Exploring Portuguese Academics’ Understanding of Ownership and Intellectual Property of Online Educational Materials

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ABSTRACT

This article presents the results of an exploratory study that investigates how academics perceive the impact of e-learning systems in the ownership and intellectual property of educational materials. It has been inductively discovered that academics are uncomfortable with the idea of uncontrolled pick up and use of educational resources by third parties, including the institutions they are affiliated with. The main reasons for this mistrust are associated with perceptions of ownership and intellectual property, resources integrity and perceived insufficient institutional support. Two suggestions are advanced to counter academics’ mistrust about making educational materials available through e-learning systems: (i) the institutional recognition and accreditation of the development of high-quality online teaching resources; (ii) and the clarification of legal ambiguities concerning this type of ownership and intellectual property, through the creation of clear institutional rules and negotiation of institutional policies.

KEYWORDS
Academics, E-learning, Grounded Theory, Higher Education Institutions, Intellectual Property, Online Learning Materials, Ownership, Perceptions, Trust, Virtual Learning Environments

INTRODUCTION

The growing availability of e-learning systems across traditional Higher Education Institutions (HEI) is challenging academics with the opportunity of centralised access to educational materials and courseware, and with the possibility of creating, using, disseminating and reusing educational resources in a collaborative perspective (Petrides et al., 2008).

Two types of systems are at the forefront of these changes: (i) organisational specific learning support systems such as Virtual Learning Environments (VLE), (ii) and open access online repositories. The former are also known as Course Management Systems (CMS) and Learning Management Systems (LMS) (Lonn and Teasley, 2009; Martin-Blas and Serrano-Fernandez, 2009; Moore, Dickson-Deane and Galyen, 2011) and their use changed the way academics develop, store and share digital educational resources within institutions. HEI can opt for bespoke development of a VLE to suit their own individual needs, choose an open source software that they can use and adapt (e.g. Moodle), or purchase a licence to use an off-the-shelf product (e.g. Blackboard).

On the other hand, open access online repositories encourage sharing in a larger scale, for example national and international levels. However, both VLE and open access online repositories are
a manifestation of the digitisation of learning and teaching resources, which has become much more than just facilitating the dissemination of information. In fact, the possibility to reproduce and share learning and teaching resources globally “raises serious challenges for universities used to being the gatekeeper to such knowledge” (Pearce et al., 2010). Accordingly, both types of system formalise the process of collegial interaction and aim “for an ideal of open scholarship and free access to course materials and resources online” (Moore, 2002, p. 46).

Nevertheless, open access repositories are more akin to embracing the “open values, ideology and potential of technologies born of peer-to-peer networking and ways of working and wiki ways of working in order to benefit both the academy and the society” (Pearce et al., 2010). According to Gadd et al. (2007), a repository “promotes the sharing of a variety of teaching resources, including text (content and exemplars), diagrams, case studies, images and multimedia items with internal and external peers as well as students” (p. 687). An example of this type of system is the OpenCourseWare (OCW) website at the MIT, which provides free access to course materials used by academics, including lecture notes, problem sets, lecture videos and demonstrations.

Also located in the USA, there is a searchable collection of peer-reviewed online materials for higher education called the Multimedia Educational Resources for Learning and Online Teaching (MERLOT), which objective is facilitating the incorporation of peer-reviewed online learning materials into courses. In the UK, two of the most recognised learning object repositories are the Open Content Initiative project, developed by the Open University, and Jorum - a collaborative venture funded by the Joint Information Systems Committee (JISC), where users can “either use or contribute learning objects and digital learning material” (Balatsoukas, O’Brien and Morris, 2011).

These open access repositories apply licensing principles (e.g. Creative Commons Licenses in the cases of OCW, MERLOT and Jorum) that grant users a permission to do things (e.g. alter, transform, or build upon original work) that would otherwise infringe copyright.

Notwithstanding the availability of national and international repositories, their use by academics in universities is very low and irregular. A survey conducted by Bates et al. (2007:78) identified that “most of the current sharing of teaching material is through VLE and departmental stores, which shows that this current participation is related to the purpose of course management and for facilitating the activity of teaching within an institution”. This trend is also confirmed by Gadd et al. (2007), who argue that “at present, the majority of teaching material is placed upon an institution’s VLE” (p. 687). Portuguese HEI are not an exception, and VLE are the most popular types of repository.

Following a Grounded Theory research design, this article presents the results of an exploratory study that aims to identify barriers to trust in e-learning, more specifically barriers related to ownership and intellectual property of online educational materials, as perceived by academics in Portuguese HEI. The problem is related to the “objectification” (Gur & Wiley, 2007) of learning materials allowed by VLE, and compounded by the associated possibilities of recording, preserving, sharing and further exploiting the intellectual output of academics.

Instead of manifesting an enthusiastic response to the possibility of opening up access to educational materials at institutional or at a wider level through VLE, Portuguese academics seem reluctant to deposit and share the artefacts that are the substance of their teaching. This is the central problem under discussion in this article. We are interested in understanding the extent to which this translates the lack of a sufficient trusting state to share professional knowledge, since sharing the materials that are tied tightly to a discipline or to a cohort of students would contribute to “transforming tacit pedagogical knowledge into commonly usable and visible knowledge” (Iiyoshi & Kumar, 2010).

This principle would not be antithetical to the idea of knowledge as social utility and to the mission of HEI as promoters and keepers of the “intellectual commons” (Kelley, 2000). Nevertheless, our research has found that Portuguese academics do not entirely trust the affordances of e-learning systems, fearing the use of materials without attributing authorship, and being sceptical about the possibility of revision, modification or reuse of their materials in a different context without consent.
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