

Global Education, Global Challenges: Licensing for the New American University

by **Anali Perry** (Associate Librarian for Collections and Scholarly Communication, Arizona State University Libraries)
<anali.perry@asu.edu> Twitter: @grumpator

For the past few decades, a combination of standard license terms and copyright exceptions has made it possible, if not always easy, for libraries to provide the information resources that are needed by our communities. Model licenses, such as the **CRL LibLicense Model License**, have helped create widely used definitions for authorized users. Access through IP authentication and proxy servers allows us to connect large communities to our licensed content as seamlessly as we can. And an increased understanding of copyright law and fair use evaluations allow us to work with instructors to incorporate the content we provide in their classes. But what do we do when our educational aspirations expand beyond currently enrolled students, outside of the standard definition of authorized user? How does fair use apply when delivering content on an offline server to an island in the South Pacific?

As we work to become the **New American University**,¹ **Arizona State University (ASU)** has been exploring new pathways for providing educational opportunities to students around the world. Our charter measures our success “not by whom we exclude, but rather by whom we include and how they succeed”² with an emphasis on overcoming barriers that prevent people from being able to complete their educational goals.

As an example, the **Global Freshman Academy**³ (GFA) is a series of **Massively Open Online Courses (MOOCs)** offered on the **EdX** platform. These general studies courses are designed to be the equivalent of a traditional online course that a student would take for credit. Students who enroll in the verified identity track can also choose to pay a fee to receive full **ASU** credit for the course at any time, even after they’ve completed the course. Receiving a passing grade (a B or higher) in eight courses qualifies as a full freshman year and guarantees admission to **ASU**. The credits are recorded as full **ASU** credit on a student’s transcript, so they can also choose to transfer those credits to another university if they desire.

The flexibility of the GFA provides options to people who might not otherwise be able to go to school — online programs have already proven to be useful for working students, parents, or others whose schedules don’t permit them to attend class at specific times. The option to pay to receive credit after passing a course helps people who don’t have the financial means to pay up front with the possibility of failure, and the fee is lower than most online college courses. Finally, the option of automatic admission to an accredited research university after successfully receiving credit opens the door for students who have followed non-traditional educational paths

before college, perhaps without high school diplomas, GEDs or other standardized test scores. It allows people who had previously dropped out of college for whatever reason an opportunity to make a new start with confidence after proven success.

Another example is **ASU’s** participation in the **MasterCard Foundation Scholars**⁴ program, a 10-year initiative to educate and prepare young people (primarily from sub-Saharan Africa) to lead change and make a positive social impact in their communities. This program intends to serve an estimated 15,000 young people at the secondary and university levels by 2023. **ASU’s** **EdPlus** received a grant from the **MasterCard Foundation** to design the **Baobab Scholars Community Platform**,⁵ a custom learning and social networking platform which delivers a personalized learning experience based on each Scholar’s interests. This platform was tested in Summer 2016 and expanded to include all **MasterCard Scholars** in Fall of 2016. Content includes learning modules, discussion boards, and other electronic resources designed to help each Scholar further their personal and academic development. The platform also allows Scholars to earn credentials that enable them to demonstrate their progress towards developing leadership skills, and provides information about internships and job opportunities to help improve employment opportunities. A key component of this program is a commitment to lifelong learning and building a sustained community, so this network will continue to be available to Scholars after the students complete their education, including access to curated resources and educational content.

As a final example, the **Solar Powered Educational Learning Library**⁶ (**SolarSPELL**) is a digital library of educational resources that generates its own Wi-Fi signal and runs on solar power. The plastic case containing the technical components of the **SolarSPELL** is waterproof and weatherproof, and it is covered with a compact solar panel. **SolarSPELL** uses a **Raspberry Pi** as a server to host the content and deliver it through a Wi-Fi hotspot. All that is needed to access the information is an internet-capable device, such as a tablet, laptop or smartphone. It was designed by **ASU** professor **Dr. Laura Hosman** to provide relevant, localized information and educational resources to populations who may not otherwise have access to the Internet, to a library, or even reliable electricity. **Dr. Hosman** partners with the **U.S. Peace Corps** in the Pacific Islands, such as **Tonga**, **Vanuatu**, **Micronesia** and **Samoa**. These **Peace Corps** volunteers are stationed at remote, rural schools for two years and have a mission to teach English and provide technology training. They train local educators on how to use the **SolarSPELL** to

not only deliver educational content, but also communicate and preserve local knowledge, culture, and traditions.

