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Perceptions of Academic Staff toward Copyright of Educational Materials

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Abstract

Implementation of the effective copyright process in educational settings is the only way to sustain the development and distribution of the knowledge and preserve the creativity of the content developers. This paper outlines the knowledge and perceptions that academics have regarding copyright laws in relation to using external materials in the classroom. An online survey was distributed to gather data from 114 tertiary level academic staff employed at a Turkish state university. After introducing the theoretical background to the problem, this paper purports how the survey was carried out and then presents the data obtained. The results indicate that while most academics are aware of the existence of copyright laws, they do not possess a clear understanding on the legal applications in educational context. The study also revealed the need for educational institutions in Turkey to take the appropriate steps in providing adequate copyright law training for their academic staff.

Keywords: copyright, academic staff, perception;

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1. INTRODUCTION

With the advent of the Internet technology, a truly dramatic expansion is witnessed on electronic access to digital content. Correspondingly, due to the lack of sophisticated rules and behaviour models in the perspective of information and communication technologies (Lodder, 2000; Mallor,

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2004), new ethical problems tend to occur amidst cyber relations of people and institutions (Honkasalo, 2011; Masango, 2009; Rogerson, 2002; Tang, 2010). Knowingly, or by accident the availability of technological means to get content from cyberworld have made it increasingly feasible for Internet users to obtain and distribute digital copyrighted content. Simply put, copyright refers to the personal rights of the owners on the use and distribution of intellectual and art works (Bozkurt, 2002). According to the universal copyright regulations, reproduction and unauthorized use of a work or intellectual property on the Internet would infringe copyright unless the permission of the owner is obtained (Wanda & Gerald, 2005). The World Intellectual Property Organization explains the concept of intellectual property as any creation of the mind; inventions, literary and artistic works, and symbols, names, images and designs. Hence, reproducing, redistributing, performing, broadcasting, translating or adapting without the express permission of the creator of intellectual property clearly falls into the category of copyright infringement and plagiarism which is the act of stealing and passing off the ideas or other intellectual property produced by someone else. Software, multimedia materials, books, scholarly publications, syllabi, presentation files, lecture notes, and web-based course content are the examples of some copyrightable intellectual properties.

1.1. Copyright issues in education

A wide variety of materials are available through the Internet for the use of teachers and students who need to be aware of the kinds of activities that risk copyright infringement (Loggie et al. 2006). However, a moral obligation and civic integrity to respect the rights of the copyright holders who have produced these materials is needed to generate and transferred by the educators and students as well (Chase, 1993). While the concept of copyright in education gained popularity within last decade, in truth many educators are still in need of clarification of the details related to educational materials and course contents. Respectively, Twigg (2000; 1) states that “there has never been much need to figure out if one party owned a course as a commodity that could be sold elsewhere”. Therefore the need to have a clear understanding of what are ethical use norms of the digital course materials becomes extremely important.

Since the lack of understanding of the copyright term and regulations causes for the inappropriate use or retention of materials for many educators, educational institutions are becoming more active in institutional policy formation and enforcement in the issue of copyright in education. The motivation under this attitude is that online courses and course materials represent a potential source of revenue from which the institution should benefit. Gurcan and Aydin (2002) claims that the continuing success of producing many effective materials for open education faculty in Turkey lays under the application of copyright requirements and payments to the developers and authors. Twigg, (2000) lists the course materials as text, images, diagrams, graphs, a full-blown multimedia presentation, instructors’ notes, exercises designed for online collaboration, Web-ready

content, multimedia developed for Web distribution (flash animation, Java applets, video clips, audio), individual and collaborative exercises, readings, bibliographies, lectures, exercises, simulations, and group projects.

