

**RESOURCES AND LEGAL ISSUES RELATED TO  
TECHNOLOGY-BASED LEARNING**

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**RESOURCES**

- Educause Resource Page: <http://www.educause.edu/library/massive-open-online-course-mooc>
- Legal Issues in MOOCs: <https://net.educause.edu/ir/library/pdf/LIVE1319S.pdf>
- MOOCs: The Key Legal and Policy Issues for Colleges and Universities: [http://www.nacua.org/securedocuments/programs/july25\\_2013vs/july25\\_2013vs.pdf](http://www.nacua.org/securedocuments/programs/july25_2013vs/july25_2013vs.pdf)
- ISSUE BRIEF Massive Open Online Courses: Legal and Policy Issues for Research Libraries: <http://www.arl.org/storage/documents/publications/issuebrief-mooc-22oct12.pdf>
- Massive Open Online Courses (MOOCs): A Primer for University and College Board Members: [http://agb.org/sites/agb.org/files/report\\_2013\\_MOOCs.pdf](http://agb.org/sites/agb.org/files/report_2013_MOOCs.pdf)
- Guide to Massive Open Online Courses (MOOCs) at Illinois: <http://mooc.illinois.edu/docs/moocs-at-illinois-guide.pdf>
- Copyright Challenges: <https://net.educause.edu/ir/library/pdf/PUB9014.pdf>
- Copyright Resources: <http://guides.library.upenn.edu/content.php?pid=244413&sid=3375306>
- 7 Things You Should Know About MOOCs: <https://net.educause.edu/ir/library/pdf/ELI7097.pdf>
- A Simple Guide to Navigating the MOOC Muddle: <http://www.wcet.wiche.edu/wcet/docs/talking-points/WCETTalkingPoints-MOOCs-04-08-2013.pdf>
- Educause Learning Initiative Resource: <https://docs.google.com/a/educause.edu/document/d/1BLBZdGleB6XOe92z94gp1xndbmDcbzlvZ3ngG9-Tc0/edit?pli=1>
- 50+ Questions to ask in MOOC Planning: [https://docs.google.com/document/d/1QjEclxCymm\\_0qTHC8aL6ziEqr14MnV46gpHu82mC6LY/edit?pli=1](https://docs.google.com/document/d/1QjEclxCymm_0qTHC8aL6ziEqr14MnV46gpHu82mC6LY/edit?pli=1)

■ The MOOC Guide: <https://sites.google.com/site/themoocguide/>

■ Massive Closed Online Courses (Export Controls):

<http://www.insidehighered.com/news/2014/01/28/state-dept-blocks-access-moocs-countries-economic-sanctions>

■ Update on Course Accessibility for Students in Cuba, Iran, Sudan, and Syria:

<http://blog.coursera.org/post/74891215298/update-on-course-accessibility-for-students-in-cuba>

■ THE EVOLVING LEGAL AND REGULATORY LANDSCAPE OF DIGITAL EDUCATION - COMMON ISSUES RELATING TO DISTANCE EDUCATION CONTRACTS:

[http://www.nacua.org/securedocuments/programs/november2013/04b\\_13-11-6.pdf](http://www.nacua.org/securedocuments/programs/november2013/04b_13-11-6.pdf)

■ MOOCs: When Opening Doors to Education, Institutions Must Ensure that People with Disabilities Have Equal Access:

<http://www.nebhe.org/thejournal/moocs-when-opening-the-door-to-education-institutions-must-ensure-that-participants-with-disabilities-have-equal-access/>

## **MOOC/TECHNOLOGY-BASED EDUCATION LEGAL ISSUES FOR CONSIDERATION**

- Platform choice and contractual terms and conditions
- Security for local network and assets
- Identification and confirmation of student/participant for certification and credit
- EULA, terms and conditions for participants
- Online conduct and dismissal or termination of rights to participate
  - Abusive behavior
  - Posting infringing materials or links to infringing materials
- Violation of terms and conditions or honor code
- Proctoring and testing, Honor Code
- Privacy Policy and privacy concerns
  - Privacy and data collection and use
  - Click-stream data
  - Mining for tutoring and instructional algorithms
  - Sharing data for institutional research
  - Human subjects and IRB approval
  - Participant profile pages
- Copyright and Ownership
  - Course ownership
  - Infringement
  - Differences from section 110 face-to-face and TEACH Act
  - Fair use, transformation, market analysis
  - Rights to derivatives
  - Portability
  - Updating and maintaining
  - Distribution rights
  - Third-party licenses and permissions
  - DMCA takedowns

- Codes of Best Practices
- Creative Commons Non-Commercial Licenses
- Faculty taking course to outside MOOC provider
- Participant-developed content ownership and licenses (e.g., tutorials)
- Accessibility 504 and ADA
- Outside readings, access, and licensing of materials for coursework
- Credit and accreditation
- FERPA concerns when enrolled students access MOOCs
- Use of University names, marks, and logos
  - Use of marks with certificates or badges
  - Third-party use and licensing in academic arena
- Faculty compensation
- Faculty tenure and promotion
- Academic freedom
- Conflicts of interest and commitment
- Course quality standards and determinations
- Textbooks and content links and licensing
- Library support for participants and faculty-creators
- Non-profit protections – teaching or publishing
- Considering default to open access and nonexclusive licenses
- Restrictive/expansive terms in MOOC provider contracts
- “Baked in” approach to accessibility
- Export controls and embargoes for information and participants
- Separate issue analysis for MOCs, LOCs, and LOOCs
- Liability for third-party link effects (e.g., UI-CU NASA server crash) and cached resources
- Agreements with other universities/entities to create and offer a course
- Technology transfer involvement for inventions/discoveries/creative works in course design and delivery