THE CHINESE UNIVERSITY OF HONG KONG

Pilot Scheme on eLearning Policy

1. **Background**

1.1 The ubiquitous use of the internet and rapid development in technologies is shaping how education is resourced, delivered and taken up. In recent years, there appears an increasing focus on the development of eLearning pedagogies and adoption of technology-enabled resources (e-resources) such as internet, intranets, electronic and multimedia resources, as well as mobile and wireless learning applications in support of teaching and learning (T&L) in the higher education sector. eLearning is widely implemented in or outside the classroom for self-paced, asynchronous learning, or instructor-led, synchronous learning. eLearning focuses on the centrality of learning, with the use of technologies to enrich the quality of learning and open up new opportunities for learning. It also creates potentials to engage in new collaborations and enables knowledge transfer via publicly available modules such as Massive Open Online Courses (MOOCs).

1.2 To keep abreast of the growing trend of eLearning across higher education institutions worldwide, The Chinese University of Hong Kong (CUHK) has built up its capacity since the last decade by strengthening the technological infrastructure for T&L and the learning environment. At the First Meeting (2014-15) of the Senate Committee on Teaching and Learning (SCTL), an eLearning Policy Task Force was set up to work out a framework for assuring the quality of eLearning and technology-enhanced T&L activities/ components so as to facilitate system-level advancement across the University.

1.3 This paper sets forth a proposal on a pilot scheme on eLearning for various levels of courses across Faculties, the effectiveness of which will be reviewed in a year's time before the implementation of a University-wide eLearning policy by the end of 2016-17.

2. **eLearning in CUHK**

2.1 As far as this paper is concerned, delivery of T&L with eLearning components can be broadly classified as follows:

   (i)   flipped classroom (no reduction in face-to-face contact hours[1]) – shifting some in-class lecture materials to be learnt before or after class, thus leaving more time for interactive activities in class;
   (ii)   blended course (with some reduction in face-to-face contact hours) – delivering a part of the course content and instruction via digital or online media; and
   (iii) other technology-supported modes, including the use of micro-modules and other information-technology teaching aids to supplement classroom teaching.

2.2 As put forth in its Academic Development Proposals for the 2016-2019 triennium, the University also plans to develop a host of micro-modules and to promote flipped-classroom pedagogy. Micro-modules are small learning units that can be studied separately or stringed together flexibly to cater for learning needs of individual students. Students can access and view the modules before or after class, so that face-to-face class time can be spared for quality interactions between teachers and students. The format and features of effective micro-

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[1] At least 39-42 hours in a 3-unit course.

modules vary from discipline to discipline, and may include short lecture, demonstration, hands-on activity, assessment items *etc*. With high degrees of versatility, micro-modules can be modified and combined for use by different courses and disciplines, and can be complemented by the use of lecture recording and classroom response systems.

2.3 The University joined Coursera[2] in 2013 and has produced a series of MOOCs across a wide range of disciplines including humanities, social sciences, economics and finance, as well as information technology. MOOCs create potentials to engage in new collaborations and enable knowledge transfer via publicly available modules accessible online across the globe. At present, the development of MOOCs is primarily by invitation.