The demand of distance education and the outburst of using multimedia course materials have convinced some administrators and faculty members that it might be possible to merchandize digital course content over the Internet (Twigg, 2000). Oppositely, some of the other stakeholders and the academics have offered a set of educational fair use guidelines to provide “greater certainty and protection” for teachers (Consortium of College and University Media Centers, 1996). The aim of the initiative is to provide guidance on the application of fair use principles by educators, academics and students who are expected to produce multimedia projects using copyrighted works. Clarifying the application of fair use of copyrighted works, the guidelines address the need of the educators in using such materials with some limitations including time, portion, copying, and distribution of digital course contents as in the forms of commentary, criticism, news reporting, research, teaching, library archiving and scholarship. Horton (2000) maintains that under fair use regulations allowing teachers to copy small amounts of material for educational use, educators are permitted to use 1,000 words (or 10%) of a publication; 10% or 30 seconds of a piece of music; and the same amount of motion media.

As an another initiative of fair use of educational materials, the Open Courseware Consortium (OCW), introduced by the Massachusetts Institute of Technology (MIT) in 2001, is a collaboration of higher education institutions and associated organizations from around the world creating a broad and deep body of open educational content using a shared model. The licensing agreement generally associated with OCW is called Creative Commons that develops, supports, and stewards legal and technical infrastructure that maximizes digital creativity, sharing, and innovation (Creative Commons, n.d.). This means that the material can be copied and derivative works can be created, however, the works must be attributed to the originating institution/faculty, must be used for non-commercial purposes, and must be offered freely to others under the same terms (Centre for Open and Sustainable Learning, 2006).

A limited number of research done on copyright issues in education examined educators' attitudes (James, 1981), policy formation (Bell, 1980; Clark, 1984; Crews, 1990), knowledge of the law (Wertz, 1984), and fair-use interpretation (Chase, 1989). Besides, Lape (1992), Packard (2002) and Kromrey et al. (2005) reviewed the intellectual property policies of universities in the United States. While Lape (1992) posited that 77% of the universities had a written policy, Packard (2002) studied the same sample of universities and found that all but one (98.5%) had adopted a copyright policy. Kromrey et al. (2005) used a similar framework to investigate the online copyright policies of 42 research-intensive universities and maintained that 100% of the universities had a formal policy, and they were all available online. Kelley, Bonner, McMicheal, and Pomea (2002) outlined important factors for copyright and intellectual property usage at the higher education level. Five findings in the study include: 1) schools having one overarching policy 2) contracts fill gaps 3) intellectual property policies do not exist in all cases 4) exemplary policies recognize academic exception and 5) distance education specialty policies are not in widespread use but may be well crafted. Copyright

issue in education is still an area that lacks current research. As posited by Chase (1993) while there are many work on developing guidelines and interpreting fair-use, quality research on the status of copyright in education is missing.

Turkish copyright law aligned with WIPO standards is documented in the law number 5846 on Intellectual and Artistic Works. In 2007 Turkish Academy of Sciences launched a project in which an open course materials database licenced with creative commons were attained though, a lack of solid understanding toward the copyright issue in Turkey leads to confusion on legal and illegal acts of copying. However, far too little attention has been paid to the awareness of tertiary level scholars toward copyright in education. Many institutions in Turkey have been slow to adopt a specific copyright policy. In addition, no research has been found that surveyed academics` perceptions toward the fair use of digital educational materials. The objectives of this research are to determine the Turkish academics awareness of copyright issues in education and purport their perceptions on the fair use of educational materials. For this purpose, a quantitative method was used and the following research questions were designed:

1. What is the awareness of the participated academics toward the copyright issues in education?
2. What are the perceptions of the participated academics toward the fair use of educational materials?

2. METHODS

Throughout the current research, a survey method was utilized to explore the awareness and perceptions of tertiary level Turkish instructors toward copyright and fair use issues in terms of digital educational materials.

2.1 Instrument

The data gathered by means of a questionnaire adapted from (Heffernang & Wang, 2008) including two questions on internet use of the participants and 21 likert-type items with a scale ranging from strongly disagree (1) to strongly agree (5). However, the data were reported in a format of scale with three items as disagree (a combination of strongly disagrees and disagrees), indecisive, and agree (a combination of strongly agrees and agrees).

