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The University of Southern Mississippi

ONLINE DELIVERY AT TRADITIONAL INSTITUTIONS: FACULTY CONCERNS
AND KNOWLEDGE ABOUT INTELLECTUAL PROPERTY RIGHTS

by

La Toya Monique Hart

Abstract of a Dissertation
Submitted to the Graduate Studies Office
of The University of Southern Mississippi
in Partial Fulfillment of the Requirements
for the Degree of Doctor of Philosophy

December 2008

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2008

The University of Southern Mississippi

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AND KNOWLEDGE ABOUT INTELLECTUAL PROPERTY RIGHTS

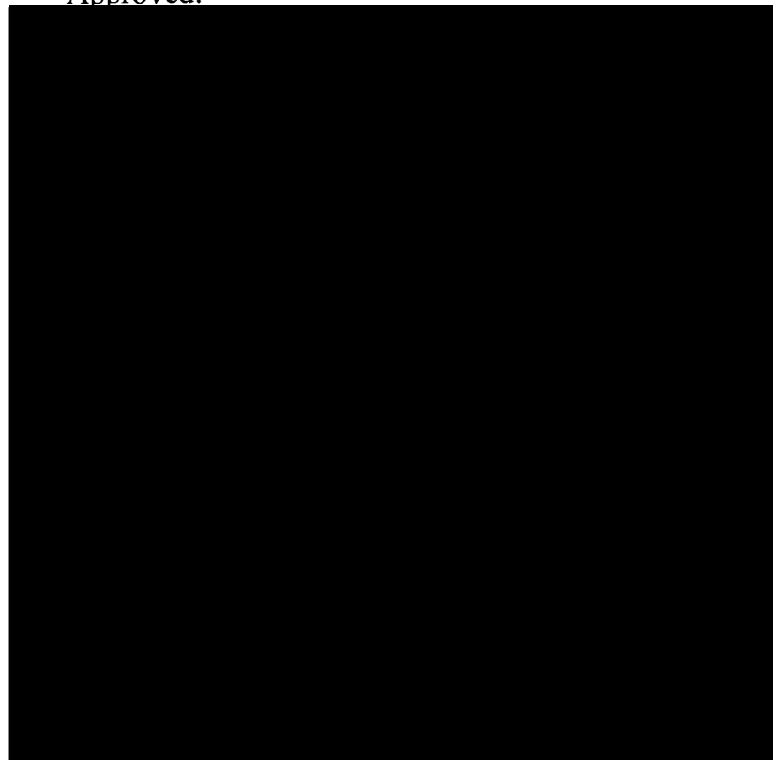
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ABSTRACT

ONLINE DELIVERY AT TRADITIONAL INSTITUTIONS: FACULTY CONCERNS AND KNOWLEDGE OF INTELLECTUAL PROPERTY RIGHTS

by La Toya Monique Hart

December 2008

This study was designed to provide information to administrators about concerns faculty might have with online delivery and to assess their overall knowledge about intellectual property rights at traditional institutions. Faculty from the eight institutions under the Mississippi Institutions of Higher Learning were invited to participate in the study regardless of whether they participate in online delivery or not. The results of this study will allow administrators and faculty an opportunity to address concerns and explore putting written policies.

Faculty reported low levels of concerns about legal issues and rewards. Of greatest concern were those issues regarding workload/effort where there were differences found based on the faculty member's tenure status. Differences were found between gender and preferred delivery method. No significant differences were found with the subject variables and the satisfaction of an individual who has engaged in online delivery. Further, the majority of the 223 respondents did not answer the intellectual property rights questions correctly.

ACKNOWLEDGEMENTS

There is not enough space to thank all the individuals who are responsible for where I am today. It is often stated that it takes a village and that has been so true as I have persevered to completion of this research. Collectively, I would like to thank all of my family, friends, and colleagues for their unwavering support as I traveled this journey.

An expression of thanks is extended to Dr. Shelley for serving as my dissertation committee chair and mentor. Thank you for your patience, wisdom and support as I traveled down this road. Thank you also for the freedom to express my thoughts and grow throughout this entire process.

Sincere gratitude is extended to my dissertation committee, Dr. Lin Harper, Dr. W. Lee Pierce, and Mr. Russ Willis, for all of your guidance, support, and individual expertise as I have journeyed through to completion. I could not have asked for a better committee.

A very special thanks is extended to my Mother, Ms. Vickie Hart, and to my Grandmother, Mrs. Mildred Hart, for unconditionally standing by me through all of my decisions. Thank you both for your continuous prayers on my behalf and the encouraging words and support that keep me going. Because of you two strong women, I am the woman I am.

Most of all, thank you to my Heavenly Father for choosing me to travel this journey. And, when I wanted to detour and sometimes depart from the journey because of the unknown, You would not let it be so. Philippians 4:13 (NIV) states, "I can do everything through Him who gives me strength."

2008-IT IS FINISHED!

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CHAPTER I

INTRODUCTION

Through economic downturns, political pressures, and changing students, higher education has seen numerous changes over the decades. Footing the Bill: The Shifting Burden of Higher Education Finance (1996) states that public support for traditional postsecondary institutions has begun to decline and though federal support decreased by only two percent state support declined by 8.8 percent. State government has reduced the percentage of resources allocated to public institutions of higher education (Rhoades, 2001) and higher education is now “state-assisted” rather than fully “public” (Calhoun, 2006, p.12). To deal with the reduction in resources, administrators are beginning to explore new possibilities that technology and distance education can bring (Paulson, 2002). Advancements in technology have made an impact on higher education, one of the most noticeable being distance education.

European education had a strong influence on higher education in North America that also had a later influence on the establishment of distance education (Sherow & Wedemeyer, 1990). Distance education is not a new phenomenon. For example, correspondence study is a form of distance education that can be traced back to the ancient Greeks who wrote instructive letters that would serve as guides for their future students (Lockmiller, 1971). The first department to offer correspondence courses for credit was in the beginning of 1900 at the University of Chicago (Matthews, 1999).

The American Association of University Professors (1999) issued a statement indicating that distance education occurs when the learner is in a different geographic location than the instructor. Numerous authors present several advantages and

disadvantages to distance education to the learner, to the faculty, and to the institution. The learner enjoys the convenience of not having to attend class, but miss face-to-face interaction (Marzelli & Dicker, 2006). Faculty are able to update information quickly for students to have immediate access; however, distance education requires a significant amount time to construct (Zirkle, 2002). Distance education allows institutions the ability to recruit more students (Zirkle), however, the start-up and maintenance costs may be a disadvantage (Galusha, 1997).

Distance education prior to the 1980s was generally accomplished utilizing self-study tutorials, through computer-mediated instruction (CMI), and computer-assisted instruction (CAI) (Lynch, 2004). The opportunities for online learning have grown rapidly since the inception of the personal computer in 1981 (Lynch). With the advent of the Internet in the 1990s, the computer became a device that was used for communication and information sharing (Lynch). Instead of simple tutorials on the computer, the Internet made it possible for learners to interact with the computer and others, and now, even the term distance education can have various meanings. Modern distance education is infused with technology, which is vastly different from distance education that utilized correspondence courses and televised lectures (Eamon, 1999). Van Hook (2005) identifies terms such as online learning, virtual learning, and distance learning used to designate distance education.

The ubiquitous nature of the Internet can be seen in its everyday use. According to Cetron and Davies (2008), Internet usage was estimated to be 1.173 billion users in mid 2007. These numbers would seem to give the indication that distance education, more specifically online learning, would be a popular delivery method. Further, the

United States Department of Education (2003) reported that 56% degree-granting institutions, which included 90% of two-year institutions, 89% of four-year institutions, and 16% of private institutions reported participating in some type of distance education. These numbers suggest that distance or online education is a delivery method that will continue to have a place in traditional higher education.

Not only has higher education delivery changed, but also so have its students. It is anticipated that institutions of higher learning will see increased enrollment and accommodations will have to be planned by administrators to prepare for this steady increase in students in postsecondary institutions. Today's college student has grown up in the age of the Internet and has the expectation that technology will be infused into the curriculum (Busacco, 2001). DeNeui and Dodge (2006) purport that regardless of technology, there has been a paradigm shift in the way students learn. However, some critics argue that distance education learning outcomes are not as effective as traditional learning outcomes (Ulmer, Watson, & Derby, 2007). Although Thrush and Young (1999) state that the lecture method advanced during the Middle Ages it was not utilized in higher education because this was the best method to convey knowledge or increase skills of individuals. Cantor and Courant (2003) add that students who engage in a fully online education may be denied the opportunity of "clash of ideas out of which emerges empathy with others and a desire for compromise" (p.5). In spite of the controversy about learning outcomes, administrators at traditional universities recognize they must offer a significant portion of learning online (Huett, Moller, & Young, 2004).

There has been increased pressure from administrators for faculty to engage in technology because of its ability to address some of higher education's challenges

through offering courses through an online medium (Packard, 2002). For example, administrators have begun to realize that treating online course material as they do traditional scholarly work may mean overlooking possible revenue for the institution (Sanders & Richardson, 2002). Rhoades (2001) concurs that administrators are looking at the commercialization of academic intellectual labor to add to institutional resources. Faculty are essential in order for distance education to be successful. However, faculty have expressed varied concerns about utilizing online education as a delivery method.

Some of the concerns are rewards and incentives such as pay, tenure and promotion, quality, time and effort, and intellectual property rights related for the creation and delivery of online courses (Sanders & Richardson, 2002; Howell, Saba, Lindsay, & Williams, 2004). Administrators should be mindful of these concerns if teaching at a distance is to be embraced by faculty.

One of these issues, intellectual property rights of faculty, is a point of contention between faculty and administrators. As explained in a statement on copyright provided by the American Association of University Professors (1999), faculty who teach distance courses must create and disseminate materials such as lectures, exams, and syllabi. This information can be reproduced without the knowledge of the faculty or the institution, which could be taken out of context and not accurately represented in another venue. In another statement given by the AAUP, this organization maintains that it is not clear who actually owns the intellectual property of distance education courses.

Many postsecondary institutions have policies governing faculty-created works, just as they do over patents and trademarks, but institutions have not typically asserted claim over the works created by faculty because the monetary gains were minuscule

(Smith, 2002). But, with the expansion of technology and distance education, institutions are realizing the potential revenues. Generally, it is assumed in higher education that ownership of a scholarly work lies with the author. This is a false assumption, which may allow institutions to enter into contracts with private companies to commercialize faculty's scholarly work (Maddux, Ewing-Taylor, & Johnson, 2002). One possible compromise to intellectual property rights concerns would be the sharing of revenue between faculty and universities (Burk, 1997; Sanders & Richardson, 2002).

Those outside the academy have debated the issues of distance and online education. Peter Drucker stated that the traditional brick and mortar university would not exist in 30 years due to the rising costs and no discernible improvement of content and quality (Eamon, 1999; Matthews, 1999; West, 1999). Busacco (2001) agrees with the assertion of Drucker, stating by 2025 universities will be delivering education that will be convenient to the learner. Conversely, Guri-Rosenblit (2005) argues there will always be traditional age college students wanting the social aspects of the traditional university. Nemire (2007) asserts that administrators and faculty should recognize the opportunities distance education has to foster new ideas and allow for the exchange of ideas in ways that cannot be done in a traditional classroom.

Statement of the Problem

The introduction of the Internet in the 1990's (Lynch, 2004) coupled with higher education monetary deficits (Rhoades, 2001) has helped online pedagogy become a popular mode of delivery in higher education. Although this transition is occurring, the integration of technology should not be utilized in place of sound teaching (Markel, 2001). However, faculty have expressed some concerns with the online delivery format.

These concerns have included concerns with extra time and effort for online delivery, creation and implementation, ownership of course materials, tenure and promotion, and extra pay for course implementation and delivery (Sanders & Richardson, 2002; Howell, Saba, Lindsay, & Williams, 2004). Faculty are essential for the success of teaching courses making it necessary for administrators to address these concerns faculty have with online course delivery. This study investigated twenty overall concerns faculty may have with providing online instruction.

Technology is changing at a rapid pace, which can leave higher education institutions trying to find the right legal policies (The Law, Digitally Speaking, 2008). The study also investigated the general knowledge of faculty's intellectual property rights as it relates to the creation of course materials, asking ten questions. At the conclusion of this study, the researcher makes recommendations to administrators regarding the needs and concerns of faculty as they may relate to making informed decisions as to how to not only engage faculty with online delivery, but also to provide training on intellectual property knowledge.

Research Questions

1. Are there differences regarding faculty level of concerns, either separately or together with online delivery based on age, gender, and tenure status?
2. Is there a relationship between the subject variables of age, gender, and tenure status and faculty's preference to fully engage in online delivery?
3. Are there differences in satisfaction with online delivery based on age, gender, and tenure status?

4. Is there a difference among faculty based on age, gender, and tenure status regarding their knowledge of intellectual property rights?

Definition of Terms

Asynchronous Learning

Asynchronous learning is technology-based learning where the instructor and the student interact at a distance where the student is allowed to work at his/her own pace.

Baby Boomers

For the purposes of this study, baby boomers are identified as individuals who were born between 1943-1960 (Howe & Strauss, 2000).

Copyright

Copyright is the rights granted to the author of a protected work by federal statutes. In order for a work to be copyrightable, the work must be an original and fixed in a tangible medium (Daniel & Pauken, 2005). Examples of copyrightable works include syllabi, books, articles, and exams written by faculty.

Digital Millennium Copyright Act (DMCA)

The Digital Millennium Copyright Act (DMCA) was signed into law by Former President William Jefferson Clinton, October 28, 1998 in order to extend intellectual protection for those utilizing a digital medium.

Distance education

Distance education is learning that takes place when the instructor and the student are separated by geographic location

E-learning

Learning utilizing information and technology communication.

Faculty

Faculty in this study refer to those individuals employed at a postsecondary institution. For the purposes of this study, faculty refer to any individual who has taught a course at an institution of higher learning to include institutional administrators (President, Provost, Vice President), departmental administrators (dean or department chair) full professors, assistant professors, associate professors, adjunct faculty, teaching assistants, and instructors. Those faculty who were invited to participate in the study fell into one of four categories: 1) taught fully online courses 2) taught hybrid courses 3) taught in both formats or 4) neither.

Faculty Workload

Mupinga & Maughan (2008) define faculty workload as the amount of time faculty spends teaching, researching, and service which can vary based on the institutional focus, teaching field, type of courses, and instructional format.

Fair Use Doctrine

The fair use doctrine allows for the limited use of copyrighted material without the author's permission in educational and nonprofit settings (Harney, 1996).

Generation X

Generation Xers are identified as individuals who were born between 1961-1981. (Howe & Strauss, 2000).