3. Pilot Scheme of eLearning on Courses offered to Undergraduate and Postgraduate Programmes, including Micro-modules

3.1 As stipulated in Chapters 3 and 4 of the University's *Quality Manual* (http://www.cuhk.edu.hk/clear/qm/index.html), all programmes/ courses are developed according to the University's *Integrated Framework for Curriculum Development and Review*, which stipulates the five key interlocking elements: desired learning outcomes, content, learning activities, assessment and feedback. A structured approval mechanism is established for proposals for new programmes of study as well as revisions of existing ones as follows:
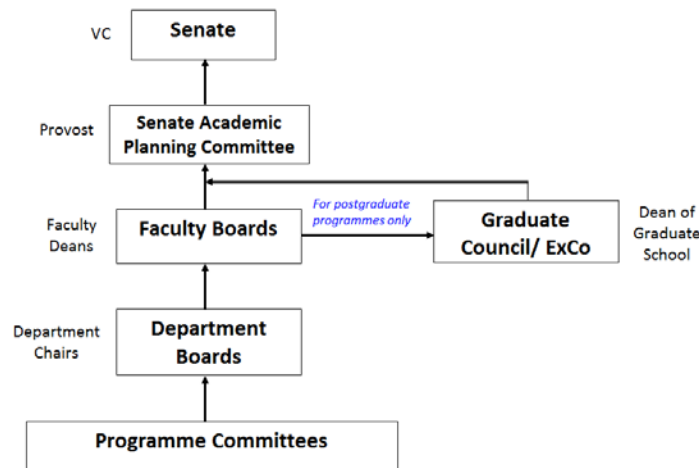
3.2 At the programme level, Programme Committees are given the autonomy and should address the needs of the discipline to design the contents, pedagogical approaches and assessment means for the required/ core courses of the programme of study concerned. In other words, they may introduce technology-enhanced learning components in their own courses, given that the overall course objectives, outlines and structures are in compliance with the initial approved proposals, and there should not be any reduction in face-to-face class contact hours. All proposals for new courses or revision of existing ones will need to be submitted to the Faculty Boards concerned for approval. Should there be large-scale or significant changes to existing programmes beyond the framework previously approved by the Senate, it is necessary to go through another cycle of review and approval by the Senate Academic Planning Committee (SAPC) and the Senate, and via the Graduate Council for postgraduate programmes.

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[2] Coursera is on a mission to change the world by educating millions of people by offering classes from top universities and professors online for free. Coursera's comprehensive education platform combines mastery-based learning principles with video lectures, interactive content and a global community of peers, offering students from around the world a unique online learning experience. Coursera has partnered with top-tier universities to provide courses across a broad range of disciplines, including medicine, literature, history and computer science, among others. For more information, visit Coursera.org.

3.3 The ultimate objective of eLearning development is to enrich students' learning experience and enhance the T&L quality, therefore it should not be taken as a substitute for scheduled face-to-face classes. As a pilot run, Programmes/ Departments will be given a certain degree of flexibility to experiment on technology-enhanced components. Each Faculty Board will be vested with the authority to select (or launch) not more than three undergraduate or postgraduate courses under its purview to conduct experiment on blended courses with not more than 10% reduction in contact hours. In addition, a pilot scheme on blended learning for self-financed TPg programmes will also be launched in 2016 under which each Faculty Board can select one high-quality self-financed TPg programme to conduct experiment on blended learning and to introduce appropriate number of blended courses (with not more than 10% reduction in contact hours[3]) within the selected TPg programme. To ensure adequate monitoring of the quality of the selected programmes, Faculty Deans are required to consult the Graduate Council on their experiment plan on the TPg programme and report it to the Deans' Committee at least six months before the experiment plan kicks start.

3.4 Faculty Boards are charged with the responsibility to ensure that programmes under their purview are taking a prudent and phased approach in eLearning development in order to maintain the quality of T&L and not to put students' learning at risk. Faculty Boards are advised to factor the criteria listed in Attachment A into consideration in selecting courses/ programmes to be put on experiment. Faculty Boards have to ensure that within a year's time of implementing the pilot scheme, a detailed self-reflection is conducted on the selected blended courses and TPg programmes for blended learning under the pilot scheme, and report their self-reflection to the SCTL for evaluation with a view to setting out the University-wide directions and plans of eLearning development. The proposed list of criteria for evaluating the effectiveness of blended learning in courses and programmes is in Attachment B.

3.5 Blended courses are also required to undergo rigorous review undertaken by the respective Programme Committee once every three years as detailed in Appendix 4-5 of the *Quality Manual*. All blended courses and eLearning initiatives will be monitored by Programme Reviews.