The questionnaire form is also included demographic questions on the title and departments of the participants. Before conducting the survey, a piloting process with four teachers was conducted this resulted in the survey being adjusted in accordance with the four participants` comments on some ambiguities in it. The individuals in the pilot study were not included in the actual study. The

online questionnaire was presented to the participants for six weeks. Data from the survey were collected online with each answer automatically added to the database. Each participant was permitted to submit the survey only once.

2.2 Participants

114 academics having various posts participated into the current study on a voluntary basis. The departments of the participants were observed showing a range of faculties including Law, Medicine, Arts and Sciences, Engineering, and Education. The titles of the participated academics were tabulated below.

Table 1. Academic titles of the participated scholars

	%	F
Professor	18.2	18
Associate Professor	17.2	17
Assistant Professor	27.3	27
Instructor	27.3	27
Research Assistant	10.1	10
Total	100	114

2.3. Data analysis

After all the submissions had been received, the authors collected the raw data and analyzed it accordingly. The 114 questionnaires returned were analyzed using SPSS version 17. To ensure the reliability of the instrument, Cronbach's Alpha value(s) was calculated. The overall Cronbach coefficient for the questionnaire was found out as 0.81. Descriptive statistics were exploited to analyze the gathered data.

3. RESULTS

Further results of the analysis of the academics questionnaire data are considered in the following sections corresponding to the research questions addressed: internet use frequency of academics, copyright and fair use knowledge of the participants. Based on the data collected from surveys, the researchers implied some meaningful information and findings from the educational point of view.

The results related to whether the participants have personal web sites to present course content and the frequency of exploiting Internet resources in their teachings are given in Table 2 and 3.

Table 2. Descriptives on the Internet use frequencies of participated academics

	f	%
Never	8	8.1
A few times a semester	31	31.3
A few times a month	27	27.3
A few times a week	33	33.3
Total	99	100

Table 2 depicting the Internet use frequencies of the academics, implies that participants have a strong tendency to utilize Internet resources in their actual teachings. The rate of the respondents declaring that they use Internet at least a few times a week and month is observed as more than 60% of the total population. While the highest option checked by the respondents is seen as 'a few times a week' (%33.3), the percentage of those who checked 'a few times a month' is calculated as 27.3 which is nearly one fourth of the total respondents. On the other hand, 8.1% of the respondents reported that they 'never' perceived Internet as a tool in teaching their disciplines.

Table 3. Descriptives on the participants' possessions of web sites to share course content

	f	%
Yes	18	15.79
No	96	84.21
Total	114	100

As shown in Table 3, the rate of the participants who provide course content by means of their personal web sites is 5.79%. which is not very promising and points out that the majority of the academics do not possess their own web environments. However, this result may refer to their exploitation of other web resources in accordance with the results presented in Table 2. The following table depicts the participants' knowledge backgrounds related to copyright applications.

Table 4. Participants' background about copyright applications

Item	Disagree	Indecisive	Agree
1. I think I know what the term copyright means and refers to.	27 (23.68%)	40 (35.09%)	47 (41.23%)

2. I have had adequate education on copyright regulations.	73 (64.6%)	21 (18.58%)	19 (16.81%)
3. I know about the organizations such as Creative Commons aiming to provide flexibility on the fair use of materials.	62 (54.87%)	25 (22.12%)	26 (23.01%)
4. My knowledge on copyright originates from the talks with colleagues.	43 (38.4%)	15 (13.39%)	55 (49.11%)
5. I think I can decide on the copyright properties of the materials on Internet.	23 (20.91%)	52 (47.27%)	36 (32.72%)
6. My knowledge on copyright originates from Internet and Television.	22 (20.18%)	15 (13.76%)	72 (66.05%)
7. I am in need of education on the ethical use of digitalized educational materials on Internet.	27 (23.68%)	10 (8.77%)	76 (66.67%)
8. There should be a unit in universities dealing with the copyright of educational materials.	9 (8.04%)	12 (10.71%)	91 (81.25%)
9. I think there is no copyright problems with using rented CDs and DVDs in class.	62 (54.38%)	35 (30.7%)	17 (14.91%)
10. I think it is not legal to use programs recorded from TV and Radios.	69 (61.06%)	34 (30.09%)	10 (8.84%)
11. I think it is not legal to use non licenced software on the computers at the university campuses.	26 (22.8%)	32 (28.07%)	57 (50.0%)