Hybrid courses

Hybrid courses occur when face-to-face interaction between instructor and students are integrated with online occurrences.

Intellectual Property

Intellectual property is considered the product of the human intellect (Daniel & Pauken, 2005).

Millennials

For the purposes of this study, millennials are described as individuals who were born between 1982-2002 (Howe & Strauss, 2000).

Synchronous Learning

Synchronous learning is technology-based learning where the instructor and the students interact at a distance at the same time.

Technology, Education, and Copyright Harmonization Act (TEACH Act)

The TEACH Act was established to allow the same teaching activities that occur in the traditional environment to occur at a distance. Students can receive material through a digital medium (Daniel & Pauken, 2005).

Work for Hire Doctrine

The work for hire doctrine is work that is prepared in the scope of an individual's employment.

Delimitations

Data collected were delimited to faculty in one state and relied entirely on self-reporting.

Assumptions

The faculty provided honest answers.

Justification

The previous studies of Betts (1998) and Schifter (2002) focused on distance education as a whole, which has become, in many respects, obsolete and only adds to the need for the current study of focusing on online delivery. One thing done previously, however, is that these previous studies separated their findings into participants and non-participants, which was beyond the purpose of this study.

The purpose of this study was to evaluate faculty concerns about participating in online delivery and to investigate faculty members' knowledge of intellectual property. This study will also help administrators understand some of the ambivalence of faculty to participate in online pedagogy. This investigation will help establish the groundwork of the level of faculty's general knowledge about overall general intellectual property rights. Further, this study will assist administrators in setting policies related to faculty and the creation of course materials that may be taught through online delivery.

CHAPTER II

REVIEW OF LITERATURE

Higher Education Finance

Since the ending of World War II the story of higher education in the United States has been one of constant change and challenge. Margolis (2001) indicates that higher education was the victim of the mid 1970's stagflation of the American economy and there has been an upsurge in pressure on institutions and universities to become more self-reliant since state governments have decreased the percentage of the budget allocated to higher education (Rhoades, 2001). These budget reductions in higher education are due to other competing interests of both state and federal governments and it is of necessity that of state services, postsecondary institutions take the hardest hit during tough economic times because tuition provides institutions with another source of revenue (Longanecker, 2006). "Ensuring the Nation's Future: Preserving the Promise of Higher Education" (2005) reports that reasons for declining state revenues is the combination of recession, the tax policy, and other federal mandates. This assertion is corroborated by both Matthews (1998) and Longanecker that policymakers are more focused on funding priorities such as the increasing costs of Medicaid, protecting the public with correctional institutions, the politics of funding K-12 education that is protected by state law, and providing tax-relief to citizens. "Footing the Bill: The Shifting Burden of Higher Education Finance" (1996) proclaims this shift in the governmental economic policy has resulted in students being asked to contribute more to their educational costs.

Ensuring the Nation's Future: Preserving the Promise of Higher Education (2005) cited a task force commissioned by the American Association of University Professors

(AAUP) that identified the following findings about the crisis of state funding for higher education:

- 1) State revenue systems are antiquated, leaving state government dangerously unable to cope with economic cycles;
- 2) Today's economic climate requires more than just a high school diploma;
- 3) Higher education is a public good, not a commercial enterprise. Its benefits accrue to both the individual and society at large, and any funding system should take into account;
- 4) We must ensure that higher education, as a public good, is available for everyone who wants it;
- 5) Federal mandates affecting state expenditures are unlikely to be relaxed in the near future;
- 6) State and federal finances are inexorably intertwined. Any solution that does not address both state and federal policy will be doomed to fail;
- 7) It took years to get here; it will take years to correct the situation (p. 64).

Even with state reductions, some argue that the state government continues to be the major financial contributor to institutions and universities. In 2004, state appropriations accounted for approximately \$60 billion allocated to higher education (Palmer as cited by Finney & Kelly, 2004). In contrast, Longanecker (2006) contends policymakers no longer have faith in higher education as seen by the "substantial, steady, and sustained decline" (p. 16) of appropriations to postsecondary institutions. Institutions

and universities have had to make important decisions about financing higher education and keep it affordable to students. Institutions have had to look at various ventures for new sources of support: fundraising, for-profit educational ventures, internal cost savings and efficiencies, industry-university collaborations, and entrepreneurial activity involving intellectual property (Cantor & Courant, 2003, p. 3).

Entrepreneurial Activity Involving Intellectual Property

To combat the dwindling resources of both federal and state governments, higher education institutions are developing strategic plans to offset the rising financial costs to the institution. Intellectual property enterprises are not a new phenomenon to institutions and universities. It is advantageous for the state government to set forth laws claiming institutional ownership over faculty research in order to see returns on investments (Welsh, 2000). The Federal government made the transfer of ownership to institutions easier with the passage of the Bayh-Dole Act of 1980 that allowed federally funded inventions to be transferred to institutions, universities, and small businesses, thus allowing these entities to patent inventions and earn revenue from these patents. Prior to the passage of this 1980 legislation, ownership was with the federal funding agency (Bull, 2005). The passing of this 1980 legislation also benefited the faculty member. The transfer of ownership from the federal agency that funded the research to the entity that is responsible for carrying out the research allowed the researcher to profit from the invention (Stevens & Fraser, 2006).

Most institutions have undisputable policies in place that deal with the ownership of patents; however, this is not the case for copyrightable works (Sanders & Richardson, 2002). The authors further emphasize that institutions should develop ownership

policies that include “joint or negotiated ownership agreements” (p. 121). Burk (1997) goes on to suggest that universities should propose a patent model to deal with ownership issues of copyrightable works. This model recommends universities and colleges treat copyrightable works the same as patents. The copyright ownership would be transferred from researcher to the sponsoring institution and the researcher would receive a royalty while the sponsoring organization would have the responsibility of licensing and enforcement. However, faculty may resist this option as the patent model could mean the faculty will not have control or access to their own work (Node Learning Technologies Network [NLTN], 1999). Faculty may want to opt for the textbook model. It has been the precedent that faculty are allowed to maintain ownership of textbooks; however, institutions may resist this model due to the fact that the institution has vested resources in the copyrightable work (NLTN).

Administrators at traditional institutions are exploring distance education, more specifically online learning, as a possible revenue earner. Even with the increasing popularity of distance education, lawmakers are unsure how to fund this pedagogical delivery method (Matthews, 1998). Although there are ambiguities about distance education funding from the state, traditional higher education institutions still want to engage in online pedagogy. Zittrain (2000) states traditional institutions and universities are fearful of missing out on revenue of residential students to a more flexible and sophisticated institution using Internet teaching tools. The power of the Internet seems to be a method by which higher education can meet both the needs of the student and the fiscal responsibility of the institution (Paulson, 2002). In contrast, Rhoades (2001)

contends that the expectation that the introduction of technology in education will generate revenues for higher education institutions brings about false hope.

Changing Students in Higher Education

There has been a steady rise in students enrolling in postsecondary institutions. It is projected that 18,264,000 will enroll in college in 2008 as compared to 14,509,000 in 1998 while it is projected that 20,442,000 will enroll by 2016 (Hussar & Bailey, 2007). These figures suggest that postsecondary institutions will have to adjust, with distance education being proposed as a solution to accommodate this increasing enrollment (Van Hook, 2005).

Distance education was originally intended for those students who were older and part-time students who were classified into three groups: professional workers, second-chance students, and adults seeking to gain new knowledge (Guri-Rosenblit, 2005). During the 1990's mostly adults were engaged in distance learning (Harry, John, & Keegan, 1993). Allen and Seaman (2006) similarly report that online learning appeals primarily to older, working adults with various responsibilities more so than to the traditional student. Even though distance education is meant to serve students who cannot meet for the traditional classroom instruction, it is a delivery method that is designed for the mature adult (Holmberg, 1995).

As time progresses, there may be a generational shift in the age of the students taking online. Individuals born between 1961-1981, also known as Generation Xers (Howe & Strauss, 2000) now constitute the majority of students engaged in online learning, Nexters, also called Millennials, born between 1982-2002 will soon take the place of Generation Xers and also bring to online learning new technological skill sets

(Dabbagh, 2007). For example, Guri-Rosenblit (2005) believes that distance education will attract students who will be engaged in dual enrollment, attempting to earn college credit while still earning high school credits. The National Education Association (2000) investigated the varying ages among students taking distance education courses and reports that 38% of the distance education courses had an equivalent number of students in the age range of under 25, as over the age of 25. Guri-Rosenblit argues, however, that those students of traditional college age want to have the traditional, campus college experience.

Each generation has held differing ideals about the purpose of technology. The Baby Boomers, individuals born between 1943-1960 viewed technology as a liberating process, while Generation Xers used technology for diversifying purposes and the Millennials use technology for unifying purposes (Howe & Strauss, 2000). The authors cite a survey by AOL/Roper indicating that 63% of children between the ages of 9 to 17 showed a preference of the Web over television and 55% report a preference of going online rather than talking on the telephone, which suggests the preference of the Millennials to use new information and communication technologies. Traditional institutions will need to consider how these technology statistics will impact the way education will be delivered to this and upcoming generations entering the academy.

Student's Attitude Towards Distance Education

Moskal, Dziuban, Upchurch, Hartman, and Truman (2006) propose that today's college students have grown up in the age of the Internet and expect to have information readily available to them online. Lynch (2004) contends that students want to participate in on demand learning, acquiring knowledge right before or at the point of use. Further,

Busacco (2001) contends that Generation Y students or Millennials are entering college and expect integration of technology into the curriculum because they have grown up in the age of the Internet. However, not all students will be drawn towards technology and distance education. Hiltz and Turoff (2005) predict there will be 10-20% of students who prefer and thrive in the traditional environment.

There is a wide range of attitudes towards various formats of online pedagogy. Researchers have found there is a positive relationship between collaborative learning and satisfaction among graduate students participating in a blended learning format (So & Brush, in press). Further, Brown and Corkill (2007) report that student evaluations in an educational leadership program at Capella, an accredited fully online university, are overall quite positive of online education. Some comments from the students included an expression of gratitude for the personal attention from the instructor, acknowledgement of the valuable interaction from students around the country, and the appreciation for the instructor's relevant subject knowledge.

In contrast, Loveland (2007) contends that some institutions report significantly lower student evaluations of teaching in online courses than traditional courses. Young (2006) found that students were often "highly distressed by communication issues" (p. 67) in the online environment. In a pre- and post- test study of attitudes in online courses among 27 dental hygienist students seeking master's degrees, Mitchell, Gadbury-Amyot, Bray, and Beck-Simmer (2007) found that the attitudes became more positive from the pre-test to the post-test. The participants in the study reported that the online program exceeded their expectations. However, a study of one veterinary science

program found that participants in the survey did not report positive feelings about their online education experience (Ginns & Ellis, 2007).

Kennedy (2002) explains that the decision for many students to engage in online learning may include the reputation of the institution and its image of providing a quality online education. Ortiz-Rodriguez, Telg, Irani, Roberts, and Rhoades (2005) revealed that the overriding theme in a student's perception of quality in distance learning was communication, which means interaction with professors, other students, teacher assistants, and other support staff. Research reveals that participation in collaborative learning environments increased the motivation of the online student to submit longer group reports, the measure by which learning is assessed, as opposed to those students engaged in traditional pedagogy (Hiltz, Coppola, Rotter, Turoff, & Benbunan-Fich, 2000). Collaborative learning environments also lead students to work harder on their assignments than in traditional pedagogy. Hiltz (1997) found that 55% of students in collaborative learning environments acknowledged working harder on assignments because they knew their assignments would be peer-reviewed.

Distance Education

History of Distance Education

Despite the rapid changes currently taking place in online learning, the roots of distance education date back centuries. The first traditional university was founded in 1110 in Italy. Traditional education has historically meant that the teacher is the expert who delivers information to students who are required to repeat the information or commit the information to memory (Lynch, 2004). Over time, the delivery methods in education have evolved in several ways. One change in delivery method has been is the

offering of distance education. European influence has had a strong effect on the establishment of North American higher education, which has included distance education (Sherow & Wedemeyer, 1990). The 1998 Amendment to the Higher Education Act of 1965 defines distance education as

an educational process that is characterized by the separation, in time or place, between instructor and student through the use of television, audio, or computer transmission, such as open broadcast, closed circuit, cable, microwave, or satellite transmission; audio or computer conferencing; video cassettes or discs; or correspondence (Part G Section 488).

Theorists have varying definitions of distance education but have agreed on four basic aspects of distance education: (1) teacher and learner must be separated for most of the learning process; (2) the course or program must be influenced or controlled by an organized educational institution; (3) some form of media must be used, both to overcome the physical separation of teacher and learner and to carry course content; (4) two-way communication in some form must be provided between teacher and learner (Mood, 1995, p. 16).

Distance education is not new. Correspondence education is one delivered at a distance method. Holmberg (1995) defines correspondence education as “teaching in writing by means of so-called instructional texts, combined with communication with communication in writing, i.e. correspondence between students and tutors” (p.3). Ediger (1984) asserts correspondence education as a delivery method is needed to fulfill a greater purpose in society; education allows individuals to utilize skills that are for the greater good of society. Correspondence education is seen as a narrow term; therefore, in

different parts of the world varying terms have been used to describe correspondence education. Two terms have been used in North America: independent study (Wedemeyer as cited in Holmberg) and home study (Lambert as cited in Holmberg); external study is used in Australia and New Zealand; the term distance education was adopted in the United Kingdom and Ireland (Holmberg).

Correspondence education dates back to early scholars such as Cicero and Horace when their instructive letters became guides for future students (Lockmiller, 1971). Lockmiller further asserts the apostle Paul was an effective distance educator in his instructive writings to the early church. According to Shanahan and Shanahan (2006) the mailing system known as the Uniform Penny Post was developed in 1840 and made it easier for instructors to send course materials through the mail to students. Sir Isaac Pitman, the inventor of Pitman shorthand, took advantage of the new penny post to employ distance education to teach shorthand. The idea of sending classroom material through the mail became so popular that Pitman was corresponding with learners at a distance (Phillips as cited by Matthews, 1999).

In 1840, Pitman would send Bible verses to be translated by students on postcards and students would have to return translated assignments through the penny post (Lockmiller, 1971). Another example of early distance education started in 1873 when Anne Ticknor created a Boston-based society that served to educate women of all classes through correspondence (Ticknor as cited by Nasseh, 1997). Ticknor developed the Society for the Encouragement of Home Study, which had no affiliations with any university or college but garnered respect as having a quality equivalent curriculum (Sherow & Wedemeyer, 1990). Although Ticknor's efforts were relatively low-key, the

volunteer group educated through correspondence at least 7,000 members over a 24-year period.

