

**On-Line Task Force
Summer, 2013
Report**

Members:

Jim Broomall, Associate Provost, Professional and Continuing Studies
Lynn Okagaki, Dean of the College of Education and Human Development
Fred Hofstetter, Professor, School of Education; Professor, Music
Carl Jacobson, Vice President, Information Technologies
Mark Rieger, Dean of the College of Agriculture and Natural Resources
Kathy Schell, Director, School of Nursing
Bruce Weber, Dean of the Lerner College of Business and Economics
Kathy Werrell, Academic Program Manager, Engineering
Lawrence White, Vice President and General Counsel
Jim Richards, Vice Provost for Graduate and Professional Education

Charge:

As specified in the memo from Interim Provost Brickhouse dated 6/3/13, the task force was charged with making recommendations in three specific areas:

1. Ability of our existing conflict-of-interest policies to address the scenario of faculty offering online courses outside of the University. (UD Faculty Handbook Section 4.2.7, <http://facultyhandbook.udel.edu/handbook/427-consulting-and-other-outside-employment>)
2. Ability of our existing infrastructure to facilitate the growth of online programs,
3. Adequacy of existing policies governing intellectual property associated with online courses. (UD Personnel Policy 4-15, <http://www.udel.edu/ExecVP/policies/personnel/4-15.html>; UD Research Policy 6-6, <http://www.udel.edu/ExecVP/policies/research/6-06.html>, UD Research Policy 6-7, <http://www.udel.edu/ExecVP/policies/research/6-07.html>)

Meetings:

The first meeting was held on June 5, 2013, and members in attendance included Jim Broomall, Kathy Werrell, Fred Hofstetter, Lynn Okagaki, Larry White, and Jim Richards.

A proposal to divide into sub-groups that would each address one of the three charges was adopted, and chairs for each sub-group were established. The plan was to have each sub-group address its charge and to meet again as a full committee in approximately 3-4 weeks to evaluate progress and to begin outlining recommendations.

The groups correspond to each of the charges described in the attached document. Current group members are:

1) Conflict of Interest Policies

Jim Richards, Chair
Larry White

2) Infrastructure

Jim Broomall, chair
Fred Hofstetter
Kathy Schell
Carl Jacobson
Larry White
Jim Richards
Kathy Werrell

3) Intellectual Property

Lynn Okagaki, Chair
Fred Hofstetter
Kathy Werrell
Larry White
Jim Richards

Findings and Recommendations:

Charge #1: Examining the ability of our existing conflict-of-interest policies to address the scenario of faculty offering online courses outside of the University.

Existing Models: As expected, comparator universities demonstrate a wide range of policies governing outside teaching. Some (i.e. Connecticut, Indiana) consider teaching credit courses (including online courses) at other institutions a conflict of interest, and others (i.e. Drexel) require administrative approval for faculty to teach any courses at other institutions.

The existing policy 4.2.7 in the University of Delaware Faculty Handbook reads:

Teaching and other course-type activities outside the University require the approval of the faculty member's department chair and dean, and the Provost and the President. Because of the possibility of conflict with University Professional and Continuing Studies programs, the department chairperson or the dean should consult with the Director of Professional and Continuing Studies before any arrangements are contemplated.

While the existing UD policy meets the spirit of those used at other universities,

there was concern that the term "course-type activities" was too vague, and could be problematic if applied to a hypothetical case of a faculty offering an online lesson through another university or private firm. The following change to the policy was recommended:

Teaching and teaching-related activities for remuneration that are undertaken for an institution, organization or entity other than the University, such as serving as the instructor or developer of a traditional or online course offered by an institution, organization or entity other than the University, require the approval of the faculty member's department chair, dean, and the Provost. Because of the possibility of conflict with University Professional and Continuing Studies programs, the department chairperson or the dean should consult with the Director of Professional and Continuing Studies before any arrangements are contemplated.

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Charge #2: Ability of our existing infrastructure to facilitate the growth of online programs

Since its inception as FOCUS (Flexible Options for Continued University Studies) in 1988 to the transition to UD Online in 1993, distance and online learning at the University of Delaware has been organized as a hybrid model. Information Technology (IT) provides technology support services including implementation of the learning management system, while Professional and Continuing Studies (PCS) through UD Online provides course design and delivery. The escalating changes in technology and the hypercompetitive environment for distance and e-learning require a more clearly defined institutional approach. The mission and strategy for online learning across the University must be articulated with one voice.