As shown in the Table 4, depicting what participants know about copyright issue, more than half of the participants underlined the lack of their knowledge by checking disagree and undecided options (76.31%). They also pointed out the need of training in copyright (64.6%). The findings also revealed that a great majority of the academics do not have any idea on creative commons or fair use initiatives in copyright applications. Relatively, participants do not feel themselves in deciding about copyright situation of an educational material on Internet (nearly 70% in total). Participants also declared that their knowledge on copyright originates from Internet and TV. Then, a clear consensus was observed among the participants on the necessity of an official unit providing consultancy to the academic staff at the university. As opposed to the reality, many of the participants perceived copyright problems with using rented materials in their teaching. However, in line with the actual regulation, participants agreed on the illegality of using non licenced software on the computers at the university campuses. The following table will portray participants' attitudes and intentions in using copyrighted materials.

Table 5. Participants' attitudes and intentions in using copyrighted materials

Item	Disagree	Indecisive	Agree
1. I feel disturbed when others copy and download my course content without permission.	49 (42.98%)	24 (21.05%)	41 (35.96%)
2. I feel worried to infringe copyright while developing computer supported instructional materials.	6 (5.4%)	17 (15.32%)	88 (79.28%)
3. An instructional material should not be used when there is an ambiguity of copyright.	16 (14.29%)	34 (30.36%)	62 (55.36%)
4. I do not want to pay for getting access to educational materials on Internet.	16 (14.15%)	27 (23.89%)	70 (61.95%)

Results provided within table 5 indicate that nearly half of the participated academic staff would feel disturbed in a situation when others copy and download their course content without having their permissions. Correspondingly, majority of the repondents declared that they feel worried to infringe copyright while developing computer supported instructional materials and an instructional material should not be used when there is an ambiguity of copyright. However, the results also pointed out that that respondents are not willing to pay for copyright of the educational materials. Table 6 will present participants' perceptions toward copyright issues in education.

Table 6. Participants' perceptions toward copyright issues in education.

Item	Disagree	Indecisive	Agree
1. The name of the copyright holder or creator of an educational material should be preserved while using it in teaching.	4 (3.58%)	7 (6.25%)	101 (90.17%)
2. Copying or distributing of educaional materials should not be regarded as copyright infringement.	19 (17.12%)	30 (27.03%)	62 (55.85%)
3. Putting a material on Internet means it is for public use and there is no copyright boundaries.	12 (10.52%)	30 (26.32%)	72 (63.16%)
4. I should use any materials on Internet in my teaching without asking for copyright permission.	25 (22.12%)	31 (27.43%)	58 (51.33%)
5. Electronic materials used in educational settings should be considered within copyright regulations.	29 (25.66%)	42 (37.17%)	43 (38.05%)
6. I agree that downloading educational materials for teaching is copyright infringement.	58 (51.33%)	41 (36.28%)	14 (12.38%)

According to the data given in table 6, nearly all of the participants possess a sensitivity in terms of referring creator of a material used in the class. The results also revealed that they are not in favour of regarding educational use of materials as copyright infringement. Relatively, they would like to use any materials they perceive as beneficial in the class without any worries of copyright applications. In other words, they prefer to use digital materials in a fair way that they will not be regarded as infringing.