Dr. William Rainey Harper was also another instrumental person in the promotion of learning at a distance. Harper specialized in Hebrew at Yale and after the conclusion of his course, students wanted more instruction through correspondence; thus the creation of the Correspondence School of Hebrew formed in 1882 (Lockmiller, 1971). Further, under Harper's leadership as president at the University of Chicago, college credit was given for courses taken by mail under the correspondence division (Lockmiller). Harper's initial intent in marketing correspondence courses was to alleviate overcrowded classrooms by providing opportunities to learn away from campus; however, correspondence courses became regarded as an effective and valuable method of study due to the popularity of the mode of instruction (Sherow & Wedemeyer, 1990). Correspondence education was also developed to assist individuals who could not afford full-time residency at an institution. However, the disadvantage was that correspondence courses were often seen as inferior to traditional education (Gunawardena & McIsaac, 2004). By the 1960's correspondence education gained a poor reputation because of its ineffectiveness in helping students learn (Rumble, 2000). Lynch (2004) states that it is still the belief today that a quality education is received from face-to-face instruction at most institutions. Despite these beliefs, there was tremendous growth in distance education during the 1960's and 1970's to meet the demand and to reach individuals who could not attend face-to-face lectures on a regular basis (Rumble, 2007).

Matthews (1999) states that mail, fax, radio, television, satellite broadcasts, videotapes, teleconferencing, and the Internet are various communication tools used in

distance education. The traditional definition of distance education has seen a paradigm shift with advances in technology. With the development of radio and television, new delivery systems were discovered (Gunawardena & McIsaac, 2004). For distance education to be successful, communication between teacher and student was an important component (Nasseh, 1997). The development of cable television with its proliferation of channels allowed the shift from broadcast to narrowcast, “which made it possible for the teacher’s voice to be heard in many different locations...there was, however, one significant drawback to this technology—the lack of interactivity between the student and the teacher” (Mitra & Hall, 2002, p.131). These researchers further state that although student voices were now being heard in the pedagogic process through analog video technology, high-quality interactivity was limited. Lynch (2004) concurs that whereas some online learning took place prior to the invention of the personal computer in 1981, the software programs did not allow any interaction between participants. Teacher and student communications were enhanced in the 1990s with the introduction of the Internet, which allowed the teacher and student to interact electronically with one another (Lynch).

Moore (1989) identified three distinct interaction terms in distance education as learner-content interaction, learner-instructor interaction, and learner-learner interaction. Learner-content interaction is the oldest form of distance teaching employing correspondence study, but in recent years has included learner interaction between electronic media. With learner-instructor interaction the instructor is the expert and delivers course materials. Learner-learner interaction happens when learners interact with one another at a distance.

In tracing the evolution of distance education, Phipps and Merisotis (1999) identified three generations of distance learning systems. The first generation is correspondence courses that employ mail, radio, and television. The second generation of distance learning systems employs single-medium delivery, which include computer-based learning. The third generation combines print, videotape, audiotape, fax, audio conferencing, and voice mail also commonly known as hybrid learning.

Current State of Distance Education

The number of institutions offering distance education has increased over a short period of time. A 2003 report issued by the United States Department of Education stated that in 2001, 56% of degree granting institutions offered distance education courses as compared to 33% in 1995. The Internet may be responsible for the growth of distance education. Internet usage was at 500 million users in 2003 and that number had risen in 2005 to between 709 and 946 million users (Cetron & Davies, 2003). By mid 2007, it is reported that 1.173 billion individuals used the Internet with most of the growth occurring outside the United States (Cetron & Davies, 2008). These statistics suggest that distance education will continue to be a viable delivery method in higher education. Opponents of distance education concede that this delivery method saves money and makes education accessible (Dahl, 2004).

Today, distance education is defined using interchangeable terms because of the integration of technology (Van Hook, 2005). For example, since the dawn of the Internet, the terms distance education and e-learning are used interchangeably at times, yet Guri-Rosenblit (2005) purports that the two terms are not synonymous. In most higher education institutions, distance education does not utilize the new information and

communication technologies; also distance presumes learners are separated by location. Guri-Rosenblit believes that “distance education is mostly homework, with occasional work in class; whereas conventional education is mostly classwork with occasional work at home. In conventional education the teachers teach; in distance education the institution teaches” (p. 470).

On the other hand, e-learning employs these new information and communication technologies as enhancements that can range from utilization in a traditional classroom to utilization in a fully online course. Simply stated, distance does not denote e-learning. Web-based learning, computer-mediated communication, virtual classrooms, borderless education, online instruction, e-learning, and cyberspace learning environments are terms used to identify new information and communication technologies (Guri-Rosenblit, 2005, p. 468).

Phipps and Merisotis (1999) acknowledge that technology constantly changes; therefore, distance education will constantly change. Carnevale (2001) concurs that the confusion of terms in distance education integrated with technology is due to how fast technology has grown. As cited by Carnevale, Jamie Morley found through her dissertation that the sample participants thought online education is a subset of e learning. Also, there is a belief that the use of generic terms such as computer-based training are used to define learning utilizing both CD-ROM and the Internet while online learning employs only the Internet.

Advantages of Distance Education

Distance education provides an alternative for individuals who want to obtain an education, but there are a myriad of advantages and disadvantages for faculty, students,

and institutions that want to engage in distance education. Maddux, Ewing-Taylor, & Johnson (2002) state there are many potential advantages to the new information and communication technologies. The first is that the learner is not required to travel to a designated place to receive instruction; the learner can access the course from anywhere there are Internet capabilities. Another potential advantage is that the learner may be allowed to work at his or her own pace. A third possible advantage is that traditional pedagogy does not allow the same flexibility of scheduling as online pedagogy. Further, institutions have the ability to go beyond the boundaries of traditional brick and mortar to reach students.

Wolcott (1999) indicates there are also faculty and institutional advantages of providing distance education, such as the ability to deliver course materials more quickly. A second advantage to faculty is the capability of measuring student performance daily. Institutions will have the ability to reach diverse audiences, the potential to attract new funding revenues, the ability to partner with other entities, and also the right to use means from all over the world.

Disadvantages of Distance Education

The disadvantages of distance education may not be immediately obvious, but as it continues to expand, quality becomes an issue (Maddux, Ewing-Taylor, & Johnson, 2002). Distance education is costly considering the implementation and maintenance of technological infrastructure (Wolcott, 1999). The costs can be millions of dollars. Examples include Arizona Learning Systems' 1996 legislative appropriation for distance education of \$3.8 million, the Open University's distance education expenditure of \$20 million over two years, and New York University Online's \$25 million cost for just seven

courses developed for corporate clients (NEA Higher Education Research Center, 2002). Although WebCT is no longer used, the Center also adds that when the software was introduced, it could have reached into the six figures.

Students who desire a lot of face-to-face interaction will be at a disadvantage in a distance education environment (Fender, 1999; Busacco, 2001). Online students can also be disadvantaged due to the lack of student support services (Galusha, 1997). Bower (2001) reports that between 35% -45% of students engaged in distance education did not receive the same student support services, as did the traditional student. Online learning has not yet reached a point of all-day, all-the-time, but working students have the expectation of receiving support after traditional working hours (Jones & O'Shea, 2004).

There are, similarly, disadvantages to faculty. The creation, implementation, and maintenance of distance education courses require a tremendous amount of time (Zirkle, 2002). Lynch (2004) asserts that for every hour of online delivery time, it is possible that faculty development averages between 150 and 300 hours. In addition to this development, faculty are expected to continuously update course materials.

Components of Online Learning

An article published by Hotcomm (2003) states that the online models of delivery can fall into one of three categories: asynchronous delivery, synchronous delivery, and discussion boards. Asynchronous delivery allows the student to access course material at one's convenience as long as there are Internet capabilities. Gomory (2001) states there are both advantages and disadvantages to asynchronous learning. Some of the advantages include the ability of students to freely voice opinions anonymously, reduction in capital costs to the institution, a plethora of design styles, and diversity.

Faculty also reported a more intimate, connected relationship with students in an online environment even though there was a lack of face-to-face interaction (Coppola, Hiltz, & Rotter, 2002). Some reported disadvantages of asynchronous delivery include lack of interactivity between student and teacher, lack of technology training of both the faculty and the student, and the costs of switching courses online.

Critics argue that comparison studies of traditional courses versus asynchronous delivery are viewed as seriously flawed due to the fact that studies often find no significant difference when comparing traditional delivery and technology-based delivery (Joy & Garcia, 2000). Adams (2007) states that the students are allowed to decide which course they would like to enroll, either traditional or online. Enrollment in either traditional or online courses is most often deliberate, not a random event.

Research about synchronous learning is not as readily available as that of asynchronous learning (Dabbagh & Bannan-Ritland, 2005). Foreman (2003) argues that asynchronous learning is antiquated and believes synchronous interaction should be considered due to speed and immediacy of communication between participants. Synchronous interaction allows for same time communication among students and instructor, but participants are still separated by distance. Hotcomm (2003) provides a list of advantages to synchronous learning with an overriding theme of the most important benefits of synchronous interaction being the ability for immediate feedback between student and teacher. A report issued by IT-analysis as cited by Chen, Ko, Kinshuk, and Lin (2005) also report another important advantage of synchronous interaction is the student is held accountable for being engaged in learning.

Whatis.com (2007) defines discussion boards simply as a bulletin board where students can post a message with the expectation of receiving a response. Levine (2007) asserts discussion boards have become a necessary component in online learning to broaden teaching beyond the traditional classroom, which has the capability to support a “higher-order constructivist learning and the development of a learning community” (p.62). Discussion boards are known by many terms to include discussion group, discussion forum, message board, and online forum. Discussion boards can be utilized in an online environment through both asynchronous and synchronous learning. In an asynchronous medium students and instructors can make use of discussion boards to interact with each other while engaged in online courses (Cox & Cox, 2008).

Students can also participate in role-playing, brainstorming, looking at case studies, critiques, and reaction/position papers utilizing discussion boards (Hazari, 2004). Markel (2001) noted that discussion boards provide an opportunity to involve the student and may also accidentally allow students to express concerns about instruction that might have otherwise been voiced to administrators. In *A Plan for Effective Discussion Boards* (2007), Elaine Bennington asserts discussion board questions can be structured like essay tests where the student can answer the question in a way that the instructor can tell that the student understood the presented material. Also, discussion boards allow students to continue to interact beyond class time with the exchange of ideas (Schlager, 2008).

Research has also revealed there are disadvantages of discussion boards. Baglione and Nastanski (2007) state that body language cannot be observed through online discussions. The authors further state that the lack of body language observance may not be a big issue since corporations such as Microsoft rely heavily on their employees’

ability to communicate online and that those individuals who are acclimated to virtual communication understand what is known as virtual body language.

Faculty Engaging Online Pedagogy at Traditional Institutions

Faculty have received continuous pressure from administrators to become engaged in distance education (Bower, 2001). Hartman, Dziuban, and Ellison-Brophy (2007) contend that faculty did not get involved in higher education because of a “strong love for technology” (p. 62), but now have to use technology in education. Overall, Hazari (2004) states that those faculty who are not familiar with the use of technology must adjust to the new paradigm shift of online pedagogy by serving as a facilitator of a class rather than controller of the class.

The use of technology is important when teaching at a distance, but faculty have varied concerns about teaching in an online environment, which could effect a willingness to participate in the online pedagogy. Rockwell, Schauer, Fritz, and Marx (1999) maintain that if education at a distance is to survive, administrators must pay attention to and address these concerns. Kiernan (2000) notes that one concern faculty at Indiana University expressed is a fear of losing their jobs because of the advancement of distance education. However, Huber and Lowry (2003) report that traditional education will probably never cease to exist, but the process of learning will probably change. Other concerns include rewards and incentives such as cash stipends and tenure and promotion, quality, time and effort, and intellectual property rights in online delivery (Sanders & Richardson, 2002; Howell, Saba, Lindsay, & Williams, 2004; Shelton & Saltsman, 2006).

Faculty Rewards and Incentives

Institutions may offer rewards such as incentive pay, tenure and promotion credit in order to motivate faculty to develop and deliver distance education courses, faculty still might not want to participate in online delivery (Wolcott, 1997; Howell, Saba, Lindsay & Williams, 2004). However, there still may be little incentive for senior faculty to teach distance education courses. Wolcott (1997) states that senior faculty members may have an attraction to more employment opportunities that have greater financial and ego boosting incentives. Wolcott also states that senior faculty may be more focused on research and scholarship, which means pedagogy at a distance falls to junior faculty members. The learner would ultimately be affected if senior faculty members pass on the opportunity to teach online courses. If online delivery does fall to junior faculty, students will be denied access to teaching delivered by more experienced faculty members (Giannoni & Tesone, 2003).

Other incentives may include offering extra compensation or providing grants to faculty to develop and teach distance education courses (Perreault, Waldman, & Zhao, 2002). Institutions may choose to offer faculty release time to develop and deliver distance education courses, since some faculty may find distance education courses an unwise time investment (Wolcott, 1997; Howell, Saba, Lindsay & Williams, 2004). Shelton and Saltsman (2006) offer other institutional incentives for faculty to participate in online delivery to include a “provision for residential reimbursement for Internet access, the option for faculty to perform online office hours from home, new computer hardware and/or software, teaching or graduate assistant, travel, national conference fees, and discretionary spending accounts” (p. 74-75).

Perreault, Waldman, and Zhao-Jensen (2002) report that 53% of surveyed faculty indicated they created online courses in their spare time while 16% stated they receive release time. In a report issued two years prior by the National Education Association (2000), 84% of faculty reported they do not receive a course reduction, even though they spend more time on the distance-learning course. Moreover, 63% of these same faculty reported receiving no extra compensation for teaching distance learning courses. The growing concern for faculty with pursuing online delivery is the workload required in online courses (Shelton & Saltsman, 2006). Indeed, Mupinga and Maughan (2008) argue faculty workloads should differ between online and traditional courses.