4. Development Plan on Massive Open Online Courses (MOOCs)

4.1 MOOCs open up a new opportunity for the University to deliver its high quality courses to learners worldwide and promote its educational outreach and public engagement. It is therefore important to ensure the academic standard of MOOCs not only for upholding the University's T&L quality but also its reputation. To facilitate central coordination and quality assurance, staff members who are interested to develop a MOOC have to submit a course proposal (in standard templates) no less than three months before the proposed launch date, via the respective Department and Faculty Boards, to the Education Technologies Committee under the IT Governance Committee for approval. The proposal should describe the framework on course design and structure, expected learning/ study load expressed in terms of learner engagement time, forms of assessment (e.g. formative/ summative/ peer review as well as the formats such as assignments/ tests/ examinations/ forum participation) and time required for undertaking the assessment.

4.2 Each MOOC is expected to be run for a cycle of at least three years. While the Education Technologies Committee will monitor the MOOCs on offer on an ongoing basis, each MOOC is required to undergo a thorough review upon three years after its initial launch date before it is re-approved to continue. Re-approval decisions are made by the Education Technologies Committee with particular reference to the criteria including: (i) alignment with the

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[3] A few programmes will be invited to conduct experiment and be provided more flexibility in terms of the number of contact hours so as to better support the pilot run.

University's strategic goals; (ii) provision of sustainable resources, including administrative support and the required technological resources; (iii) observation of the no-cross-subsidy principle from the normative UGC-funded courses; (iv) evaluative feedback and comments from learners; (v) course demand as indicated by enrolment and completion numbers; and (vi) its benefit to CUHK and its students.

5.   Issues on Intellectual Property and Copyright

5.1   There are typically two issues related to copyright and intellectual property for e-resources, including MOOCs and micro-modules: (i) the use of copyright materials; and (ii) the ownership of the e-resources so produced. Detailed guidelines are available in Attachment C.

6.   Formation of Institutional eLearning Policy

6.1   With the experience and reflections gathered from the pilot scheme, a University-wide eLearning policy will be formulated by the end of 2016-17. The quality assurance for eLearning mechanisms and adaptation of the CTE system for courses with eLearning elements will also be developed.

8 October 2015

Criteria for the Selection of Courses/ Programmes for the Pilot Scheme

1. the availability of a face-to-face mode or other modes for the same course (i.e. whether students have an option when choosing the course concerned);
2. the number of beneficiaries: target group of students taking the proposed course /programme;
3. the pedagogical advantages and disadvantages with reference to factors such as course contents and students' prerequisite knowledge;
4. the additional learning experience for students accompanied by the proposed modes of delivery;
5. the means of assessment: fairness of assessment, availability of a variety of assessment methods and formative assessment;
6. the track record (as excellent teachers or quality programmes) of responsible parties for preparing the course materials and the anticipated challenges in the preparation work;
7. the additional workload incurred for teachers/ instructors and ways to address;
8. the technical support for students and teachers/ instructors;
9. the financial viability of the proposed blended course or TPg programme for blended learning *(relevant for self-financed programmes)*;
10. sustainability of the course/ programme (the availability of other teachers to support the mounting of the blended course in case the teacher(s) concerned resign/ decide not to continue with the blended course development/ production);
11. the quality assurance mechanisms in place for monitoring the quality of course/ programme delivery and to support continuous enhancement;
12. the evaluation plan;
13. the dissemination plan: how the experiment results can be used to facilitate system-level improvement at the faculty and university levels.

Examples of courses/ programmes with high priority in the light of these criteria:

- Remedial courses about background or prerequisite knowledge: micro-modules can be assembled in a flexible manner to fulfil different needs of different students;
- Courses with large number of students and multiple sessions: some of the lectures can be (or best be) delivered by the same teacher;
- Courses in which participations are from different locations in the world:
  o courses offered to students on exchange: to support and enhance students' learning in the host country;
  o courses offered to students on internship or practicum: to support and enhance students' leaning during their participation in internship or practicum;
  o courses in which eLearning makes collaboration with other institutions around the world possible.
- TPg programmes that support the strategic development of the Faculty:
  o courses are available in different modes: blended and face-to-face modes are both available;
  o programme that has good records in terms of student intake and quality (evidenced by results of programme review, programme re-approval, and review by Visiting Committees).