Most important, the University must embrace a philosophy for improving instruction with the use of technology, which includes online learning. While online classrooms have the capacity to deliver coursework to much larger audiences than traditional campus classrooms, the integration of technology should do more than increase the number of students that the University enrolls in courses. Technology should improve learning and access to education. Technology should provide educators with tools that engage students in innovative and meaningful ways, provide access to information that was not readily available just a handful of years ago, and should improve learning outcomes. The University must accept the responsibility of preparing educators who will embrace instructional technology to insure that current and subsequent generations of students are provided with the greatest opportunity to maximize their educational potential and to become the most educated global generation ever.

The e-learning collaborations forged between numerous universities and several for-profit providers including Pearson, Deltak, Coursera, EdX, and Udacity among others, enhance the need for a timely review of organization and utilization of University resources. Current University resources dedicated to enhancing the delivery of coursework through the strategic incorporation of technology into

classrooms include the ability to treat numerous classrooms around campus as virtual studios. The implementation of UD Capture and UD Capture Live technology provides faculty with the capacity to record lectures, including materials that are presented via PowerPoint or through use of SMART Boards. These lectures can then be viewed and reviewed by students to insure that they have adequate exposure to concepts and details that may have eluded them during the live presentation. Likewise, UD Capture Live enables students who are unable to personally attend a live presentation to view the presentation, along with presentation materials, through a live broadcast. When these technologies are combined with other resources such as Adobe Connect, instructors can create virtual classrooms whereby any or all students can "attend" a class from a distance without sacrificing the ability to interact with the instructor or classmates on a real-time basis.

In addition, the University hosts two studios that are specifically designed to record lectures for the purpose of online presentation at a later time. These can be recorded in the presence of a live classroom, and the lectures can include questions and discussion from students attending the class, along with any other electronic materials used by the instructor.

In order to make the leap from hosting live classrooms at a distance to creating and offering "stand-alone" online courses on a large scale, several other resources must be secured. While many of the IT needs are in place, the University lacks a call center and a marketing team dedicated to and targeting online learners, both of which are vital to successfully attracting, screening, and recruiting students into online programs. Admissions units at both the graduate and undergraduate level would need to have resources in place to manage a significant increase in applications. In addition, while UD Online has provided support with respect to program development and instructional design, it has done so on a relatively limited scale. In order for the University to make access to online development available campus-wide, the number of program developers and instructional designers will need to grow.

In addition to IT and UD Online, there are a number of units that should be intimately involved in this effort. Units including the Center for Teaching and Assessment of Learning (CTAL), the Institute for Transforming Undergraduate Education (ITUE), the Office of Service Learning (OSL), and the Delaware Design Institute (DDI) all have a vested interest in improving the design and delivery of education. Currently, these units are not coordinated, and each reports to a different office. To implement an effective strategy that maximizes the efforts of each of these units while pooling intellectual and possibly financial resources, it makes sense to create an entity that has the capacity to integrate advancements in educational technology with efforts focused on developing best practices in education.

We recommend that the University embrace an institution-wide strategy for online learning that consists of multiple parts. First, because of the significant investment

that would be required to implement an internal approach to providing campus-scale access to the development, marketing, and maintenance of an online learning initiative, the University should consider partnering with an external vendor. The external vendor should be selective in its collaborations and have a demonstrated record of both domestic and international success in established collaborations. However, online learning is a University priority that should not be delimited by a relationship with an external vendor. Consequently, the University should also invest in creating an internal infrastructure to manage online learning initiatives in addition to those managed through an outside vendor.

We further recommend implementation of an internal infrastructure that consists of a centralized office of distance and e-learning administered within the Provost's Office and led by a senior administrator (eg. Vice Provost or Associate Provost) who would coordinate resources currently spread across several campus units. Its focus would be defined broadly as a center to coordinate and support the application of technology to teaching and learning by UD faculty for residential and distance students. Academic decision-making on program and degree offerings would remain the responsibility of the seven colleges. The expertise coordinated through this office will enable faculty to effectively utilize technology for enhancement of their courses as well as delivery of those courses to a broader audience.

A functional description of the services coordinated by this office follows.