It seems to be a shared belief by administrators that faculty members have to be offered some type of extrinsic rewards in order to teach distance education courses. Rockwell, Schauer, Fritz, and Marx (1999) state that administrators believe that faculty are more interested in receiving money for teaching online courses. The authors state the receipt of monetary compensation may be necessary for faculty who teach undergraduate courses rather than faculty who teach solely graduate courses. In a 2002 survey, Schifter reported administrator's perception of what motivates faculty to participate in distance education differed among faculty. Research has shown that faculty, when asked about effective incentives for teaching distance education courses, report the most highly valued incentives for teaching distance education courses are intrinsic rewards, such as self-fulfillment, whereas extrinsic rewards such as merit pay are valued least (Miller & Husmann, 1999). Similarly, a pilot study by Wolcott (1997) showed that faculty members participating in distance education are more motivated by intrinsic rewards rather than extrinsic factors. Wilson (2001) also states that intrinsic motivators, such as

student learning, ranked higher than extrinsic motivators like financial incentives in the motivation of teaching online courses. A later study by Wolcott (1999), however, showed there was no clear majority where respondents strongly disagreed or strongly agreed with motivating factors to teach distance education courses. Faculty, especially junior faculty, need to have a well-structured understanding about the reward structure, or lack of one, for participation in online pedagogy (Rockwell, Schauer, Fritz, & Marx). Even though faculty may be intrinsically rewarded for participation online education, Shelton and Saltsman (2006) point out “faculty must function in a culture that respects their time, efforts, and intellectual output” (p. 74), which means offering extrinsic rewards.

Tenure and Promotion Concerns

Faculty have been unsure where and how to count distance teaching when seeking tenure and promotion (Wolcott, 1997; Rockwell, Schauer, Fritz, & Marx, 1999). Lorenzetti (2004) believes face-to-face learning and distance education learning should be evaluated differently when it comes to tenure and promotion review. The ability of faculty to gain tenure and promotion will be necessary if the online delivery method in higher education is to survive (Schell, 2004). In a survey conducted by Wolcott (1999) 30.3% of the participants indicated they did not feel as if teaching distance education courses had a positive effect on earning tenure or promotion. In the same survey, 33.3% of the same participants were neutral when reporting whether they receive credit in their annual performance reviews with tenure and promotion committees for participating in distance education courses. However, in a survey administered at West Texas A & M University, untenured faculty who completed the survey reported not being that

concerned about how teaching at a distance might affect them when they apply for tenure (Gerlich, 2005).

Despite these faculty concerns, teaching distance education could be one measure used by administration in considering tenure and promotion. In order for tenure and promotion to be used as an incentive for faculty members teaching distance courses, upper-level administration must be in agreement to make this offer.

Your provost needs to be behind it (distance teaching). They have to make a very clear, definitive statement that this is how we reward you for your development time; this is how we reward you for your delivery...you would hope that faculty could be rewarded for their distance activities in such a way that it carries some weight in their annual evaluations....that has to come from the top. The department head cannot take the chance of saying to a faculty member, "Hey, I'm going to reward you for doing this distance course" when, in fact, maybe they can't deliver on their promise. (Wolcott, 1997, p. 5)

Conversely, Wilson (2001) argues that department heads and department chairs are responsible for deciding reward and compensation. Schell (2004) adds that tenure and promotion at most traditional universities is a sequential process starting with the faculty member's colleagues progressing to university administration. If the tenure process is terminated at the departmental level, a university administrator who may be an advocate of the integration of technology may never receive the applicant's tenure and promotion application.

Faculty Motivation for Teaching Online Courses

In a study conducted by Lee and Busch (2005), a positive correlation was found in the willingness of faculty to participate in distance education and their comfort in teaching a distance education course. Simply, faculty who were comfortable teaching at a distance were more willing to participate in the pedagogy of online delivery. Some faculty reported a lack of motivation in teaching in the distance education environment because there is less interaction with the student (Schifter, 2002). Lack of motivation of faculty to engage in online delivery may also stem from the considerable amount of time faculty spend developing online courses. Therefore, the time spent focused on developing online courses is time not spent doing the necessary professional activities to receive tenure (Sammons & Ruth, 2007).

Faculty demographics have not been an indication as to which faculty will participate in online delivery. Schifter (2002) and Gerlich (2005) assert that age, gender, and tenure status had little to no effect when comparing the perception of online teaching between faculty who have taught online and those who have not taught online. Conversely, Gerlich asserts that his one on one interaction with older faculty suggest they are more unwilling to engage in online pedagogy. There is disagreement whether senior faculty members may not be as engaged in the delivery of online courses as their junior counterparts. In fact, there is evidence that administrators have a difficult time getting senior faculty members engaged with online delivery (Giannoni & Tesone, 2003). By contrast, Kiernan (2000) cites a study conducted by the National Education Association found that tenured professors, rather than untenured professors, were more likely to incorporate technology with instruction.

Time and Effort in Online Delivery

Faculty may show a lack of interest in teaching distance education because there is no clear reward system in place at institutions (Sherritt & Basom, 1997). It has been pointed out that administrators have difficulty in determining fair compensation for faculty members teaching distance education courses (Howell, Saba, Lindsay, & Williams, 2004). Distance education courses that are effective for the learner can require a considerable amount of time for faculty members to develop. Carnevale (2004) states that online delivery requires more time because faculty cannot wing an online lecture, which requires the addition of video, text, and other materials that involves organization beforehand in order to be used in an online environment. The time consuming process can include raw course materials being migrated over to a course management system. This raw content then must be made available for online viewing usually with hotlinks inserted. Faculty must also decide how to design exams for online courses and how the exams will be assessed (Fein & Logan, 2003). Junior and non-tenured faculty may not feel as if they will be rewarded for the time and effort to develop and maintain distance education courses (Wolcott, 1997). Hislop and Ellis (2004) suggest that more time may not be required in teaching online courses than that of traditional courses, but more effort may be required. In order to compensate faculty for the time, several possible incentives have been proposed.

Online Training of Faculty in Higher Education

Faculty may have some insecurity when teaching online due to the lack of training, which may also be a barrier to teaching courses at a distance. Faculty are considered experts in their area, but they may feel unprepared for teaching at a distance if

they have not received the proper technological training (Bower, 2001). Fein and Logan (2003) support this argument by stating that there can be a steep learning curve for those faculty who are not familiar with technology. Some institutions have implemented faculty learning communities to assist faculty with training in the online environment (Ingram, 2005). However, as cited by Crawford et al., using resources to train faculty is not one of the top ten issues facing information technology officers (Distance Education Report, 2004). Wilson (2001) predicts that technology will experience a 100% change approximately every two years, which will require faculty to receive continuous technological training. Further, the author notes that people tend to change slowly. McIsaac and Craft (2003) contend that the development of faculty is essential to the successful execution of technology in the classroom. Being aware of the motivations and barriers of faculty to teach at a distance will assist with the further implementation of distance education courses (Schifter, 2000).

Quality of Online Learning in Higher Education

The quality of distance education courses has often been questioned. Kiernan (2000) contends that many faculty and administrators are doubtful that distance education courses are of quality and also are dubious about the effectiveness of online scholarship. The National Education Association (2000) tests this assertion by citing a study where faculty reported the quality of teaching at a distance as equal to that of traditional teaching. Adams (2007) similarly cites numerous studies that have indicated that the quality is analogous between distance and traditional educations. In a compilation of research findings cited by Fender (1999) 248 studies found no significant difference in the quality of education between distance and traditional learning.

In contrast, faculty with experience and faculty without experience significantly differ in their belief about the quality of distance education (Ulmer, Watson, & Derby, 2007). This study found that those faculty without distance education experience generally felt there was not a decrease in the quality of education just because it was at a distance. Ulmer, Watson, and Derby state that there are some critics who believe that the learning outcomes in distance education are not as effective as traditional learning outcomes. But, Adams (2007) argues that distance course quality is just as sound as traditional courses. Young (2006) further states that there are similarities between the traditional and online environment. However, as compared to distance learning faculty, traditional faculty have less positive feelings towards distance learning courses (National Education Association, 2000). Margolis (2001) believes that online instruction is still in its new phase and asserts that is a belief that online education will improve. Twigg (2003) believes that on the whole, institutions have not grasped the added possibilities of technology to enhance student learning and reduce instructional costs.

Employers' Attitudes Toward Online Education

Just as faculty opinions differ toward online teaching and learning, research has shown employers' attitudes toward online education are vastly different. Allen and Seaman (2006) report that administrators are reluctant to adopt widespread distance education courses because 13.8% of employers do not accept online degrees. Carnevale (2005) contends that in general, employers look more favorably at candidates who have earned a traditional degree rather than those who have earned a fully online degree. He claims that even if the candidates have the same credentials, the employer would hire the individual who has earned a traditional degree over a virtual degree. In 2007, Carnevale

continues with the same argument. He reports that several surveys indicate that many who make hiring decisions have a negative predisposition towards online degrees. In this same article, it is reported by Vault, Incorporated that 55% of managers indicated a preference for those who earned a traditional degree over an online degree, while 41% conceded they would give the same consideration to applicants with either a traditional or online degree. Adams (2007) purports that employers are less likely to employ someone with an online degree or significant online coursework due to the lack of social interaction in the online format.

In a total contrast, there is research available to dispute Adams', Allen's, Seaman's, and Carnevale's claims. In a 2005 report issued by Eduventures' Continuing and Professional Education, 62% of the employers surveyed had a positive attitude toward individuals who earned an online degree (Diverse: Issues in Higher Education, 2007). The report further indicates that these employers had as much or more respect for online degrees when compared to traditional degrees.

Employers may actually favor online degrees for another reason. Online degrees and certificates allow employees to work on their degrees during their own time rather than to miss work. Porter (2006) states that 52% of employers would be likely to endorse, purchase, or support traditional teaching at a main college, while 64% support Internet-only format, and 68% support a hybrid format. In a report issued by the National Education Association Higher Education Research Center (2002), employers in the industries of health, business, government, and military prefer employees to engage in online learning rather than lose them to traditional programs.

Administrators' Attitudes Toward Online Learning

Administrators have to make decisions about how to handle the propagation of technology in higher education institutions and also have to deal with a plethora of issues regarding the delivery of education at a distance. Shelton and Saltsman (2006) note because online education is a paradigm shift for faculty, administrators should become more involved in supporting faculty if this delivery method will be successful. One issue is investigating the motivations of faculty (Schifter, 2000), identifying the hesitations of faculty and addressing the issues if faculty are to engage in distance education.

Administrators may have to help faculty have a more favorable mindset about distance education. Sixty percent of the current higher education faculty is over the age of forty-five, and if distance education is to be successful, administrators should be open to do what is necessary to make faculty feel comfortable teaching in an online environment (Bower, 2001). The main challenge for administrators is keeping up with the ever-changing technological advancements (Moskal, Dziuban, Upchurch, Hartman, & Truman, 2006). Faculty's lack of acceptance of online delivery may hinder the growth of this delivery method, which has become a part of the long-term strategy of some chief academic officers (Allen & Seaman, 2007). If teaching at a distance is to be successful, administrators will have to provide not only incentives for faculty to engage in online learning, but also the necessary support.

Legal Issues in Higher Education

Copyright law has its foundations in the United States Constitution. In Article 1, Section 8, Number 8 states, "Powers of Congress is to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive

Right to their respective Writings and Discoveries.” A document is copyrightable when an individual transmits an original idea into a fixed, tangible medium (Burk, 1997).

Section 102 of the Copyright Act of 1976 provides that the following are considered protected works: literary works, musical works with any accompanying music, dramatic works with any accompanying music, pantomimes and choreographic works, pictorial, graphic, and sculptural works, motion pictures and other audiovisual works, sound recordings, and architectural works (Daniel & Pauken, 2005, p. 348). The Copyright Act of 1976 has made it easier for individuals to claim ownership over his/her work (The Law, Digitally Speaking, 2008). Prior to this act, it was difficult for individuals to claim ownership; therefore, many did not go through the trouble of seeking copyright protection.

The Constitution also provides the framework for intellectual property.

Intellectual property is the creation of the human intellect that is protected by copyrights (scholarly/written works), patents (inventions), and trademarks (logos and brand names) (Daniel & Pauken, 2005). It is presupposed with intellectual property laws that once an idea is in a fixed, tangible medium, the author is protected. Thompson (2005) states that an author should be able to decide how an original work is used, and the author should be compensated when the work is used. Among the rights of copyright owners there are certain protections: to reproduce the copyrighted work in copies or phonorecords, to prepare derivative works based upon copyrighted work, to distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending, and in the case of literary, musical, dramatic, and choreographic works, pantomimes and motion pictures and other audiovisual works

to perform the copyrighted publicly (Lipinski, 2005, p.4). Well-known facts by themselves are not protected by copyright, but the arrangement of these well-known facts could have copyright protection (Lipinski) and the authors of these facts must only show a minimal degree of originality in order for copyright protection to exist (Salomon, 1999).

Copyright owners may transfer copyrighted materials to others (Loggie, Barron, Gulitz, Hohlfeld, Kromrey, & Sweeney, 2007) and also copyright protection is not indefinite. Time limits are based on when the copyrighted work was created. The first copyright protection was created in 1790; since this time there have been several revisions. At that time a copyright lasted for 14 years with an option of a one-time renewal (Langran, Langran, & Bull, 2005). As copyright law has been updated, so have those time limits on copyrighted material. For any work that was created after December 31, 1978, the protection is for the lifetime of the author plus 70 years. If the work is a joint ownership, copyright protection lasts until the death of the last surviving author plus 70 years. Any work created prior to 1978 is eligible for copyright protection for 95 years. When copyright expires, created works fall into public domain which means the work can be used freely by anyone (Daniel & Pauken, 2005). The copyright time limit is 75 years if an institution such as a college or university owns the copyright (Burk, 1997).

Work for Hire Doctrine

The work for hire doctrine implies that employers own all work created by employees (Burk, 1997) because the activities are performed within the scope of an individual's employment (Daniel & Pauken, 2005). Historically, faculty were excluded from the work for hire doctrine even though they receive salaries and wages, fringe

benefits, and assigned teaching duties from the institution in which they are employed (Loggie et al., 2007). Generally, faculty employed at higher education institutions have enjoyed faculty exception or academic exception to the work for hire doctrine because they have the freedom to pursue research interests and decide how course materials will be presented without interference from administrators. In a case decided prior to the Copyright Act of 1976, *Williams vs. Weisser* (1969) is the seminal case that has been used to establish faculty exception. In this case, the owner of a note-taking service hired individuals to sit in an assistant professor's class for the purpose of taking notes during the professor's lecture to publish and sell as a study aid. The professor sued stating the note taking service infringed on his privacy due to the fact the note-taking service used his name to publish and sell the notes. However, the owner of the note-taking service asserted the university, not the assistant professor owned the lectures, the lecture was spoken in public forum, and the assistant professor did not have the right to privacy. The Second District Court of Appeals upheld the judgment of the district court in favor of the professor stating the professor rather than the university owned the lecture notes. As seen in *Foraste vs. Brown University* (2003) the work for hire doctrine only applies to members of the faculty. A photographer employed as a staff member at Brown University claimed copyright infringement on photographs taken at the behest of the university. The United States District Court for the District of Rhode Island decided that the university did not transfer its copyright interest to the photographer.