Proposed Criteria for Evaluating the Effectiveness of Blended Learning
in Courses/ Programmes selected for the Pilot Study

1. the extent to which the course/ programme selected for blended learning are well supported technically and are viable financially;
2. the extent to which the course/ programme has exposed students to pedagogical advantages, such as enriched course contents, innovative learning approaches, more diversified learning experience *etc*.;
3. the extent of added value from the course/ programme to the T&L strategies of the University;
4. the extent to which the course/ programme has been successful in attaining the expected learning outcomes, e.g. as evidenced by the assessment results;
5. the CTE results (both course-based and teacher-based) of the course/ programme as well as other feedback from teachers and students;
6. the areas identified for improvement in response to the CTE results and feedback and the follow-up plans (if any) on further development of blended learning on the course/ programme; and
7. the extent to which the results of the blended learning of the course/ programme is used to facilitate system-level improvement at the Faculty and University levels.

Copyright and eLearning Guidance at CUHK

July 2015 (Ver. 1.5)

1. Introduction

CUHK is committed to developing eLearning as a strategic imperative. Copyright is frequently seen as a barrier to creating eLearning content, in particular the inclusion of third party copyright material in learning objects. The University supports you as content creators so you can work confidently and effectively in the eLearning environment.

In creating this guidance we have made reference to Hong Kong copyright legislation, guidance from the Intellectual Property Department of The Government of the Hong Kong Special Administrative Region and international best practice[1]. The information below is intended as a general guideline, and an interpretation of current copyright issues. It is not intended and should not be construed as legal advice.

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[1] For example
https://www.ucl.ac.uk/library/teaching-support/support/copyright-elearn
https://www.nyu.edu/frn/publications/millennial.student/Copyright.html
https://www.kent.ac.uk/elearning/themes/copyright.html
http://www.web2rights.com/web2rightsdotorg/documents.html#a3

2. The Copyright Context in Hong Kong and CUHK

2.1 Copyright at CUHK

In the [CUHK Policy on Research, Intellectual Property and Knowledge Transfer](#) (para. 10) copyright over educational audio-visual materials produced by staff members in the course of the University's employment or with the use of University equipment, facilities or other resources belongs to CUHK. In this guidance educational audio-visual materials are interpreted in their broadest sense and can include a wide range of digital materials from text, images, video or sound items to multiple choice question banks. These materials are delivered using computers and technology as a vehicle for teaching and learning.

Staff members who produce the above mentioned eLearning materials for courses offered in the University obtain non-exclusive license to use the same materials for non-commercial educational purposes during and beyond their employment with the University, excluding any third party copyright material. If material is created by multiple staff members, all members of the team obtain non-exclusive license to use the same materials, excluding any third party copyright materials, for non-commercial educational purposes during and beyond their employment with the University.

Responsibility for any infringement of copyright rests with the person making the copy. Although the University has a responsibility to ensure that staff and students are aware of copyright and comply with the law, it remains the responsibility of the person making the copy to ensure they do not infringe copyright. Details of all the University's Copyright and Intellectual Property Rights guidance can be found at http://www.cuhk.edu.hk/policy/copyright/en/

Creators will defend, indemnify, and hold harmless the University and/or its licensees against all claims, suits, costs, damages, and expenses that the University and/or its licensees may sustain by reason of any scandalous, libellous, or unlawful matter contained or alleged to be contained in the Work or any infringement or violation by the Work of any copyright or property right.

2.2 Copyright in Hong Kong

In Hong Kong copyright is a private property right that gives exclusive right to copy to all works in a recorded form, including works on the Internet, to the owner of the work, and is governed by the [Copyright Ordinance chapter (Cap. 528)](#) and the [Copyright (Amendment) Ordinance 2007](#). Copyright applies to all works even if they originate outside Hong Kong. No formal registration is required to claim copyright, and it can be licensed/assigned to another party. Copyright is time limited, and in Hong Kong how long copyright lasts depends on the format of the work, but in most cases it will last for 50 years after the death of the author/creator.

