer be able to re-use the generic outlines of the stylebook for other projects? Should other online contents be re-usable in other training contexts? Why or why not?

Versioning a Curriculum for Cultural Palatability: Trainings being developed for a conservative country involve the stipulation that no males or females be depicted as interacting

with each other. This means re-shooting video with only males making the decisions and doing the work. Any imagery of women should follow strict guidelines for what may be shown. What should the course designer(s) do? What should course designers do when the messages in courses and trainings go against broader ethics or values or political sensibilities? How far should realities be re-depicted for cultural palatability?

Embedded “Social Justice” Messages: The research on the “affordances” of socio-technical spaces suggests that every training experience has some cultural meanings—some intentionally embedded, and some accidentally created. A simulation designer has been asked to embed social justice messages in the immersive space and design. How transparent should these messages

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be? Should learners be made aware that such messages have been embedded? Why or why not? What if some messages involve the projection of a country's "soft power"?

Commercial Interests in Educational Trainings: Various multinational companies would like to capitalize on product placement in immersive online learning spaces. They want their products to receive attention from a global marketplace. They ask the course designers if they may embed their products or methodologies into various online trainings. What should the course designers do? Why?

Trade Secrets: A global course involves high-end creative design. Some of the work will involve blueprints for different projects or designs or looks-and-feels. Others will involve full business plans. Students own the rights to their own works. However, the course is one that other students, graduate teaching assistants, and faculty members all have access to. Subject matter experts (SMEs) and experts in the field may also have access, for student learning. The instructor wants students to be as creative as possible, but he / she also wants students to have their own intellectual property protected. Their work is not at the level of professional research and development (R&D), but there are still valuable creative insights, some of them actionable. What should the instructor do to warn students of potential loss of IP? What policies should be put into place at the course level to protect the work? In cases of e-portfolios, gallery shows, and graduation presentations, how may intellectual property be protected?

The five above cases tap into some ethical and legal issues that may arise in the development of global e-learning. Developing courses for a global e-learning environment involves a range of local, national, and international legal concerns. These involve issues of social justice, human identity and dignity, accessibility, the ownership of intellectual property, and actual learning.

BACKGROUND

The rationales for pursuing "clean" course or training developments are manifold. First, a legally clean build means less retrofitting of the original course or training contents. Second, it means professional work and a pristine hand-off when the work has been completed. Third, a legally sound curricular build often aligns with ethical and moral principles. Fourth, adherence to legal standards may ultimately mean avoidance of litigation, or preparedness for litigation, if that becomes unavoidable. Figure 1: "Why 'Legal' Global E-Learning Builds" addresses these rationales.

Defining legal standards in every country or context that global e-learning may be applied is non-trivial. Laws and policies are constantly changing. Even more complicated are the social and cultural mores that are extant among peoples in different times and places. The changing socio-technological landscape makes the definition of such standards even more complicated. A range of global special interests advocate for changes based on their needs, which affects this legal landscape.

The most practical method would be to understand the "local" laws and policies thoroughly, extract the applicable principles, consult with local legal counsel, and make sure all the contents and curricular build practices are vetted. For particular curricular builds to be used in certain sensitive environments, those should go through extra layers of vetting for "fit" to the particular environment.

Evolving technological realities will also affect the legal environment. Wikis and blogs that offer real-time publishing to the world have implications on copyright and publishing. Many shared creation sites have defined and implicit rules that guide their evolution, even those with a "no rules" approach (Butler, Joyce, & Pike, 2008). The ease of creating online identities has meant widespread impersonations. The uses of learning / course management systems (L/CMSes) mean

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