Ethical Issues of Online Teaching and Learning in the Context of Covid-19 Epoch

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Abstract

In the online teaching and learning environment created by the global pandemic–COVID-19, ethical issues of online teaching and learning among other issues if ignored by educational institutions will affect significantly the quality of education offered. Critical to improving the quality of learning and preparing especially learners to become problem solvers, creative, innovative, and critical thinkers are recognizing, knowing, understanding, and being guided by ethical issues of online education. Educators, administrators, and the government of countries must revisit policies and issues related to ownership or authorship of original works, regulations governing the dissemination of these works, and academic integrity issues to build a constructive and supportive learning environment.

Keywords: Ethical issues, global pandemic, online teaching and learning, educational institutions, plagiarism.

Introduction

Teaching and learning have taken quite a different form and have also managed to adopt a different conduit globally as measures are being taken to curb the spread of the global pandemic, COVID-19. Educational institutions though are not shut down, in-person classes have been brought to a halt. Vulnerabilities in post-secondary education systems across the globe which were not noticed have been revealed by this virus. The current situation has thus called for flexible and robust education systems which can be resilient even in unforeseeable circumstances we may face.

Many educational institutions are on the go to adopt educational technologies that could foster good teaching and learning. Online teaching and learning is now the best alternative to face-to-face instruction for most educational institutions. Considering the many advantages of online teaching and learning mention by proponents, the question of why it was not regarded as better than face-to-face is mostly asked by skeptics. This calls for a careful examination of key issues of online teaching and learning holistically. Ethical issues of online teaching and learning among other issues if ignored by educational institutions will affect significantly the quality of education offered. The quality of students churned out of educational institutions that do pay attention to ethical issues of online teaching and learning should be very questionable. Sharing academic materials and resources is primary in online teaching and learning. That notwithstanding, teachers and students are not to turn a blind eye on issues on intellectual property rights, use of copyrighted materials, issues on academic integrity, and academic dishonesty.

Critical to improving the quality of learning and preparing especially learners to become problem solvers, creative, innovative, and critical thinkers are recognizing, knowing, understanding, and being guided by ethical issues of online education. Ethics, as it appears relevant in many contexts and settings, is a matter of responsibility, accountability, and liability for human choice and decision. (Kelley & Bobber, 2005; Laudon & Laudon, 2006). The nature of online education has drawn in much attention on ethical and legal issues in the use of educational resources and a need for scrutiny of these ethical and legal issues (Kelley & Bonner, 2005; Laudon & Laudon, 2006). So significant has been the impact of technology on teaching and learning, raising unusual concerns about ethical issues on teaching and learning (Gearhart, 2001). It is necessary and essential to discuss these issues in this COVID-19 epoch.

Issues on Authorship and Copyright

First on the ethical issues on online teaching and learning in the context of COVID-19 environment is about regulations governing ownership or authorship of original works and dissemination of these works. Petersen (2003) explains that any instructional or course material including readings, assignments, exams, discussions, students' contributions, tools, or simulations can be considered intellectual property. The intellectual property speaks of discoveries, creative works, inventions, know-how, and/or show-how, artistic works of value, produced through human activities by individuals or entities (Loggie et al., 2006). In the field of education, any faculty member's work including lecture notes, presentation files, syllabi, books, scholarly publications can be patented or trademarked. The owner or author can also seek and be given copyright or license for the ownership of the work to be safeguarded (Kelley & Bonner, 2005; Loggie et al., 2006). The issue of ownership sometimes becomes an issue to discuss for a compromise to be arrived at. An institution may want to claim ownership over a work done by its employees because a significant amount of the institution's resources may have been used by the employee who produced the final work. This is very typical of educational institutions. A faculty member may put considerable effort and time into the creation of educational materials but with significant amounts of his/her institutions' resources such as server space, software, and other infrastructure. The institution may want to claim ownership over the materials produced by the faculty member because, from the view of the institution, the faculty member is paid to teach a course using anything he/she needs to create with the institution's resources. (Kelley & Bonner, 2005; Loggie et al., 2006). Some institutions apply a work-for-hire policy to define which faculty member's work the institution can claim ownership of (Loggie et al., 2006). A work-for-hire policy is an exception to intellectual property rights, which allows an employer or the person for whom an educational material is prepared to be the author instead of the person who did the actual work (Loggie et al., 2006;

Mason, 2005). This is the very concept many educational institutions use as a basis to claim ownership over works done by their students (Petersen, 2003) and faculty members, within the scope of their studentship and jobs respectively. In some educational institutions, the work-for-hire concept is applied differently in matters concerning scholarly works (Kelley, Bonner, Mcmichael, & Pomea, 2002).