1. Coordination of Teaching Innovation and eLearning

- Aligns offerings with identified market needs, institutional goals and faculty interests
- Manages RFPs and agreements with colleges
- Provides leadership to attract program participation in distance learning
- Connects with Provost, President, Deans, Chairs, and the Faculty Senate
- Spearheads internal communication initiatives
- Coordinates collaboration with distance learning vendor
- Coordinates interaction with distance learning organizations like WCET and SREC.

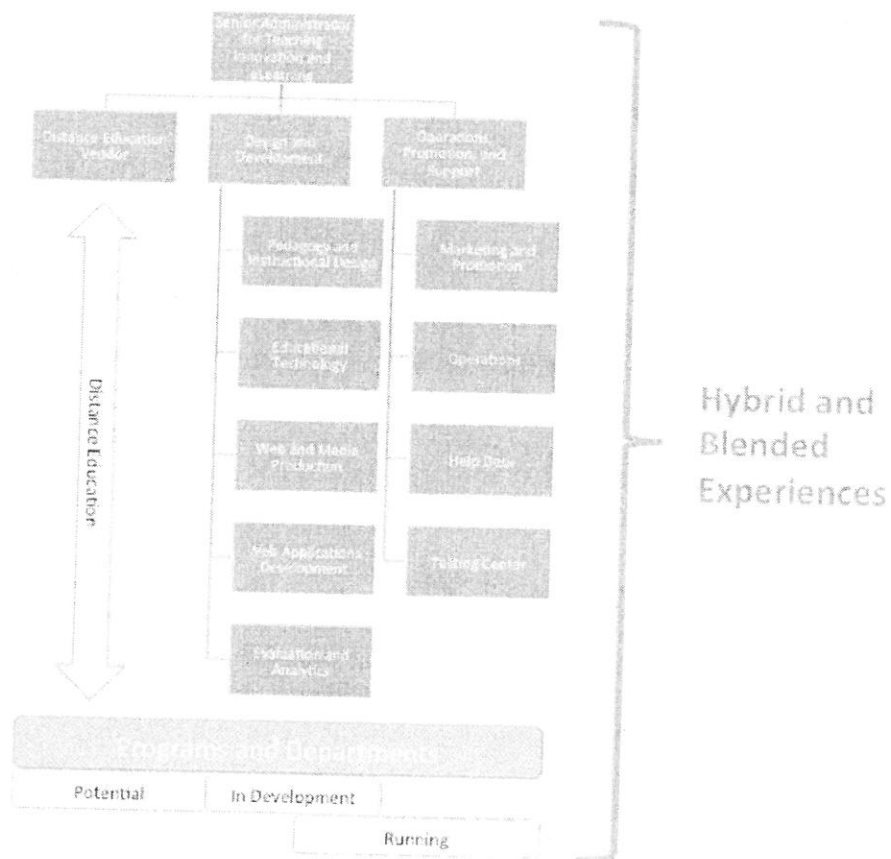
2. Design and Development

- Manages the resources of the unit
 - Manages personnel, including instructional designers with expertise relevant to each of the colleges
 - Establishes project management plans and timelines
- a. Pedagogy and Instructional Design
- Provides support for all phases of the ADDIE process (analysis, design, development, implementation, evaluation)

- Provides technology expertise, with an understanding of the academic program(s) in which it will be used
 - Collects and documents faculty practices
 - Establishes quality standards consistent with Quality Matters, an industry standard
 - Establishes revision cycles
 - Incorporates CTAL, ITUE, OSI, and DDI
- b. Educational Technology
- Manages LMS
 - Manages studios and delivery software
- c. Web and Media Production
- Develops visuals for courses
 - Manages video recordings, post production, and hosting
- d. Web Applications Development
- API connectors
 - Simulations
 - Custom tools
- e. Evaluation and Analytics
- Assessment of learning outcomes
 - Identification of at-risk students
 - Evaluation of faculty educational practices and behaviors
 - Data collection on student satisfaction
- f. Intervention
- Designs and implements intervention procedures for at-risk students
 - Designs and implements intervention procedures for faculty
3. Operations, Promotion, and Support
- Manages the resources of the unit
 - Manages personnel
 - Establishes project management plans and timelines
- a. Marketing and Promotion
- Establishes a marketing team approach in consultation with the respective program personnel
 - Develops marketing strategies
 - Identifies appropriate media
 - Identifies target audience
 - Optimizes search engine
 - Brands programs
- b. Operations
- Network management

- Hardware assessment and acquisition
 - Software testing
 - Manages portals
 - Manages technology support from vendors
 - Assures ongoing state authorization for distance programs
- c. Help Desk
- Provides technical support for students
- d. Testing Center
- Manages testing facility
 - Manages examination process for distance and eLearning courses
 - Manages proctored assessment

The suggested model would streamline the infrastructure for distance and online learning. Further, it would provide a clearly defined institutional leader for faculty and students interested in teaching and learning with technology. In phase one, the structure could be attained through use of existing human resources. Program expansion would require additional investment to incentivize participation. A proposed functional diagram is presented below.