Work for hire is a term to which many faculty are opposed (NLTN, 1999). For copyright purposes, faculty may want to be considered as independent contractors. According to Burk (1997) an independent contractor owns his or her own work unless it

is a special commissioned work by an employer. The distinction between employer-employee relationship versus independent contractor was defined in a 1989 Supreme Court case, *Community for Creative Non-Violence vs. Reid*. In this case, a non-profit organization hired an artist to create a sculpture depicting the homeless for a Christmas contest. The organization wanted to take the artist's work on tour, but the artist claimed ownership over the sculpture and refused to allow the work to be taken on the tour. The nonprofit organization attempted to assert that the creation was a work made for hire and it belonged to the organization, and as result of work made for hire, the creator of the sculpture no longer had ownership of the work. However, the United States Supreme Court held the Copyright Act of 1976 did not define employee or employer so the Court relied on the master-servant relationship. Hence, the Supreme Court decided that the sculpture was not considered work for hire because the sculptor was not an employee of the nonprofit organization, was hired for only one task, worked from his own studio utilizing his own materials, and was a skilled sculptor. Based on this, the sculptor was considered an independent contractor based on the provisions set forth in the Copyright Act of 1976.

In an academic setting, it is presumed that instructors use the institution's electricity, computer, desk, chair, and other items to do research, create course materials, and other prescribed work-related duties that can be considered within the scope of one's employment responsibilities. This would then be seen as operating under the work for hire doctrine (Packard, 2002). Lipinski (2005) states the work for hire doctrine is still applicable even if the employee decides to work outside of normal working hours in a facility that is not controlled by the employer to prepare work materials. The author

further states even if work time constraints force an employee to write course materials from home, the employee cannot avoid the work for hire doctrine. Case law has supported such claim. As ruled in 1986 by the courts in *Marshall vs. Miles Laboratories, Inc.* the Northern District Court of Indiana held that even though the plaintiff asserted the article was written at a place other than his office at Miles Laboratories, the article was written within the scope of employment; therefore, the article copyright belonged to Miles Laboratories. However, Hardy and Bower (2004) argue that faculty may have a strong claim to ownership of course material if the institution does not provide training or design support and develops the material away from the office.

The Copyright Act has seen several updates with the latest revision being in 1976 (Packard, 2002). The Copyright Act of 1909 specifically mentions a teacher exception to the work for hire doctrine, which extends to faculty at colleges and universities. As previously stated, the faculty exception recognized that faculty at colleges and universities were free to choose research topics, coursework, and presentation materials in an effort to promote freedom of thought and creativity (Loggie, et al., 2007). There is no legal basis for this faculty exception. It is only accepted because colleges and universities have not actively pursued it through the judicial system, and where institutions have pursued faculty exception, courts have chosen to uphold faculty exception (NLTN, 1999).

There are still discrepancies about faculty exception because of its omission in the latest revision of the Copyright Act. Townsend (2003) purports no mention of faculty exception was made in the revision of the Copyright Act of 1976, an omission which may imply either that there is no longer faculty exception to the work for hire doctrine or that

faculty exception is widely known and accepted so there is no need to mention it in subsequent revisions. However, there has been a need for clarification of faculty exception to the work for hire doctrine.

In *Weinstein vs. University of Illinois* (1987) the United States Court of Appeals for the Seventh Circuit upheld the district court ruling that the article written by the faculty member was work for hire and ownership vested with the institution. However, in *Hays vs. Sony Corporation of America* (1988), the same court, the United States Court of Appeals for the Seventh Circuit, dismissed the appeal on technicality, but the court opined there should be the teacher exception to the work for hire doctrine. In this case, two teachers created a manual for use by students on how to use word processors. The plaintiffs' employer in turn gave the manual to Sony Corporation of America to modify and to be used with their word processors. The teachers sued Sony for copyright infringement. Loggie et al. (2007), therefore, suggest there should be a written policy on ownership of faculty material since there has not been legal precedence since the Copyright Act of 1976.

Fair Use Doctrine

Fair use doctrine is another issue with using copyrighted materials. The fair use doctrine permits the reasonable use of copyrighted material without the permission of the author. The copyrighted material can be used even if the author objects to the use of the material (Johnson & Groneman, 2003). Metcalfe, Diaz, & Wagoner (2003) argue fair use does not mean free use. The fair use doctrine was made a provision in the Copyright Act of 1976 for the purpose of teaching, research, scholarship, comment, criticism, or news reporting without the permission of the author (Salomon, 1999). There are four

guidelines that constitute fair use: the purpose and character of the use (commercial versus non-profit, educational purposes), the nature of the copyrighted work, the amount and substantiality of the portion used in relation to the whole work, and the effect on the potential market for or value of the copyrighted work (McIsaac & Rowe, 1997, p.87; Marley, 1999, p.368). Gasaway (2001) states that with just the click of the mouse, digital information can be easily reproduced. Even with fair use, there may be reluctance from individual copyright owners to make information available over the Internet because of the ease in copying materials (Gasaway, 2002).

The TEACH Act

In 1996, Harney wrote that guidelines for copyright in distance education should be the same as traditional education because there was no legal guidance to do otherwise. To address this, the Technology, Education, and Copyright Harmonization (TEACH) Act legislation was signed into law by former President George H. W. Bush in November 2002. Prior to the TEACH Act, anyone using copyrighted materials through electronic transmission required the sender of the material to receive permission from the copyright holder or pay royalties to the copyright holder (Simpson, 2005). Before the TEACH Act legislation, the author argues there was no copyright infringement if the transmission was done through face-to-face delivery through the fair use doctrine. Harney further supports this claim but states that the policy changes when copyrighted images are shown in a classroom and transmitted through the use of technology. Since the growth of distance education, the TEACH Act has given educators permission to use copyrighted material in distance education (Dames, 2005). Daniel and Pauken (2005) further explain the TEACH Act as allowing an educator to do the same activities online that one would perform in a

traditional classroom. The TEACH Act is not limited to courses taught via the Internet but also affects those technology-supported face-to-face courses (Simpson, 2005). Not all institutions, however, meet the guidelines of the TEACH Act. The statute states the TEACH Act is only applicable to nonprofit, accredited schools; therefore, for-profit, distance education schools may be unable to use the TEACH Act in course delivery (Crews, 2003; Dames, 2005).

Dames (2005) reports that some educators wonder if the TEACH Act offered any improvement because of “poor drafting and incredible complexity” (p.26). Crews (2003) stated that the TEACH Act allows: performances of nondramatic literary works, performances of nondramatic musical works, performances of any other work, including dramatic works and audiovisual works, but only if in reasonable and limited portions, and allows displays of any work in an amount comparable to that which is typically displayed in the course of a live classroom session (p.38). Simpson (2005) states that in order to meet the guidelines of the TEACH ACT, the teaching activity must fall into the following categories: the teaching activity must occur in discrete installments, the teaching activity must occur within a confined span of time (undefined), the teaching activity must have parts that integrate into a “lecture-like” whole, and the teaching activity must resemble traditional classroom sessions “mediated instructional activities” (p. 23). The TEACH Act prohibits the following activities: scanning or uploading complete or long works, storing works on open Web sites (no login/password), and allowing student access at will (e.g., supplemental material, or material with no specific, limited time frame) (Simpson, p. 24). It will be helpful if faculty have knowledge of the TEACH Act when transmitting copyrighted materials through distance education.

Digital Millennium Copyright Act

The Digital Millennium Copyright Act (DMCA) of 1998 was legislation designed to bring to date copyright laws related to digital media, include the legislation from the World Intellectual Property Organization (WIPO), and limit copyright infringement (Daniel & Pauken, 2005). At the signing of DMCA legislation, former President Bill Clinton stated, “This bill will extend intellectual protection into the digital era while preserving fair use and limiting infringement liability for providers of basic communication services” (Diotalevi, p.12, 1999). The DMCA is important to nonprofit higher educational institutions because institutions can avoid copyright infringement violations if proper steps have been taken by the institution to educate faculty and students (US Copyright Office 2005 as cited by Nemire, 2007). Under DMCA, libraries have the ability to store and make available up to three digital archival copies, whether published or not, but libraries are not allowed to make the digital copies available to the public outside of the library (Diotalevi). In the past, libraries were permitted to keep only one archival copy of digital material.

Intellectual Property Rights

Although copyright issues date back to Shakespeare (Givler, 2003), there has been rapid increase in interest about intellectual property issues since the growth of communication technologies such as the Internet (McIsaac & Rowe, 1997). In a report issued by the NLTN (1999) teaching did not have to be concerned with commercialization and copyright issues because there was “nothing tangible to commercialize” (p, 7). With the development of technology there are some individuals who predict copyright will become obsolete (Gasaway, 2001). In an interview with the

NLTN, Crews asserts that, if a university owns course materials, the professor has legally limited his or her ability to change course content or write a textbook. If a university claims ownership over course materials, the professor also limits his or her ability to take already-created lectures to teach new students at a different venue (Townsend, 2003). In higher education, copyright law does not protect an instructor's lectures and speeches. However, if the ideas of lectures and speeches are recorded into a tangible medium by the instructor's own power, then the material becomes copyrighted. (Daniel & Pauken, 2005).

According to Packard (2002) most universities have some rights to faculty-created works. Higher education institutions will open themselves up to possible litigation as institutions move into the realm of distance education (Smith, Eddy, Richards, & Dixon, 2000). For example, in a statement issued by the American Association of University Professors (1999) there is an unclear message from universities concerning intellectual property rights when placing course materials on the university server, which can be a concern of faculty members. This statement also suggests that anyone could take the online course material without the knowledge of the author or the university and use it in another venue, taking the content out of context. Further, according to the NLTN (1999), if a faculty member no longer controls course materials that have been created by him or her, there is nothing preventing someone else from changing course materials created by others or the course material becoming outdated.

In contrast to Packard's statement, it is the belief of most higher education faculty that ownership lies with the author (Castagnera, Fine, & Belfiore, 2002). However, in a university's entrepreneurial zeal, it may enter into contracts with private companies to

sell material created by faculty (Maddux, Ewing-Taylor, & Johnson, 2002). The authors further state that legal experts have indicated if faculty do not file lawsuits against universities challenging these contracts, the courts will see it as acceptance and faculty members will be defeated in courts based on their inaction. Talab (2007) asserts that although the expenses for institutions are costly, it is paramount that faculty maintain control over content. Some suggest quite strongly that faculty should receive education on copyright laws (Williamson as cited by Smith et al., 2006) and that faculty members should also become familiar with intellectual property laws when creating distance education material. McIsaac and Rowe (1997) report that administrators claim that institutions such as colleges and universities have rights to online works developed by faculty if the receipt of incentives such as overload pay, release time, and institutional rewards are present.

There is no single university position with regard to ownership of created works. For example, private and public institutions differ in copyright policies, work for hire, and academic freedom. In a 2006 study, 88% of faculty self-reported that they are unfamiliar with copyright laws while 51% self-reported they would like to receive some type of formal instruction related to copyright (Smith et al.). Smith, Eddy, Richards, and Dixon (2000) found that 90% of the ten institutions surveyed for the study reported that intellectual property rights were centrally controlled and 80% had copyright policy pertaining to Internet training, while 50% had at least one policy published on their Web site. One hundred percent of private institutions surveyed asserted institutional claim over works that were created with substantial university resources while only 93% of public institutions asserted such claim (Loggie et al., 2007). In the same survey, 79% of private

institutions claimed work made for hire as within the scope of employment whereas only 46% of public institutions claimed work made for hire. Loggie et al. found that 100% of private institutions state they are committed to academic freedom while on the other hand 64% of public institutions held that same commitment to academic freedom.

The NLTN (1999) claims the foundation of the copyright issue with faculty in higher education is that of academic freedom. Academic freedom in higher education means those in the academy are free to engage in the institutional mission without undue influence from outsiders. For faculty, academic freedom implies freedom to teach the subject matter without undue influence from administrators (Beckham, 2005). However, there is a strong belief among faculty that if an institution has ownership over course material then the university administrators will be able to shape courses, and then there is a risk academic freedom will be in danger. The concerns of faculty with copyright and academic freedom are freedom from censorship, job security, governance over terms of employment, governance over curriculum, and protection of intellectual property (Dahl, 2004, p. 4). It has been surmised that faculty do not want to put course materials online because they fear they will lose rights to control that course material (Sanders & Richardson, 2002). If a faculty member does not have control over course material that is placed online, then that material can be altered without the knowledge or consent of the author which could lessen course quality (Oravec, 2003). University ownership of faculty created works limits the freedom of faculty control over course content and the stages of publishing the material (Townsend, 2003). Burk (1997) further claims that if universities controlled faculty academic output, as do large corporations, “the academic freedom of thought and expression might be unduly curtailed” (p. 14). Givler (2003) is

quoted in *The Chronicle of Higher Education* as stating “The First Amendment protects the expression of ideas from government interference, while copyright provides the economic engine that drives their wide distribution” (B20). The proliferation of technology has made it difficult for laws and policies to keep pace (McIsaac & Rowe, 1997).

To date, there has been limited research connecting intellectual property rights and online pedagogy. Springer (2004) states there are not many legal cases on faculty ownership. Talab (2007) assert that few intellectual policies exist to address online delivery, which can further be convoluted because oftentimes the creation of online courses requires teamwork.

Budgets in higher education are getting leaner. Therefore, administrators are challenged to continue to stay competitive with the offering of courses, meeting the needs of students, all while keeping education accessible and affordable. Administrators have begun to explore technology and how the Internet can be utilized to continue to meet the needs of students in higher education. But, faculty are needed to instruct in the online environment. Some faculty have expressed concerns with engaging in online delivery for various reasons. It may be necessary for administrators to address these concerns, but also address with faculty intellectual property rights.

CHAPTER III
METHODOLOGY
Research Design

This study focused on concerns of faculty with engaging in online delivery and also evaluated their knowledge of intellectual property rights. The researcher utilized quantitative research to evaluate the research questions. The independent variables or subject variables of age, gender, and tenure status were identified through the literature. Early literature (Schifter, 2002) reports no significant difference between age, gender, and tenure status between inhibitors and motivators with participating distance education; however, this study explored these subject variables since technology has expanded since the initial research was conducted.

The dependent variables included twenty faculty concerns and ten knowledge of intellectual property rights questions to assess the knowledge of faculty.

Participants

The eight public higher education institutions in the state of Mississippi have an individual who assists faculty with the facilitation of online courses at his/her respective institutions. These individuals form a committee known as the Advisory Council for Distance Learning and Academic Outreach (ACDLAO), and the group was responsible for the dissemination of the questionnaire. The researcher utilized an online survey tool known as Survey Monkey for the dissemination of the questionnaire.