The issue of who claims ownership or can license a created material becomes quite controversial and complicated with the easy transfer and access of many different types of learning materials through digital media (Loggie et al, 2006; Nemire, 2007). If new knowledge is generated by students through a colloquy or seminar organized by an educational institution and the students produce a work with the new knowledge gained, who can claim rightful ownership of the work produced? A study conducted on ownership of distance education material by Kelly et al. (2002) showed how most of the responding institutions have changed their policy ruling on ownership of intellectual property which even includes Web-based materials. It was realized in his study that the majority of these institutions had replaced the traditional work-for-hire agreement with a new policy ruling which allowed their faculty members to claim ownership over educational works they produce given these works were developed without substantial use of the institutions' resources. Kelley et al. (2002) found also that these institutions which seemed to allow for a new concept on ownership (i.e. who owns what), gave specific definitions of what online education was, set clear guidelines on ownership of educational materials produced by faculty members, making use of specific rules on ownership relating to online courses they identified. The legality of these new concepts and policies are yet to be tested in the courtrooms. The legally accepted work-to-hire principles and necessary adjustments to it especially in an online teaching and learning setting will be determined by future legal rulings (Loggie et al., 2006).

Another ethical issue of much concern in online teaching and learning is the use of copyrighted materials. Copyright is not the protection of ideas as understood by some people. Rather it offers protection on the expression of the ideas as embodied in physical work (Loggie et al., 2006). Copyright law is the protection of an original work contained in a material object of some kind such as a computer storage device, a canvas, or a book (Masons, 2005; McGreal, 2004). According to the Copyright Act, 2005 (Act 690) of Ghana, works eligible for copyright include literary work, artistic work, musical work, sound recording, audiovisual work, choreographic work, derivative work, and computer software or programs. In an academic setting, scholarly publications, presentation files, web-based course materials, and books may be copyrightable. It is important to note that the Copyright Act, 2005 (Act 690) of Ghana permits quotations from an original work in another work without the author's permission if the source and name of the author of those quotations are acknowledged in the work. The U.S. copyright also permits quotation and paraphrasing of original works without an author's permission given that users properly acknowledge the original author (s) (Soto, Anand & McGee, 2004). That notwithstanding, section 19, subsection 2b of the Copyright Act, 2005 (Act 690) of Ghana, does not permit unauthorized copying of whole or substantial part of original work for a different work (Ghana Copyright Act, 2005-Act 690). Although there may not be a copyright notice on many educational materials, almost all educational materials are copyrighted the moment they are created, thus, in this an online teaching and learning environment created by the global pandemic–COVID-19, it is incumbent on online educators to understand the tenets of copyright law and the implications of noncompliance as misapprehensions can halter the furtherance of constructive online teaching and learning experience. There is a need for collaboration but with creativity among educators and as well as administrators involved in online education to encourage dissemination of knowledge while ensuring that the rights of original authors are protected. Because teaching and learning

environments are getting more digitized, the implications of copyright laws may need constant scrutiny (McGreal, 2004; Nemire, 2007). The concept of fair dealing or fair use as it exists in UK copyright law, US copyright law and Ghana copyright law allows to some extent lawful use of copyrighted works without having to seek permission from the copyright holders (UK Copyright, Designs and Patents Act, 1998, U.S. Copyright Office, 2006, Ghana Copyright Act, 2005-Act 690). Thus, certain limitations are set on the rights of copyright owners or creators in the application of the concept of fair use (Loggie et al., 2006; Masons, 2005; U.S. Copyright, 2006). Sections 29 and 30 of UK Copyright, Designs and Patents Act 1988 provides an exception to British copyright law, to legitimate fair dealing in instances where; a) the use is for research or private study; b) the use is for criticism, review or quotation; c) it is utilized to report current events (excluding photographs) (UK Copyright, Designs and Patents Act, 1998). Determination of fair use is still not clear-cut, thus copyright laws exposit general factors to decide whether a use can be considered as fair use or not. General factors considered for a decision on fair use are; a) the purpose and character of the use; b) the nature of the copyrighted work; c) the substantiality of the part used; d) the effect or value of the use on the market (U.S. Copyright Office, 2006). Furtherance of constructive online teaching and learning is facilitated by fair use as it gives scholars and educators some leverage to use parts of copyrighted works for educational purposes that are non-commercial without having to obtain permission for that use from a copyright holder (McGreal, 2004; Nemire, 2007).