Charge #3: Adequacy of existing policies governing intellectual property associated with online courses.

Current University Policies

There are three policies in the University's Policies and Procedures manual that reference intellectual property. Two of these are in the *Research* section of the manual, and one is in the *Personnel* section of the manual.

Policy 1: Section 6-6 of the University's Policy and Procedures Manual describes the policies governing *Intellectual Property Protection, Ownership, and Commercialization* (<http://www.udel.edu/ExecVP/policies/research/6-06.html>). While this policy provides detailed guidance regarding the ownership and use of intellectual property (IP), it was written specifically for IP that results from research activity, and does not relate to instructional materials.

Policy 2: The policy governing the *Copyright Processing and Funding* is detailed in section 6-7 of the University's Policy and Procedures Manual (<http://www.udel.edu/ExecVP/policies/research/6-07.html>). The purpose of this policy is to outline the University's policy on processing and funding *copyrightable* material.

As stated in this policy, the goals are to:

1. assist faculty and staff in realizing tangible benefits from their creative efforts;
2. establish guidelines for defining the rights of ownership to materials produced by faculty or staff;
3. insure control of use, within the University structure, of curriculum material developed at the University by a faculty or staff member;
4. insure the author against loss of rights of reproduction for noncommercial use of material in which proprietary rights rest with the University; and
5. provide guidance for safeguarding against loss of proprietary rights through inadvertent public disclosure.

The policy is based on two general principles:

1. In accordance with established custom at institutions of higher learning, copyright ownership of textbooks, manuscripts, non-print materials, etc., produced by the individual effort of the author, as well as any royalties therefrom, accrue to the benefit of the author. If, during the preparation of the material, the University incurs some incremental costs as defined in Section D.1a, the author must reimburse the University for these costs in order to obtain full equity in the copyright.

2. When material has been prepared under a specific written contract, grant, or assigned project agreement, the ownership of the copyright will be determined by the terms of the contract, grant, or assigned project agreement. Assigned project is used herein to refer to a University project covered by a written assignment under which the assignee is allocated time to carry out the work.

Policy 3: The existing University of Delaware policy specifically governing the use of instructional intellectual property is found in section 4-15 (*Instructional Television/Media Material Contents*) of the Policy and Procedures Manual (<http://www.udel.edu/ExecVP/policies/personnel/4-15.html>). While this policy focuses exclusively on the creation, use, and distribution of audiovisual works, it provides insight into the University's perspective with regard to the protection of both faculty and institutional investments in the development of instructional intellectual property.

The policy in essence states that all audiovisual work (intellectual property) is the property of the University, and that faculty hold the right to determine content, production standards, and quality. It further states that individuals hired outside of the University cannot create audiovisual works based on credit courses offered at the University without permission of the department/unit administrator. In addition, the University cannot offer a credit course that is based on a significant amount of a faculty member's audiovisual work without permission of the author and the department/unit administrator. Finally, it states that if the author of the work leaves the University, the University has the right to use and distribute the work for a period of three years following termination. After three years, both parties must agree that the work should continue to be used, and a contract that specifies any conditions of use along with procedures for review and revision of materials must be negotiated between the University and the author.

Policies from Other Institutions

A review of policies from other institutions including the University of Colorado (<https://www.cu.edu/policies/aps/academic/1014.pdf>), The Pennsylvania State University (<https://guru.psu.edu/policies/IP01.html>), the University of Minnesota (<http://regents.umn.edu/policies/index/academic/Copyright.pdf>), the University of North Carolina at Chapel Hill (<http://policy.sites.unc.edu/files/2013/05/Copyright.pdf>), and California State University, Stanislaus (<http://www.csustan.edu/facultyhandbook/Publications/Polices/Fac/17-AS-07-FAC--Intell.%20Prop.%20Rights%20Policy-final.rtf.pdf>) demonstrates common ground between institutions with respect to the ownership of educational materials. Specifically, the following policy components appear to be somewhat universal:

1. Academic works such as articles, books, novels, course syllabi, class notes, tests, online lectures, visual art, and dramatic work that are part of the

- normal faculty workload are owned by the author/creator. Typically, the university has a royalty-free, non-exclusive right to use any of the works created by a faculty while they were an employee of the university.
2. The university owns works ordered or commissioned by the University.
 3. Ownership of work created as part of a contract with an external sponsor is specified by the terms of the contract, as approved by the University administration.