According to 2006 data published by the Mississippi Institutions of Higher Learning board, the estimated number of both full-time and part-time faculty is 4,167 at the eight public institutions. Faculty from the eight institutions were invited to participate

in the study. The researcher employed a convenience sampling method in distributing the questionnaire to the participants. There were 223 participants who completed the questionnaire.

Pilot Study

The researcher assembled a focus group to discuss possible concerns faculty may have when asked to deliver courses online and the intellectual property rights of faculty in higher education. The three members of the focus group convened to identify the general themes included an attorney employed in higher education human resources, a university administrator who assisted with the implementation of an institution wide alternative learning programs that included online delivery, and a university information technologist planner. The items of concern in the literature with engaging faculty in online learning were some of the same items the focus group discussed.

A pilot study regarding Faculty Perception of Online Learning was conducted during the summer 2007 utilizing a majority of the items presented in this research study. There were 54 participants who responded to the questionnaire, which resulted from the researcher employing snowball sampling from two universities in Texas and Louisiana. The data collected for the pilot study were obtained through Survey Monkey, an online data collection website. The survey instrument for the pilot study contained thirteen items that represented faculty concerns with online delivery. Based on intercorrelations, the responses from the participants yielded mean scores for nine out of the thirteen concern items presented. Reliability was determined utilizing Cronbach alphas that reflected three possible subscales of extrinsic rewards (.8142), which included concern items of lack of faculty rewards/incentives, lack of recognition, and lack of credit toward

promotion and tenure. The subscale of training/support (.8250) included the concern items of limited technological support, lack of technological training and lack of administrative support. The final subscale of time (.7471) included the concern items of faculty workload, development and implementation time, and course maintenance. A horizontal numerical scale was used to determine mean scores of the subscales and the remaining faculty concern items where 1= no concern, 2=some concern, 3=a concern, and 4= a major concern. The subscale mean scores were as follows: extrinsic rewards ($M= 2.08$), training/support ($M= 2.167$), and time ($M= 2.62$). Mean scores were gathered from the remaining four individual concern items, which included lack of fit with institution's mission ($M=1.61$), legal concerns ($M=1.57$), concerns about course quality ($M=2.48$), and limited interaction with students ($M= 2.65$). After making adjustments to the final survey instrument based on the pilot study, the members of the Advisory Council for Distance Learning and Academic Outreach (ACDLAO) confirmed face and content validity of the final survey instrument utilized for the study.

Instrumentation

Based on outcomes of the pilot study, a self-administered questionnaire constructed by the researcher contained descriptive, perception, and knowledge items. Questions in Section 2 sought to find if respondents had participated in online delivery. Questions in Section 3 estimated faculty's satisfaction with online delivery, while Section 4 contained twenty concern items with online delivery. Many of the concerns listed in this section have already been identified by Betts (1998) and Schifter (2002) about distance education, however, faculty concerns with online delivery would be similar in nature. Section 5 asked participants to answer ten questions related to the knowledge of

intellectual property rights. This section included two questions about the participants' participation in some sort of training activity related to intellectual property. The final section of the questionnaire asked participant demographic information.

Procedures

The researcher obtained permission from multiple Institutional Review Boards (IRB) in order to conduct the research. IRB permission was obtained from two institutions where the researcher sought responses from faculty. Once IRB permission was granted, data were collected from faculty that included administrators, faculty of various ranks, adjunct professors, instructors, and teaching assistants.

The researcher sent the link <http://www.surveymonkey.com/FacultyConcerns> to ACDLAO's representative at The University of Southern Mississippi who emailed other members via the advisory board's listserv. Each member of ACDLAO was responsible for disseminating the link to university-wide websites at their respective universities. The researcher employed convenience sampling, which utilizes those participants who are accessible and willing to participate in the study (Coladarci, Cobb, Minium, & Clarke, 2004). The data were analyzed utilizing Statistical Package for Social Sciences (SPSS) 11.5.

Data Analysis

The researcher gathered descriptives, employed Multiple Analyses of Variance (MANOVA), chi-squares, and Analysis of Variance (ANOVA) to analyze the data. Descriptive information was used to report demographic information about faculty who responded to the questionnaire. One MANOVA was used in the research design to analyze differences among faculty and their level of concerns with engaging in online

pedagogy. The subject variables of age, gender, and tenure status were utilized to determine if there are differences when measuring the concern subscale dependent variables of rewards, course quality, legal concerns, workload/effort, and support. The subject variables of age, gender, and tenure status were used to determine if there was a relationship with one's preferred delivery method. A MANOVA was employed to determine if there were differences between an individual's satisfaction with online delivery based on age, gender, and tenure status. Three one-way analyses were used to determine if there were differences in the number of correct answers when answering the knowledge of intellectual property rights questions based on the faculty's age, gender, and tenure status.

The researcher will explore the following research questions:

1. Are there are differences regarding faculty level of concerns, either separately or together with online delivery based on age, gender, and tenure status?
2. Is there a relationship between subject variables (age, gender, tenure status) and faculty's preference to fully engage in online pedagogy?
3. Are there differences in satisfaction with online delivery based on age, gender, and tenure status?
4. Is there a difference among faculty based on age, gender, and tenure status regarding their knowledge of intellectual property rights?

CHAPTER IV

RESULTS

Faculty from the eight public institutions in the state of Mississippi were invited to participate in the study and data were collected from May 19, 2008 to August 5, 2008. Two hundred twenty three participants responded to the questionnaire. The subject variable of age were divided into the categories of 1=under 30, 2=31-40, 3=41-50, 4=51-60, and 5= over 60. The subject variable of tenure status were divided into the three categories of 1=tenured, 2=tenure track, 3=not tenure track.

Due to the small number of respondents in the youngest age category, the subject variable of age was recoded to four possibilities rather than five. The choices of under 30 and 31-40 were recoded to one choice. Faculty identified 51-60 as their age group, which was more than the other age groups. There were more females than males who responded to the questionnaire. Not-tenure track faculty accounted for more respondents than both tenured and tenure-track faculty. Table 1 provides descriptive information for the subject variables of gender, age, and tenure status.

Each of the twenty items referred to as “concern items” were measured on a 4-point horizontal numeric scale where 1=no concern, 2=a minor concern, 3= a concern, and 4=a major concern. “Limited interaction with students,” reflected the highest level of concern for faculty. Faculty also expressed concern over course quality. Other concern items where faculty expressed concern are those items that dealt with the implementation and workload of online delivery. Some item ratings reflected low to no concern. Lower mean scores occurred for those items that asked faculty about their legal concerns with development and delivery of online course material. The mean scores of individual

Table 1

Subject Variable Descriptives

Variable	Frequency	Percentage
Gender		
Male	85	37.9
Female	95	42.4
Age		
<40	52	28.9
41-50	51	28.3
51-60	59	32.8
>60	18	18.0
Tenure Status		
Tenured	62	27.7
Tenure track	52	23.2
Not tenure	67	29.9

N=223

concern items related to rewards for participation in online development and delivery also suggest minor concerns for those who responded to the questionnaire. The individual mean scores for the concern items of support was a minor concern for the respondents to the questionnaire. Table 2 represents the mean scores of the twenty concern items faculty may have with online delivery.

The questionnaire also contained ten intellectual property right questions to assess the overall level of faculty's knowledge. There was no individual who answered all of the knowledge of intellectual property questions correctly, and correct responses ranged from one correct to nine correct.

An exploratory factor analysis was conducted on the twenty concern items faculty may experience when engaging in online delivery which were identified by the literature

and the focus group. Each individual concern item utilized a horizontal numerical scale where 1=no concern, 2=minor concern, 3=a concern, and 4=a major concern. The pilot study yielded three components; therefore, this study began with dividing the twenty concern items into three components. This resulted, however, in the three-component solution not being a good fit with the final data. Many of the items yielded double loadings, which created multiple constructs on one component.

Subsequent to the extraction of three-component solution, The Kaiser-Guttman eigenvalue greater-than-1 rule was used to extract factors. The Kaiser-Meyer-Olkin Measure of Sampling adequacy was .88, which was acceptable and the Bartlett's Test of Sphericity was $< .001$ making the questionnaire acceptable for factor analysis. The Kaiser-Guttman indicated five factors to be extracted. The overall variance explained by the exploratory factor analysis was 68.33%. The first component accounted for 37.29% of variance, the second component accounted for 12.67% of variance, the third component accounted for 6.79% of variance, the fourth component accounted for 6.42% of the variance, and the fifth component accounted for 5.16% of the variance. The scree-plot also indicated that five factors should be extracted from the data.

The rotated solution, therefore, produced five concern subscales. Component 1 was described as rewards subscale and consisted of four items. Component 2 was described as course quality subscale and consisted of four items. Component 3 was described as legal concerns subscale and five items were in this subscale. Component 4 was described as workload/effort subscale and consisted of three items. Component 5 was described as support and consisted of three items. The rotated solutions can be found in Table 3. Means for each new component can be found in Table 4. One item, lack of fit

Table 2

Concern Item Means

	Concern Item	Mean	SD
1.	Limited interaction with students	3.04	1.04
2.	Increased development and implementation time	2.90	.95
3.	Concerns about lower course quality	2.89	1.08
4.	Increased faculty teaching workload	2.56	1.01
5.	Necessary maintenance of online courses	2.50	.92
6.	Limited technological support	2.47	1.04
7.	Lack of faculty rewards/incentives	2.42	1.04
8.	Required standardization of curriculum	2.35	1.14
9.	Loss of ownership of scholarly/research work	2.30	1.10
10.	Loss of freedom to discuss controversial topics	2.30	1.12
11.	Lack of technological training	2.30	.98
12.	Lack of administrative support	2.24	1.05
13.	Lack of recognition from the institution	2.21	1.06
14.	Lack of credit toward promotion and tenure	2.20	1.13
15.	Increased legal concerns	2.15	1.04
16.	The university selling the course I developed to private companies without my permission	2.08	1.12
17.	Lack of recognition from the department	2.06	1.09
18.	Lack of fit with institution's mission	2.04	.99
19.	Loss of access to scholarly/research work	1.97	1.01
20.	Reduced job security	1.85	1.05

with institution's mission, did not fit into any of the five subscales and was, therefore, dropped from subsequent analyses.

Reliability

The alpha coefficient values for the concern subscales were .89 for the rewards subscale, .79 for the course control subscale, .83 for the legal concerns subscale, and .78 for workload/effort subscale. The final subscale of support had an alpha coefficient .67, and, although it was somewhat below the typically accepted .70 level, it was nonetheless utilized in this study.

Table 3

Varimax Rotated Pattern of Faculty Concerns

Item	Component				
	Rewards	Course Quality	Legal Concerns	Workload/ Effort	Support
Lack of recognition from the institution	.85				
Lack of recognition from the department	.85				
Lack of credit toward promotion and tenure	.80				
Lack of faculty rewards/incentives	.73				
Limited interaction with students		.84			
Concerns about lower course quality		.81			
Loss of freedom to discuss controversial topics		.72			
Required standardization of curriculum		.66			
Loss of ownership of scholarly/research/work			.88		
The university selling the online course I developed to private companies without my permission			.79		
Reduced job security			.59		
Loss of access to scholarly/research work			.52		
Increased legal concerns			.51		
Increased faculty teaching workload				.77	
Increased development and implementation time				.75	
Necessary maintenance of online courses				.51	
Limited technological support					.75
Lack of technological training					.70
Lack of administrative support					.58
Eigenvalue	7.46	2.54	1.36	1.28	1.03
Percent of variance	37.29	12.67	6.80	6.42	5.16

Table 4

Subscale Concern Means

Component		Mean	SD
1.	Rewards	2.23	.945
2.	Course quality	2.65	.860
3.	Legal concerns	2.07	.819
4.	Workload/Effort	2.65	.811
5.	Support	2.32	.806

In order to address research question one, a multivariate analysis of variance (MANOVA) was conducted to determine if there were significant differences in the concern subscales of rewards, course quality, legal concerns, workload/effort, and support based on the subject variables of age, gender, and tenure status. Homogeneity of variance was assumed observing Box's Test of Equality of Covariance indicating appropriate use of the Wilks' Lambda Multivariate test. There was a significant difference found due to tenure status in the five dependent variables of rewards, course quality, legal concerns, workload/effort, and support when considered together Wilks' Lambda=.89, $F(10, 300)=1.89$, $p=.046$, $\eta^2=.06$. The Wilks Lambda Multivariate Test also identified interactions that were nearly significant between gender and tenure status $F(10, 300)=1.81$, $p=.058$, $\eta^2=.06$ and faculty concern subscales and an interaction among age, gender, and tenure status for the five faculty concern subscales $F(20, 498)=1.56$, $p=.059$, $\eta^2=.05$.

Follow-up univariate analysis was conducted to determine where the differences were. A Bonferroni correction was performed to test each of the dependent variables separately with an ANOVA with a new alpha level of .001. The results of the follow-up analysis suggest the differences occurred in faculty workload for tenure status $F(2, 154)=8.41, p<.001, \eta^2=.10$. The Bonferroni method was conducted to obtain a new alpha level of .008 to test the post hoc results. Tukey HSD post hoc tests revealed that there was a difference between tenured faculty and not tenured faculty with tenured faculty expressing greater concern ($M= 2.96$) than non-tenure track faculty ($M=2.49$). Table 5 presents the subscale means of faculty workload/effort concerns. Further data analysis of the means showed that faculty who engaged in online delivery ($M=3.31$) expressed a higher level of concern than those who never taught online ($M=2.75$).

Table 5

Faculty Workload/Effort Concerns Subscale Means

Tenure Status	M
Tenure	2.96
Tenure-track	2.59
Not tenure track	2.49

N=223

Although there was no multivariate significant findings, the interactions of gender and tenure status for legal concerns were significant $F(2, 154)=3.54, p=.03, \eta^2=.04$. The other interaction of age, gender, tenure status for rewards $F(4, 154)=2.54, p=.03, \eta^2=.07$

for course quality $F(4, 154)=2.91, p=.02, \eta^2=.07$ were significant when exploring the univariate analyses.

In order to address research question two, a chi-square was performed to determine if there was relationship between the subject variables and one's preferred delivery method. The preferred delivery method choices were either face-to-face, hybrid, or fully online. Only one of the three subject variables was significantly related to a faculty member's preferred delivery method. Specifically, gender and one's delivery preference were related $\chi^2(2)=10.45, p=0.005$. A comparison of frequencies revealed that 73% of the males preferred face-to-face delivery method over hybrid and fully online delivery method. Fifty percent of the female faculty were amenable to hybrid and fully online delivery. Tenure status and delivery preference $\chi^2(4)=7.62, p=.107$, and age and delivery preference $\chi^2(6)=8.31, p=.216$ were not significantly related.