In 2001, the Massachusetts Institute of Technology (MIT) introduced the concept of Open Course Ware (OCW) to facilitate the dissemination of some of their online educational materials to the public (Loggie et al., 2006). Many universities since then have joined in the OCW initiative (Centre for Open and Sustainable Learning [COSL], 2007b). Under the Creative Commons licensing agreement of the OCW with Attribution-NonCommercial-ShareAlike (Creative Commons, n.d.), it is allowed for copies of an original work to be made

and for its derivate work to be disseminated around the world without having to obtain permission from the copyright holders, but on the condition that the copyright holder will be acknowledged and that the purpose is non-commercial (COSL, 2007a). The OCW makes undergraduate and graduate course materials available at no cost to learners in the world (Loggie et al., 2006). This initiative offers great help to less fortunate students in underdeveloped countries, scholars, and educators in different institutions as they have access to very good teaching and research materials. Educators, for instance, can access colleagues' teaching and learning materials which becomes a useful tool for them to review their work and update existing educational materials (Johnstone, 2005; Margulies & Potts, 2003).

The legislation of Technology Education and Copyright Harmonization (TEACH) Act of 2002 which succeeded the OCW likewise facilitates the free use of copyrighted resources without the need to obtain permission from the copyright holder also on the condition that the institution using the copyrighted resource is a governmental body or accredited as a non-profit educational institution with its institutional policies compliant with U.S. copyright law (Mcgreal, 2004; U.S. Copyright Office, 2005). The TEACH Act now gives online educators some protection to digitize parts of existing works for their teaching – a privilege previously enjoyed by only face-to-face educators. As a single act cannot cover all areas, the educational resources allowed fair use by the TEACH Act are limited to poetry readings, movie clips, and images of artworks (U.S. Copyright Office, 2005). Nevertheless, the inception of the TEACH and the situation created by the global pandemic – COVID 19 raises sentience on the need to promote the dissemination of educational resources around the world but safeguarding the rights of copyright holders and making sure high academic standards are maintained in online teaching and learning.

Issues on Academic Integrity and Honesty

From the context of the COVID-19 environment, academic integrity, and honesty in online teaching and learning are also a subject worthy of much attention. The advent of Internet technology has made students very vulnerable to the violation of academic honesty since it gives students access to unlimited written materials (Jocoy & DiBiase, 2006). According to the Centre for Academic Integrity [CAI] (2005), educators have realized that many American students do not know how to tack together ideas to write their papers without plagiarizing (CAI, 2005). Since copyright issues are not extended to words or ideas integrated into documents of fields like organizational documents, many students may not have apprehended the concept of plagiarism and documentation, not knowing that there exist different conventions of source attribution (Council of Academic Program Administration [CWPA], 2003). Soto et al., (2004) found that most at times, students' lack of knowledge about plagiarism is the reason for most plagiarism violations. Prevention of plagiarism to promote academic honesty and integrity should not be the responsibility of students only, rather a shared responsibility of students, educators, and even administrators of educational institutions (CAI, 2005; Jocoy & DiBiase, 2006). Educators are not to assume students already know how to document sources appropriately because many students are yet to develop a clear understanding of the appropriate use of the internet to avoid plagiarism (CAI, 2005). Educators can reduce plagiarism by giving students assignments and examinations that require them to apply, analyze, and/or evaluate concepts in their course of study as Bloom's taxonomy suggests. Direct answers to such questions in assignments and examinations cannot be found on the internet, rather, it will require students to integrate ideas, demonstrate their understanding of these ideas, and apply them. It will as well be helpful if instructors as part of instructions and guidelines to these assignments and examinations state clearly that any form of plagiarism will be dealt with severely with strict disciplinary actions. Soto et al., (2004) found out that students who did

receive clear instruction and sensitization to recognize plagiarism in their works and to understand what is meant to plagiarize violated plagiarism rules twice less than those who did not receive such instructions.

Administrators should be firm to not overrule punishment for plagiarism if some students should file grievances against faculty members who penalize students for plagiarism. As administrators stand by faculty in such issues, this will send a clear signal to students that academic dishonesty is never tolerated (Heberling, 2002).

Because of the nature of online teaching and learning, plagiarism in this setting seems to be an issue that needs much concern even than the traditional classroom as it cannot be completely eradicated (Townley & Parsell, 2004). Faculty and administration thus need to team up to nurture and teach online students on how to uphold responsibility and academic integrity (CAI, 2005; Jocoy & DiBiase, 2006; Soto et al., 2004).

Conclusion

To conclude, online teaching and learning has become very necessary for adoption by most educational institutions in the world because of the global pandemic, COVID-19. Educators, administrators and the government of countries must revisit policies and issues related to ownership or authorship of original works, regulations governing the dissemination of these works and academic integrity issues to build a constructive and supportive learning environment that offers quality education which produces graduates who are problem solvers, creative, innovative and deep critical thinkers.

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