4. DISCUSSION AND CONCLUSION

Determining the awareness and perceptions of tertiary level academic staff employed at a Turkish state university toward the copyright issues in education is the primary goal of this study. In line with the initial results of the current study indicating an expansion on using Internet resources for teaching purposes, the facilitating role of Internet and growing distance education programs provided a space for rapid distribution of digital course contents and instructional materials. However, the way to obtain and use of digital materials for educational purposes is critical in terms of copyright and fair use regulations. Besides, no guidelines have been established nationally or at the university for fair-use in electronic media. Frankly, in academia many of the people tend to think that copying of materials for class falls under various “fair use” guidelines. As put by the previous research, no precise legal guidelines available and nothing more than tradition guiding some institutions and academic staff as to the ownership and rights of use of online materials (Patzner, 2003). As an essential component of this study, the actual knowledge that the participants have of copyright process determines their acts in relevant environments. So it is a must for all educational stakeholders to be aware of both the current applications and trends in copyright field and their national copyright law (McGrail & McGrail, 2009). Implementation of the effective copyright process in educational settings is the only way to sustain the development and distribution of the knowledge and preserve the creativity of the content developers (Gurcan & Ozgur, 2002).

The most obvious finding to emerge from this study is that a majority of the participants had some exposure to the copyright law, but they truly felt limited in their understanding of copyright litigation and recent developments in the area. In addition, educators surveyed said they needed assistance in interpreting and applying the copyright issues in education which shows a consistency with the previous work in the field (James, 1981 cited from Loggie et al. 2006). Previous research findings into copyright underlined that, similar to the academics, limited knowledge and sensitivity of students in copyright brings about problems while handing in homework and studying in projects (Lenhart & Madden, 2005; Rowlands & Nicholas, 2008). Thus, the findings also suggest that Turkish higher education settings should provide the academic staff with the current applications of copyright and fair use of materials in education via professional units and experts. It is obvious that such a unit should be beneficial not only for academics but also for students. Informative activities such as conferences and seminars would help university staff and students to gain insights into the copyright in education.

Another component of the research was to investigate participants' feelings towards violating copyright laws. The findings of the current study also points out that participating staff do have an attention on the fair use of copyrighted materials at least by keeping the original tags on the material. The current study revealed that participating academics cannot decide on the copyright situation of the materials they have encountered through Internet. Respectively, Starr (2005) claims that one of the major problems about the copyright is that copyright holders generally do not define fair use formats of their materials. Hence, an online discussion board may contribute into improving academics knowledge on the development and fair use of copyrighted educational materials. The current research also posits that participating academics do have some misunderstandings on the fact that licensed software is protected under copyright law and it is an infringement to make copies of any software without permission.

It is obvious that the difficulty of determining the copyright situation of all materials on Internet leads many people to be less responsive to the copyright regulations (Simpson, 2005). However academics should improve not only their awareness and knowledge on how to fairly use electronic materials for educational purposes but also how to share their educational contents through new generation licencing formats such as creative commons (Malonis, 2002). Another obligation for everybody is to devote time to be fully comprehend of local and international copyright laws. As posited by Kelley et al., (2002) the controversy over copyright ownership points out a need to determine different types of policies, particularly at colleges and universities that are major stakeholders, in order to determine how digital course materials and copyright ownership issues are being addressed, identify best practices within policies, and use this information to assist institutions around the country to develop policies that are satisfactory for both the institution and its faculty.

Another notable outcome of the study is that only a very small portion of the participated academics do have personal web pages where they can share the educational content. This finding may imply that the participants do not need a web environment to share content since they rarely create their own digital content. However, the more electronic course materials they develop and disseminate the more they will need to make it online.

To sum up, copyright continues to be a major issue in the educational arena. The number of journal articles, conference presentations, publications, and organizational committees continues to expand and promotes the popularity of the issue. The limitation of this study is that while there are hundreds of academics at the institution where the data gathered, this study has surveyed just 114. Much qualitative research is required to be conducted before all stakeholders can at least be partially satisfied with operational procedures that are used when dealing with copyrights. Hopefully, the future will eliminate much of this confusion as organizations clarify user practices and provide the relevant people with adequate training on the issue.

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