To address research question three, a multivariate analysis of variance (MANOVA) was conducted to evaluate if differences occurred for the subject variables, age, gender, and tenure status and the dependent variable of an individual's satisfaction with online delivery. Although restricted to a single item, requiring caution with interpretation, satisfaction was based on a horizontal numerical scale of 1=not applicable, 2=extremely dissatisfied, 3=dissatisfied, 4=satisfied, 5=extremely satisfied. Homogeneity of variance was assumed observing Box's Test of Equality of Covariance, which meant it is appropriate to use Wilks' Lambda Multivariate test. Data for whom the items were not applicable were treated as missing data. The Wilks' Lambda Multivariate test identified no significant differences between age $F(9, 228)=.772, p=.642, \eta^2=.02$, gender $F(3,$

94)=1.59, $p=.197$, $\eta^2=.05$, and tenure status $F(6, 188)=1.02$, $p=.416$, $\eta^2=.03$ with the satisfaction of online delivery.

In order to address research question four, three one-way analyses of variance were conducted to determine if there were differences in the number of correct answers of the level of knowledge of intellectual property rights based on the faculty member's age, gender, and tenure status. No significant differences were found. An independent sample t-test was conducted to evaluate if there were significant differences in the number of correct responses to the knowledge for intellectual property rights for experience level. Experience levels were recoded from four choices to two choices: either an individual had participated in online delivery or they had not participated in online delivery. The analysis yielded no significant difference $t(170)=1.15$, $p=.25$; however, mean results did reveal that individuals who had taught in an online environment ($M=4.92$, $SD=1.86$) got more items correct than those who had no experience teaching in an online environment ($M=4.60$, $SD=1.69$) which indicates an additional one-half item was correct for those having experience.

Ancillary Findings

There were unexpected findings yielded from the data. A one-way analysis of variance (ANOVA) was conducted to determine if significant differences could be found in the five dependent concern subscales based on an individual's teaching preference. Teaching preference was measured by face-to-face, hybrid, and fully online. A Bonferroni correction was conducted to determine a new alpha level of $.05/5=.01$. Concerns about course quality $F(3, 193)=8.94$, $p<.001$ were different according to

teaching preference. Specifically, face-to-face delivery was different than hybrid and online delivery, which were not different from each other.

An ANOVA was also conducted to evaluate if significant differences occurred between reported satisfaction level in online delivery and the five concern subscale dependent variables. Satisfaction was measured 1=not applicable, 2=extremely dissatisfied, 3=dissatisfied, 4=satisfied, 5=extremely satisfied. Not applicable was treated as missing data. The results of the data suggested that there were differences in reward concerns based on level of satisfaction $F(3, 126)=3.47, p=.009$ and course quality based on level of satisfaction $F(3, 126)=12.04, p<.001$. Post hoc analyses utilizing Tukey HSD suggested that respondents who were extremely satisfied with the rewards were significantly higher than all other satisfaction categories. Further, the post hoc analyses indicated there was no difference between dissatisfied and extremely dissatisfied respondents when reflecting the subscale of course quality. Both are lower than satisfied and extremely satisfied. However, extremely satisfied was significantly greater than satisfied individuals.

Some of the respondents to the questionnaire provided reasons as to why they have turned down opportunities to deliver courses online. There were recurring themes respondents expressed when asked about online delivery. Primary among these was that faculty have limited interaction with students. Responses were “Courses I teach need personal attention.” “Personally I prefer having eye-to-eye contact with my students and getting to know them. I also do not feel the students learn as much from online classes.” “I do not think it is a valid delivery method for quantitative material at least for the average student.”

The theme of course quality was also reflected in respondents' comments. Some participants responded, "No academic rigor in other online courses that I have observed," "Do not feel it is a good method when compared to traditional interactions," "I do not believe it is pedagogically appropriate way to reach students."

Time was also another theme that was conveyed by the respondents. Respondents stated, "Not enough time in the day," "Too busy to develop an online course so far," "Preparation time needed to feel comfortable doing it is prohibitive."

Some faculty communicated the lack of rewards as one reason for turning down opportunities to participate in online pedagogy. Responses included, for example, "No offer of property rights or sharing in the profits," "Support for work not available and no allowances made for the amount of work involved," "No overload pay. Online courses require extra effort on the part of the instructor," "Funding, support, understanding by administration is lacking." Other expressions of concern were about academic honesty such as "No assurances that students will do their own work," "Potential for academic fraud." Another concern expressed by respondents was the "Lack of student understanding of the rigors of online curriculum, expectations by the student that the class should be easier." Although many of the respondents expressed varying concerns, one respondent indicated a change of opinion about the online delivery format by stating, "Did not think asynchronous online delivery appropriate for my courses. The availability of synchronous online instruction supported by two-way interaction changed my perspective."

CHAPTER V

DISCUSSION

Uncertainty in funding from local, state, and national government sources has caused administrators at public institutions of higher education to consider alternative monetary resources to make up for the loss in funding from these usual sources. Online delivery has been perceived as a possible solution to provide these alternative monetary resources to public higher education institutions. While online education as a delivery method can offer new opportunities to universities and colleges, this delivery method also has the prospect of posing various challenges. Various faculty concerns can hinder their participation in the delivery of online course material.

Distance education, infused with technology, has rapidly changed higher education in a myriad of ways. Jorgensen (2002) suggested that online education has the potential to become a part of mainstream education. The enrollment numbers of online education substantiate this suggestion. In 2007, Brown and Corkill reported 2.35 million students were enrolled in online courses nationwide. The increase of online programs has raised several concerns for faculty engaged in teaching at a distance. This study sought to examine the concerns of faculty at public universities and colleges throughout the state of Mississippi with their participation of online delivery and to also assess faculty's level of knowledge of their general intellectual property rights. The focus of this study was not to connect the concerns and knowledge of faculty to their respective institution, but rather to evaluate Mississippi public colleges and universities as a whole.

Many items reflected a low level of concern. It is a possibility that the individual concern items were reported as a minor concern because individuals who had never

participated in online delivery were included in this study, and they might not be aware of the intimate details related to this mode of delivery. It would seem that if faculty reported low level concerns that this would not inhibit them to engage in online delivery.

Unlike previous studies indicating age, gender, and tenure status did not make a difference in attitudes with distance education overall, by focusing on inhibitors, desires and motivations, this study investigated differences in level of concerns that faculty may have with participation in online delivery. Data in this study suggest there was a significant difference between faculty tenure status and their concerns about workload/effort. Tenured faculty expressed more concern with workload/effort when teaching a course that is fully online.

Literature supports this concern about workload/effort. Fein and Logan (2003) state that the conversion of raw material to some type of course management system takes a considerable amount of time. Also, it has been stated by Lynch (2004) that it is possible for one hour of online delivery could take between 150-300 hours preparation to properly teach the online course. Faculty who have been engaged fully in online delivery may well understand the amount of work and time that is required to instruct in the online environment. Age and gender did not make a significant difference with the concern items, which is consistent with previous literature. However, individual means and subscale means do support the literature stating those concern items related to workload/effort is a growing issue for faculty and their willingness to engage in online delivery.

Faculty expressed some concern when asked about items relating to the subscale of course quality. While very different concern subscales, both course quality and

workload/effort have the same means. It can be interpreted that one may lead to the other. It could take more effort on an instructor's part to relay instructional information in an online environment to ensure that students fully grasp the course material. The individual item within the course quality subscale dealt with 'limited interaction with students', which had the highest individual mean of any of the concern items. This theory is supported by Schifter (2002) who reported that faculty might not be motivated to participate in online delivery because there is less interaction between faculty and the student. The individual item about course quality had the second highest mean, which supports the literature of some faculty expressing doubt about the overall quality of online delivery. One participant to the questionnaire responded that he did not "Feel it is as good a method when compared to traditional interactions." Another respondent replied that his belief is that "I do not believe it is a pedagogically appropriate way to reach students." Faculty in this study expressed concern about course quality, despite the fact that previous literature has found that course quality of online courses is comparable to traditional courses (Adams, 2007).

The results of the study revealed that there is a relationship between gender and one's preferred delivery method. The other demographics of age and tenure status made no difference when evaluating the preferred delivery method. There is a possibility that the difference in delivery method preference attributable to gender may be due to measurement error. Previous literature indicated that demographics did not hinder whether an individual would participate in online delivery, but no literature has focused on faculty's preferred delivery method. Follow-up data analysis of frequencies found that females more than males would participate in a fully online environment. The follow-up

analysis also suggests that males more than females preferred the face-to-face delivery method over hybrid or fully online delivery. It is a possibility that those who prefer the face-to-face delivery method may feel as did one respondent to the questionnaire who stated, "Online education diminishes the quality of the total educational experience."

Legal concern items were not reported to be a major hindrance in participating in online delivery for those faculty who participated in this study. The individual concern items found in the legal concerns subscale held many of the lowest means out of all of the twenty concern items. Reduced job security had the lowest mean out of the twenty concern items. The faculty who responded to the questionnaire indicated reduced job security was just a minor concern. This, in contrast to what literature has indicated. Kiernan's research pointed out that faculty at one university indicated that the progression to distance education could possibly signify the loss of faculty jobs (2000). This data from 2000 may be outdated and that could be a possible reason for the differences. Specifically, reduced job security could be less of a concern today than nearly a decade ago because faculty now realize the amount of time and effort needed to engage in online delivery. Analysis of the items of the 'university selling the online course I developed to private companies without my permission,' 'loss of ownership of scholarly/research work.' and 'loss of access to scholarly/research work' indicated a minor concern for those who participated in this study. Out of the 223 respondents, only one indicated that legal issues were a major concern. The respondent stated, "Our University is currently trying to claim copyright over all instructional materials delivered online and I am very disturbed by the situation." According to the literature, this faculty is appropriate to be concerned. It is espoused that universities might decide to enter into

contracts with private companies for the purposes of commercialization of faculty created works, but the inaction of faculty to legally challenge these contracts in courts might be seen as passive acceptance of the practice (Maddux, Ewing-Taylor, & Johnson, 2002).

The belief that faculty should retain rights to their intellectual property is further asserted by Talab (2007):

Faculty must retain intellectual property rights. Individual property rights and the innate value of the individual are the cornerstones of western democracies.

Faculty do not make “widgets.” Faculty must be vigilant about intellectual property protections, including periodically revisiting intellectual property policies. That higher education institutions will respond to these internal and external marketing pressures though economies of scale is inevitable. However, the “big box” store approach, much like Wal-Mart, must be balanced by constant vigilance in faculty control of intellectual property. (p. 11-12)

Out of the five concern subscales, legal concerns had the lowest mean. The issue of legal concerns was raised in the literature as a possible obstacle to faculty participation in online delivery. When faculty’s knowledge of legal issues was tested, however, none of the respondents who answered the knowledge of intellectual property questions answered the questions correctly. Further, the findings revealed that there was little difference between those faculty who participated in online delivery and those who had never participated in online delivery regarding the number of correct responses answered when asked about their knowledge of intellectual property rights.

On average, the faculty who previously participated in online delivery answered half of the questions correctly. Of the ten questions posed to the faculty concerning

intellectual property rights, five questions received over fifty percent incorrect answers. Specifically, the item answered incorrectly by nearly two-thirds of the respondents dealt with where the source of intellectual property rights were derived. The two questions related to the ownership of scholarly/research materials and the creation of works was missed by close to 55% of those who responded to the survey. The lack of knowledge about intellectual property rights could have been a contributing factor to these faculty expressing only a minor concern with items pertaining to legal issues. However, this study revealed that faculty are interested in receiving education about their intellectual property rights. Over sixty percent of the participants in this study expressed an interest in attending some type of training activity if it were offered.

While there was no significant difference in the number of intellectual property knowledge questions for the variables of experience, age, gender, and tenure status, it is important that faculty are aware of intellectual property rights when it comes to scholarly work product. It is important for both parties, the creator of the scholarly work product and the university or college. There may be a misconception by faculty that since they are the creator of the scholarly work, colleges and universities have no legal claim to the work, and that the institution might not be able to sell courses they create to private courseware companies. Since there is no legal basis for this claim, universities and colleges can claim ownership of scholarly work product. For this reason alone, faculty should be aware of intellectual property rights. Institutional claim over faculty created scholarly work related to online delivery may become a point of contention between faculty and administrators.

The erroneous belief that faculty own the scholarly work product created by them can create legal disputes between the creator and the institution. Universities and colleges also should be concerned that faculty can take courses created using university time and resources and sell the course material to courseware companies for private use. On the other hand, higher education institutions can assert claim over faculty's scholarly work to sell to courseware companies, which might lead to the possibility of faculty entering into a legal dispute with their employer.

While administrators grapple with how best to compete for students and keep higher education affordable for these students during a tough economic climate where the percentage of funding of higher education has decreased, many colleges and universities are exploring alternative delivery methods to attract and retain students. One alternative delivery mode that has become popular due to technological advancements is online delivery. This study provided administrators with information about the concerns faculty face when dealing with online delivery. Although there is a range of overall concerns that may hinder faculty participation in online delivery, this study has identified the concerns as belonging to more distinct sub-constructs. Thus administrators may be wise to address these sub-constructs with faculty when they are deciding whether or not to participate in online delivery. Moreover, this study assessed the general intellectual property rights knowledge of those who teach in the academy. These findings will give administrators insight as to the need to educate faculty about intellectual property rights. Overall, the results of this study will allow administrators and faculty to have meaningful dialogue regarding the concerns of online delivery and the general intellectual knowledge property rights.

With the scope of education changing, it is imperative that administrators start to look seriously at online education as an alternative delivery method. Administrators should consider addressing the concerns of faculty with the online delivery method and establishing policies related to the ownership of scholarly work that is being delivered by faculty online. It is important that administrators and faculty participate in continuous discussions about online delivery since it has been suggested that colleges and universities will become extinct and by 2025 “courseware producers will sell courses and award credits directly to the end user and thus, through intermediation, bypass the institutional middleman” (Dunn, 2000, p.37).

Limitations

Traditionally, many faculty are not employed on a twelve month basis. Therefore, summer distribution of the questionnaire was a limitation of the study as many of the nine or ten-month faculty may not have gotten the opportunity to respond to the survey instrument.

Using the Advisory Council for Distance Learning and Academic Outreach (ACDLAO) for distribution was also a limitation of the study. Because the researcher did not have control over when the questionnaire was sent to the various institutional listservs some institutions’ participants may have had more or less time to respond to the survey. Also, having the ACDLAO representatives send out the survey’s link may have limited the faculty at an institution who actually saw and could respond to the survey, e.g., one ACDLAO representative sent the survey link out only to faculty who taught online in the semester previous to the survey’s release.