2.2.1 Fair dealing and Education in Hong Kong

Copying in whole or a substantial part of a work without the agreement of the copyright owner could incur civil or criminal liability. Some copying, *fair dealing*, is permitted for educational establishments. There are no prescribed percentages on what can be copied; however this is not a blanket license to copy. Educational establishments are permitted to copy to a reasonable extent artistic works or passages from published literary, dramatic, or musical works, or recording of broadcast or cable programmes, in a fair

manner for the purposes of giving instruction. In deciding what constitutes a fair manner, the court shall take into account all the circumstances, in particular:

- o the purpose and nature of the dealing, including whether such dealing is for non-profit making purpose and whether it is of a commercial nature;
- o the nature of the work;
- o the amount and substantiality of the portion dealt with in relation to the work as a whole; and
- o the effect of the copying on the potential market for or value of the work.

Copying a work for the purpose of setting questions or answering questions is permissible, except for musical works for use in performance by a candidate. However the minimum amount of copied material required to set the question should be used.

It should be noted that a qualitative rather than a quantitative approach will be adopted in assessing whether there has been substantial taking; so the copying of a substantial part of the original work, albeit not of a significant proportion of the work, may still fall outside the fair dealing exception and thereby constitute an infringement of copyright.

If the fair dealing for education exemption is not applicable and you wish to use third party copyrighted material you need to either **seek permission from the copyright holder**, or alternatively **use material already available under a creative commons license**. Even when using your own content, for example an article written by you, if published copyright will probably have been assigned to the publisher who may or may not allow the work to be used for eLearning.

3. **Creating Content for CUHK Students**

When creating eLearning content for a specific course for CUHK students

Do:
- o Use CU eLearning System. Hong Kong educational establishments **must** adopt security measures to restrict access to the copied work to persons who give or receive instruction in a specified course of study, and to persons who maintain or manage the network.

- o Ensure any copied material is only stored in CU eLearning System for a period necessary for the purposes of giving or receiving instruction in the specified course of study, in any event no longer than 12 consecutive months.

- o Link to the original source of third party content licensed by the University rather than upload content into CU eLearning System. Third party content can include online articles, videos, book chapters etc… available via CUHK Library. The Library has guidance on how to link to the electronic resources (forthcoming). But first,

- o Check that you are allowed to link to this content. CUHK Library's A-Z of Databases provides a link to a resource's license agreement, which states what is permissible for the particular resource.

- For other third party material it is preferable to either:

    a. Use content from a source that is open access and already copyright cleared. The Library lists potential sources of open access material (forthcoming).

    b. Seek permission from the publisher or copyright holder to use third party copyright material. This can take months and may cost. You are advised to keep a record of any correspondence.

    c. If the material is in print format contact CUHK's Copyright Clearing Office

- Acknowledge third party content authorship in all cases.

- Seek consent from participants when recording material to be included in eLearning content. Do ensure they understand the copyright of content created belongs to CUHK and CUHK may license the material for use by others. The content may appear on CUHK's website and elsewhere.

- Seek help (see 6. Below)

Don't:

- Create textbook or course pack substitutes, including the compilation of scanned material from different chapters and articles from different books and journals.

- Link to websites which contain material that infringes copyright.

- Use third party copyrighted material if you have sought permission and failed to get a response. Seek an alternative.

- Include CUHK students or students' work in the eLearning material you are creating.

4. Creating content for Open Educational Resources and MOOCs

4.1 Open Educational Resources and Creative Commons licenses

You need to be clear from the outset if you are creating material for CUHK students only, or open educational resources (OER) to share with the outside world. If you plan to create open educational resources, as the copyright holder the University will accommodate such wishes as long as it determines that the benefits to the public of making such works freely available outweigh any advantages that might be derived from commercialization. Any OER created should make use of a Creative Commons (CC) license. The two CC licenses most often used with OERs are:

Attribution-NonCommercial
CC BY-NC

This license lets others remix, tweak, and build upon your work non-commercially, and although their new works must also acknowledge you and be non-commercial, they don't have to license their derivative works on the same terms.