These are only a few of the many innovative ways **ASU**, through a variety of partnerships, is expanding access to education around the globe. Similarly, the **ASU** library has revised its strategic goals to more explicitly support the **ASU** charter and aspires to deliver appropriate content and resources for all of **ASU’s** educational initiatives. However, there are several challenges facing us.

The copyright and licensing issues surrounding **MOOCs** have already been explored for a number of years by scholars such as **Brandon Butler**.⁷ To summarize, since **MOOC** students aren’t officially enrolled in a university, most of the traditional copyright exceptions related to classroom use do not apply. Similarly, most online content licensed by a library will not include **MOOC** students as authorized users. This means that the majority of our library content is off-limits to our **GFA** instructors unless a fair use argument can be made. Accepted best practices regarding fair use for **MOOCs**, however, place unacceptable restrictions when there is a commitment to delivering an equivalent educational experience to **MOOC** students as to officially enrolled **ASU** students. For example, linking out to a website or embedding content from **YouTube** does not guarantee that a student located in **China** will be able to reliably access the content due to technological or political restrictions.

Along with these well-documented legal challenges for **MOOCs**, content for our other initiatives on the **Baobab** platform or **SolarSPELL**, for example, needs to be fully incorporated within the platform. These initiatives can’t assume that the users will be able to have consistent internet access or even electricity. And just to make things more complicated, international copyright laws come into consideration when making determinations about including local content or creating localized digital libraries.

Our most obvious solution is to locate and use content that is not protected by copyright, such as public domain material or content that is open access and licensed for reuse. Unfortunately, that doesn’t cover much of the material we need in order to create an experience equivalent to more traditional educational environments. Audio and visual content is particularly challenging in this respect. Video, along with transcripts, is in high demand, especially when designing learning opportunities for a multilingual audience.

We do our best to make fair use determinations when necessary, but it is challenging to provide consistent training and education

continued on page 14

regarding fair use to instructors and instructional designers. While we can explain copyright exceptions and help develop fair use best practices for different scenarios, it is very difficult to keep up with new developments in this fast-paced environment. And as we all know, Library Guides and tutorials can only go so far. Ultimately, there are some uses which require permission. However, seeking permissions from copyright holders can be complicated, time consuming, and expensive. Without dedicated staff working on identifying and securing permissions, it is not a sustainable option for most projects.

Another strategy is to develop our own content, which we do when we have no other solution. However, this does require extra time and effort on the part of instructors and instructional designers, and there isn't always enough lead time on development deadlines. We are investigating options for a learning object repository to reuse our own work and share with others, but is one of the many technology projects we're juggling.

Our copyright issues are compounded by the speed with which new initiatives are being generated, along with the comparatively glacial pace of change to library service models and publishing models. At the library, we've been scrambling to keep up with only one librarian

specifically assigned as a liaison to EdPlus for the past year along with me as the Scholarly Communication Librarian (and copyright expert) for the university. We have plans to scale up our efforts as part of a complete reorganization, but it will take some time for these changes to take effect.

As a result, the ASU Library is reaching out to our content providers to seek solutions. We'd like to explore new business models that will be mutually beneficial. We're willing to pilot new ideas, and pay for them, but we have to move beyond pricing by FTE. We're asking them to consider new possibilities for licensing resources that will allow us to meet our needs. We need to be able to provide content to users beyond currently enrolled students. We need to be able to embed content within platforms, not just link to it. We need to be able to provide consistent messaging about what can be used and how, without a complicated decision tree based on who, what, where, and how much.

These needs aren't new. Libraries and educators have struggled with many of these questions for a long time, but the pressure is increasing and time is short. We have similar initiatives multiplying constantly, which all provide new challenges for meeting our informational resource needs. When the focus of a university extends to a global scale and builds bridges to traverse the digital divide, but the majority of the library collection is off limits, how does the library serve its purpose?

Fundamentally, the ways libraries and content providers have historically provided access to our content has to change. These initiatives are only the beginning, and ASU is certainly not alone in exploring new ways of providing education on a global scale. By working together to experiment and innovate, we can forge a path forward that will be responsive to a rapidly changing educational environment. We can create new model license terms and ways of providing content that will overcome these challenges and open educational pathways around the globe. 🌍

Endnotes

1. <https://newamericanuniversity.asu.edu/>
2. <https://newamericanuniversity.asu.edu/node/25>
3. <https://gfa.asu.edu/>
4. <https://ui.asu.edu/projects/mastercard-scholars>
5. <https://ui.asu.edu/projects/scholars-community-platform>
6. <http://solarspell.org/>
7. <https://osf.io/preprints/socarxiv/fwzph/>