Recommendation for a New University Policy

While policy 4-15 in the University's Policy and Procedures manual was written to specifically address audiovisual works created by University faculty and media staff, it's clear that the intent was to include future forms of media. In the current budget environment, much of the existing 4-15 policy is obsolete. Departments now pay directly for video recording and editing services, so the detailed income distribution models described in policy 4-15 no longer apply. The existing policy also addresses details of audiovisual production that extend well beyond the issue of ownership of intellectual property and were implemented at a time preceding the availability of today's abundant web resources. Some of the technologies and resources described in the existing policy as being centrally managed within the University are now readily available to all faculty as part of the general University infrastructure or as faculty-owned equipment. Consequently, it makes sense to replace this policy with an updated policy that addresses intellectual property as it relates to the production and distribution of online educational material. The revised policy should keep the spirit of the original policy while incorporating those components common to other institutions. The recommended revised policy would be:

Section: Personnel

Policy Number: 4-15

Policy Name: Educational Intellectual Property

Date: February 15, 2013

I. PRINCIPLES AND OBJECTIVES

Leveraging current and emerging technology can enhance the educational activities of the University of Delaware. The goal is to produce educational materials of the highest quality through the joint effort of University of Delaware faculty, professional staff, external collaborators, and technical specialists.

The objectives of this policy are as follows:

- A. to extend University educational opportunities outside and within the traditional campus setting through the innovative and effective use of current and emerging technology;

- B. to serve the best interests of the University, instructors, and the public by producing, using, and distributing educational materials of the highest possible quality; and
- C. to preserve traditional University practices and privileges with respect to the generation and publication of scholarly works and the right of instructors to determine course content.

II. **RELATION TO OTHER UNIVERSITY POLICIES**

This policy shall be consistent with the fundamental educational and research missions of the University and with all policies related to those missions, including the policies governing academic professionalism, academic freedom, copyrights, software, patents, and consulting.

III. **DEFINITIONS**

The following definitions apply to terms used in these procedures:

"Online educational materials (OEM)" are works that consist of one or more lessons that are intrinsically intended to be delivered via the World Wide Web.

ADMINISTRATIVE RESPONSIBILITY

The administration of the policy set forth in this document is the responsibility of the Provost of the University. The Provost, however, may delegate day-to-day administration to an appropriate University official with the understanding that no departures from the stated principles of this policy will be made.

The Provost or her/his designee is responsible for application of the principles of this policy to all activities involving the creation of online educational materials, and for making independent assessment of commercial potential of OEMs where appropriate.

IV. **OWNERSHIP OF INTELLECTUAL PROPERTY**

Intellectual property rights associated with the creation and distribution of online educational materials will be determined using the following guidelines:

- A. A faculty member owns his/her intellectual property unless he/she is party to a contract in which this is voluntarily relinquished. The University shall have a royalty-free, non-exclusive right to use any of

the works created by a faculty while they are/were an employee of the university.

- B. The University owns OEM ordered or commissioned by the University.
- C. Ownership of work created as part of a contract with an external sponsor is specified by the terms of the contract, as approved by the University administration.
- D. If the University employment of the participating faculty terminates, the University retains the right to distribute and use the OEM for whatever part there may remain of a period of three years from the latest of the dates on which the work was released, reviewed, or revised. However, prior to the end of the three-year period, one of the following actions shall be initiated by the University:
 - 1. Acting jointly, the University and the former instructor or a person rightfully representing her/him or her/his estate shall undertake periodic reviews of the OEM to determine if it should continue in release.
 - 2. The University shall negotiate a contract with the participating (now former) instructor or with her/his estate stipulating the conditions for subsequent use of the OEM and the procedures for its review or revision.

V. **WARRANTY**

The participating instructor shall warrant that the material she or he supplies in course content does not to the best of her/his knowledge in any way infringe the property rights of others.