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Attribution-NonCommercial-ShareAlike
CC BY-NC-SA

This license lets others remix, tweak, and build upon your work non-commercially, as long as they credit you and license their new creations under the identical terms.

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4.2 Third-party copyrighted materials in OERs and MOOCs

In addition to OERs, CUHK partners with Coursera to create MOOCs. Coursera is a for-profit company therefore many of the educational exemptions for copyrighted material do not apply. Both MOOCs and OERs are unable to make use of third party-material licensed by CUHK library and many of the educational exemptions for copyrighted material do not apply.

Wherever possible you should use open access content, or if third party content is essential to the pedagogy of the course you should seek permission from the copyright owner. In all cases attribution to the original source should be made.

Please see Appendix for copyright guidance from Coursera.

5. Notices

A copyright notice on eLearning material, or a CC licence, as well as a disclaimer and a take-down notice are required.

5.1 Copyright notice

© [year of publication]. All rights reserved. The Chinese University of Hong Kong.

5.2 CC license

Please see section 4.1 of this guidance. Include the most appropriate CC license. Year of publication is not necessary for a CC license but is always helpful.

5.3 Disclaimer

No copyright infringement intended.

5.4 Take Down Notice

We have sought to ensure that the content of these materials comply with Hong Kong copyright law. Despite these safeguards from time to time material published online may be in breach of copyright laws. If you feel that your copyright has been infringed in any way, please contact us in writing stating the following:

1. Your contact details.
2. The full details of the material and the exact and full url where you found the material.
3. Proof that you are the rights holder or are an authorised representative.
4. The reason for the request.

Upon receipt of a valid complaint the material will be temporarily removed pending an agreed solution.

Contact details:

Judy San
Assistant Secretary
University Secretariat
The Chinese University of Hong Kong
Tel: (852) 3943 7262
Fax: (852) 2603 5503
Email: judys@uab.cuhk.edu.hk

6. Sources of Help

elearning@CUHK Courseware Development Service   elearning@cuhk.edu.hk

Copyright Clearing Office   cco@lib.cuhk.edu.hk

CUHK Secretariat   judys@uab.cuhk.edu.hk

7. This guidance may be updated from time to time to reflect any changes in legislation or The CUHK Policy on Research, Intellectual Property and Knowledge Transfer.

Appendix Coursera General Copyright Guidelines in Partner Help Center- NOT LEGAL ADVICE

Coursera produces its own guidance, reproduced below:

Policy Overview

Who: Instructors using third-party content (such text resources, images, or videos created by a third-party individual or organization) in an open online course.

Why: Copyright law can be more restrictive in online education than in face-to-face teaching. Exceptions such as the fair use doctrine may apply differently to online courses. Following this policy will help instructors and institutions to avoid any copyright issues or disputes. However, this document is in no way intended to be legal advice and partners should seek the specific approval of any proposed use by their office of general counsel or related advisors.

<u>Do</u>

·   Consult general counsel or other legal advisors affiliated with the partner institution with any copyright-related questions.

·   Use links to direct students to the original source of third-party content, rather than embedding the content directly in your course.

·   Obtain third-party content from a public domain website that allows use of images for any purpose, including for-profit purposes. Good resources include Creative Commons, Wikimedia Commons, Pixabay, the Smithsonian Institution, and Connexions. Coursera Partners have compiled an extensive list of other resources.

·   Seek permission from publishers or other copyright holders to use copyright-protected content in your course. If you need to seek permission from publishers, start early - this process may take several months.

·   Provide proper attribution for all third-party content used in your course.

<u>Don't</u>

·   Reprint non-public-domain materials without direct permission from the copyright holder. Examples include but are not limited to: political cartoons; Getty images; popular movies, television shows, or songs; trademarks.

·   Reprint any third-party materials without proper attribution.

Useful additional guidance on Coursera and third party copyright material is available from University of Pennsylvania Libraries http://guides.library.upenn.edu/content.php?pid=244413&sid=3375306