Recommendations

Based on the findings from this study, there are several recommendations put forth by the researcher. The two constructs of workload/effort and rewards were identified in this study as concerns for faculty and possible reasons for some of their ambivalence with participating in online delivery. First, administrators should create and implement specific policies addressing online delivery. These policies should clearly address how the workload/effort of faculty will be rewarded for the creation and delivery of online courses. These policies should be uniform in nature and there should be ongoing dialogue between administrators and faculty to put these policies in place.

Second, administrators should provide training for all faculty on general intellectual property rights. Administrators should also have detailed, written policies related to the ownership of materials that are created for online delivery. Specific information should include how profits will be shared if the university does enter into agreements with private companies. This information should also include penalties, if any, to those faculty who sell their scholarly work product to private companies. The policies should also include who would retain ownership of a faculty's member scholarly work product if the faculty member left the university. University administrators should consider setting detailed policies specifically for online delivery.

Thirdly, administrators will need to consider more seriously faculty concerns related to course quality. It has been noted in the literature that online delivery is equivalent to traditional delivery (Adams, 2007). Since the data were gathered and analyzed for this study, the Mississippi Institutions for Higher Learning Board sent a mandate to all the public institutions in Mississippi to make education more accessible by

offering more online programs because some students only lack 30 to 60 hours to complete a degree (Brown, 2008). Therefore, administrators might consider some type of collaboration with those faculty who express concern about course quality and those faculty who might have already experienced success using online delivery.

Finally, university systems should consider oversight of online delivery, rather than individual institutions doing so. This oversight might be considered a 'one-stop shop' to assist all universities with policies and procedures related to online delivery and intellectual property rights. University system oversight would create uniform policies across the entire system. This oversight will also, at the same time, have the benefit of gaining and sharing knowledge of the same or similar courses and reducing redundant efforts and resources. It is important that this oversight not hinder faculty academic freedom while participating in online delivery, however. Such a university system would also create a point of contact for faculty to seek assistance related to intellectual property rights.

Considerations for Further Research

A confirmatory analysis should be completed to test the exploratory analysis to assess if the five-component model is a good fit. Since the purpose of this study was to evaluate the state of Mississippi public universities as a whole, analyses should be expanded to include the Southeastern region.

A study should be conducted to analyze data between all forms of alternative delivery. Colleges and universities are seeking to make learning convenient and accessible for the learner. Therefore, research should be done to see if faculty have the

same concerns with other alternative delivery methods (weekend courses, intersession courses) as they do with online delivery method.

Since this study focused on faculty in a university-wide system, further investigations should be conducted to compare the concerns of those faculty who have participated in online delivery versus those who have never participated in online delivery. Further, a larger more representative sample of faculty might allow a more comprehensive survey delivered to all faculty in each public higher education institution might yield different results or more comprehensive data.

This study should also be expanded to evaluate the concerns of community colleges and private colleges. A comparison study could be completed to see if all faculty share the same preferences, concerns and have more or less knowledge about general intellectual property rights.

APPENDIX A

FACULTY CONCERNS AND KNOWLEDGE OF INTELLECTUAL PROPERTY AT
RIGHTS SURVEY INSTRUMENT**1. Informed Consent**

Dear Participant,

As a doctoral candidate I am conducting a study for my dissertation concerning online teaching and intellectual property rights at traditional institutions. You are being asked to complete a questionnaire, which will take approximately 15 minutes of your time.

Please complete the survey even if you have never taught an online course.

Although there may be no direct benefits to you as a participant in this study, the responses will allow the researcher to evaluate academicians' concerns about engaging in online delivery and academicians' knowledge of intellectual property rights of scholarly work. Further, the researcher will be able to make recommendations to administrators and governing boards of traditional universities based on these findings.

Participation in this study is voluntary. Your responses will remain totally anonymous. The aggregate data will be seen only by the researcher and the faculty advisor. You may refuse to participate or withdraw your participation at any time without penalty. Refusing to participate will, in no way, affect your standing at your respective institution. There are no known risks of participating in this study. If you have any questions about this study, you may contact the researcher, La Toya Hart at 601.266.5089. Answers to the knowledge of intellectual property rights questions can be obtained by contacting the researcher via email. Answers will be available once the survey is closed. Overall results of this study will be available to you after November 3, 2008 by emailing latoya.hart@usm.edu.

You must be over 18 years of age to participate in this study. By completing the questionnaire, you are indicating your consent to participate. Thank you for your participation in this research project.

This project has been reviewed by the Human Subjects Protection Review Committee, which ensures that research projects that involve human subjects follow federal regulation. Any questions may be directed to the chair of the Institutional Review Board at the University of Southern Mississippi by calling (601) 266-6820.

Respectfully,

La Toya Hart

2. Online Courses

The following statements are about ONLINE courses.

1. What is your experience with online teaching?

- Fully online
- Hybrid
- Both (fully online & hybrid)
- Neither (Skip to question 3)

2. If you have taught previously taught online, approximately how many individual sections?

Fully online

Partially (hybrid) online

3. Satisfaction with Online Courses

For the remaining questions, online means fully online.

1. How satisfied are you (generally) with teaching online?

- N/A
- Extremely dissatisfied
- Dissatisfied
- Satisfied
- Extremely satisfied

2. Have you turned down opportunities to teach an online course?

- No
- Yes

If yes, what is the primary reason?

3. I believe online delivery is:

- Less Personal
- Same as traditional delivery
- More Personal

4. I believe teaching online takes:

- Much more time
- More time
- About the same
- Less time

4. Concerns with Online Delivery

The following statements list reasons people have given as concerns about TEACHING ONLINE. What is your level of concern about each? Please respond EVEN IF YOU HAVE NOT TAUGHT ONLINE.

1. Please indicate your level of concern with the following statements.

	Not a concern	A minor concern	A concern	A major concern
Lack of fit with institution's mission	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Increased faculty teaching workload	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Increased legal concerns	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The university selling the online course I developed to private companies without my permission	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Limited technological support	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Loss of ownership of scholarly/research work	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Concerns about lower course quality	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lack of administrative support	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Increased development and implementation time	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Loss of access to scholarly/research work	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lack of faculty rewards/incentives	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Necessary maintenance of online courses	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lack of recognition from the institution	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lack of credit toward promotion and tenure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lack of recognition from the department	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lack of technological training	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Limited interaction with students	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Loss of freedom to discuss controversial topics	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Required standardization of curriculum	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reduced job security	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

2. If given an option, I would prefer to teach:

- Face to face
 Hybrid (partially)
 Fully online

5. Knowledge of Intellectual Property Rights

The remaining items are designed to determine your level of familiarity with intellectual property rights. Please select the best answer to the following items.

Once the survey is closed, answers will be made available via email by contacting the researcher.

1. The inspiration for intellectual property rights in the United States comes from _____.

- No law but rather from common practice and custom
- Federal statutes only
- State statutes only
- United States Constitution

2. Which of the following would not be protected under copyright law?

- Syllabi
- Chapters in a textbook
- Speeches and lectures
- Online courses

3. Which of the following allows a professor to use copyrighted work without obtaining the permission of the copyright holder?

- Work made for hire doctrine
- Fair use doctrine
- Copyright doctrine
- Digital Millennium Copyright Act (DMCA) of 1998

4. The legal right to a patent is obtained when _____.

- The idea for the invention or process is conceived
- The application for the patent is sent to the US patent office
- The US patent office grants the inventor the right
- The inventor can prove that the invention or process works

5. Under the traditional legal theory of "work made for hire" doctrine, the intellectual property of a university employee is owned by _____?

- The university
- The employee
- Both the university and employee jointly
- The university if the employee assigns rights of ownership to the university

6. With the passage of the Technology, Education, and Copyright Harmonization (TEACH) Act of 2002 distance educators are allowed _____.

- To trace the illegal use of copyrighted material
- The reasonable use of copyrighted material without the permission of the copyright holder
- The unlimited use of copyrighted material
- The use of copyrighted material if royalties are paid to the copyright holder

7. Who owns the copyright to a faculty member's scholarly/research work once it is placed online for teaching purposes?

- The faculty member's university
- The faculty member who created the material
- Both the university and faculty member jointly
- The course management company

8. Who owns the patent of inventions that are created utilizing the resources of the university?

- The university
- The inventor
- Both the university and the inventor
- The company who produces the invention

9. The policies governing class discussions of controversial topics by faculty in online classes are _____.

- Less restrictive than policies for traditional classes
- More restrictive than policies for traditional classes
- The same as those policies for traditional classes

10. Who owns the copyright to scholarly/research work created from one's home office if it is in the scope of one's employment?

- The university
- The employee
- Both the university and the employee
- The university if the employee assigns rights of ownership to the university

6. Demographic Information

Please respond to the following demographic information.

1. What is your gender?

- Female
 Male

2. Please indicate your age range.

- Under 30
 31-40
 41-50
 51-60
 Over 60

3. Which best describes the discipline in which you teach?

- Science
 Technology
 Business
 Education
 Psychology
 Health Related Profession
 Humanities or Fine Arts
 Social and Applied Sciences
 Other

4. What subject area do you teach?

5. How would Human Resources classify your position?

- Assistant Professor
 Associate Professor
 Full Professor
 Adjunct Faculty
 Teaching Assistant
 Instructor
 Dean or Department Chair
 President, Provost, Vice President
 Staff

6. Please indicate your tenure status.

- Tenured
 Tenure track
 Not tenure track

7. The majority of your time at your institution is spent:

- Doing research
 Teaching
 Administration

8. What is the approximate total (undergraduate & graduate) enrollment at your institution?

- 1,000-4,000
 4,001-7,000
 7,001-10,000
 over 10,001

9. Please use the remaining space to provide additional comments.

7. YOU ARE FINISHED!

Thank you for your participation!

APPENDIX B

INSTITUTIONAL REVIEW BOARD APPROVAL



THE UNIVERSITY OF SOUTHERN MISSISSIPPI

Institutional Review Board

118 College Drive #5147
 Hattiesburg, MS 39406-0001
 Tel: 601.266.6820
 Fax: 601.266.5509
 www.usm.edu/irb

**HUMAN SUBJECTS PROTECTION REVIEW COMMITTEE
 NOTICE OF COMMITTEE ACTION**

The project has been reviewed by The University of Southern Mississippi Human Subjects Protection Review Committee in accordance with Federal Drug Administration regulations (21 CFR 26, 111), Department of Health and Human Services (45 CFR Part 46), and university guidelines to ensure adherence to the following criteria:

- The risks to subjects are minimized.
- The risks to subjects are reasonable in relation to the anticipated benefits.
- The selection of subjects is equitable.
- Informed consent is adequate and appropriately documented.
- Where appropriate, the research plan makes adequate provisions for monitoring the data collected to ensure the safety of the subjects.
- Where appropriate, there are adequate provisions to protect the privacy of subjects and to maintain the confidentiality of all data.
- Appropriate additional safeguards have been included to protect vulnerable subjects.
- Any unanticipated, serious, or continuing problems encountered regarding risks to subjects must be reported immediately, but not later than 10 days following the event. This should be reported to the IRB Office via the "Adverse Effect Report Form".
- If approved, the maximum period of approval is limited to twelve months.
 Projects that exceed this period must submit an application for renewal or continuation.

PROTOCOL NUMBER: 28051201

PROJECT TITLE: Faculty Concerns and Knowledge of Intellectual Property Rights at Traditional Universities

PROPOSED PROJECT DATES: 05/01/08 to 05/01/09

PROJECT TYPE: Dissertation or Thesis

PRINCIPAL INVESTIGATORS: LaToya Hart

COLLEGE/DIVISION: College of Education & Psychology

DEPARTMENT: Educational Leadership & Research

FUNDING AGENCY: N/A

HSPRC COMMITTEE ACTION: Expedited Review Approval

PERIOD OF APPROVAL: 05/15/08 to 05/14/09

Lawrence A. Hosman

 Lawrence A. Hosman, Ph.D.
 HSPRC Chair

5-19-08

 Date

APPENDIX C

INSTITUTIONAL REVIEW BOARD APPROVAL



Office of Research and
Sponsored Programs
100 Barr Hall
Post Office Box 907
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(662) 915-7482
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May 29, 2008

Ms. La Toya Hart
The University of Southern Mississippi
Educational Leadership and Research
118 College Drive #4460
Hattiesburg, MS 39406-0001

Dr. Kyna Shelley
The University of Southern Mississippi
Educational Leadership and Research
118 College Drive #5027
Hattiesburg, MS 39406-0001

Dear Ms. Hart and Dr. Shelley:

This is to inform you that your application to conduct research with human participants, ***Faculty Concerns with Online Learning and Knowledge of Intellectual Property Rights at Traditional Universities*** (Protocol No. 08-158) has been approved as Exempt under 45 CFR 46.101(b)(2).

Please remember that all of The University of Mississippi's human participant research activities, regardless of whether the research is subject to federal regulations, must be guided by the ethical principles in *The Belmont Report: Ethical Principles and Guidelines for the Protection of Human Subjects of Research*.

It is especially important for you to keep these points in mind:

- You must protect the rights and welfare of human research participants.
- Any changes to your approved protocol must be reviewed and approved before initiating those changes.
- You must report promptly to the IRB any injuries or other unanticipated problems involving risks to participants or others.

If you have any questions, please feel free to call me at (662) 915-7482.

Sincerely,


Diane W. Lindley
Coordinator, Institutional Review Board

APPENDIX D
INSTITUTIONAL REVIEW BOARD APPROVAL



Delta State University

College of Education
Thad Cochran Center for Rural School Leadership & Research

July 17, 2008

Ms. LaToya Hart
118 College Drive #4460
The University of Southern Mississippi
Hattiesburg, Mississippi 39406

Re: Study: **Faculty concerns with online delivery and knowledge of intellectual property rights at traditional universities**
IRB Protocol number: **08-007**
Approval date: **July 17, 2008**
IRB Number: **IRB00001545**
Federal Wide Assurance: **FWA00011892**
Grant Number: **N/A**

Dear Ms. Hart:

On behalf of the Institutional Review Board (IRB) at Delta State University, I am pleased to inform you that your request for IRB clearance for the project identified above appears to be in order. I see no deception, coercion, or harmful effects to your participants. Participants are voluntary and they do not appear to be vulnerable in any way.

This project is classified as EXEMPT from further review for a period of one year from this date. As with other projects, you are required to report major changes and to report any incidents that have affected research subject welfare. It is understood that re-approval must occur within one year of the initial approval date if the project is ongoing.

You are free to begin data collection. Good luck with your research.

Best regards,

Dan R. McFall, Ph.D.
Institutional Review Board Chair

Cc: Dr. Kyna Shelley

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