

Education Online: UCU Guidance for Branches

1. Introduction

1.1 Online learning and e-learning – what they are

Definitions of online learning and e-learning abound. They range from the very broad, as in

"the exploitation of interactive technologies and communications systems to improve the learning experience" in the DfES's July 2003 Consultation Document Towards a Unified e-Learning Strategy¹

to the much more specific, as in

"learning which takes place through exchange between a combination of resources, tasks, and support-systems (human or otherwise) where the exchange is mediated through information and communications technology" in British Standard BS 8426:2003 A code of practice for e-support in e-learning systems².

Practical instances of online and e-learning include:

- the widespread use of *managed or virtual learning environments (VLEs)* like WebCT, Blackboard, Moodle and Teknical in universities and colleges in distance and in blended learning ("learning which combines online and face to face approaches," DET, 2003). Procter (2003³) offers a more comprehensive, practitioner focused definition, adding the dimensions of teaching and learning: "Blended learning is the effective combination of different modes of delivery, models of teaching and styles of learning"
- FE colleges using the free multimedia learning materials produced by the LSC-funded *National Learning Network* using *blended learning*
- HE courses in Universities and full degrees, HNDs and, increasingly, Foundation Degrees provided by individual FE Colleges, either directly funded or in collaboration with HEIs. Foundation Degrees, which are predominantly work-based, are increasingly provided and designed by FECs as blended learning or online learning

¹ **Towards a Unified e-Learning Strategy – DfES Reference Number DfES/0424/2003**

² **BS 8426:2003 A code of practice for e-support in e-learning systems. ISBN 058042450 2, available from <http://www.bsi-global.com>, or, for staff in many HE and FE institutions using their Athens account**

³ **Procter, C., (2003) Blended Learning in Practice, in *Inaugural Education in a Changing Environment Conference*, University of Salford, Salford**

- Open University provision
- *online distance learning* courses like the Sheffield College's English GCSE Online course
- the courses provided by *Ufi learndirect*, onto which over 3 million learners have enrolled in England and Wales since Ufi's inception in 2000

1.2 Context

e-learning used to be mainly the preserve of enthusiasts, so-called 'early adopters'. There is now growing use of e-learning in the corporate world, and internationally, as well as major changes in the capabilities of the technologies that underpin e-learning, and in the skills, experience and expectations of learners. Meanwhile, across the whole of education and training there is Government-backed intervention concerning e-learning. Examples include:

- **NLN Online**, the mainly LSC funded initiative to drive up the use of e-learning in post-16 education and training, partly by contributing towards college and training provider infrastructure costs, and partly by funding the procurement of e-learning materials and training and development for teaching and support staff
- The results of **Towards a Unified e-Learning Strategy**, the DfES's consultation on a comprehensive national e-learning strategy for England, were published in April 2004. The following DfES strategy set up **BECTA** (the British Educational and Communications Technology Agency) to support the development of government policy on e-learning across all three UK education sectors. Since this paper was drafted in late 2009, the new Lib-Con Coalition government has recently scrapped BECTA as part of its £6bn cuts package.⁴
- BECTA worked closely with both the Higher Education Academy (HEA) to promote online learning methods and pedagogy through its generic HE professional training programme delivered in individual HEIs, the UK Professional Standards Framework (UK PSF) for teaching and supporting learning, launched in February 2006. Similarly, BECTA worked with the FE professional standards setting body for FE, Lifelong Learning UK (LLUK), to develop ICT standards to match the Level 2 requirements for Literacy and numeracy for FE practitioners
- A series of government consultations and policies including the '**Digital Britain**' White Paper (June 2009), which introduced policies to maximise the social and economic benefits from digital technologies, including broadcast technologies, and Estelle Morris' 2009 '**Review of ICT User Skills**' set a minimum entitlement for ICT education for

⁴ BECTA worked on a UK-wide, cross-sectoral basis, as learners are moving between schools, colleges, training providers and universities. Similarly, the underlying principles of good practice in the use of ICT in learning are near universal. Seb Schmoller, the Chief Executive of the Association for Learning Technology (ALT) has recently argued that membership organisations like ALT- and conceivably UCU- "that are rooted in the community of front-line service providers, should take a bigger role in dissemination, professional development and information sharing" after the demise of BECTA so that its "knowledge base and some of the tools and review frameworks that it had developed should be sustained rather than being left to rot" (<http://www.fenews.co.uk/featured-article/the-way-forward-after-becta>)

adult learners. These policies will drive the impact on practitioners: e.g. the BECTA and LLUK development of new standards in ICT for FE lecturers referred to above that are now reflected in Institute for Learning (IfL) professional requirements

- ICT is embedded in the National Curriculum from 5 to 16, so is regularly inspected. **OFSTED** (2009) *The importance of ICT: Information and Communication technology in primary and secondary schools, 2005/2008*. London: OFSTED. Ref 070035.
- HEFCE's 2003 **e-Learning Strategy Consultation** led to a series of regularly updated strategies
- The work of the **Joint Information Systems Committee** (JISC), which funds the provision of network infrastructure for the UK research and education communities, the purchase of data-sets and online publications, and advises on the use of *ICT* to enhance learning and teaching in FE and HE, and on legal issues of deploying ICT in FE and HE
- In 2008 DIUS commissioned Sir Ron Cooke to discuss innovation in online HE learning, who supported both current levels of investment and the use of 'open courseware': Sir Ron Cooke (2008), *Online Innovation in Higher Education*, **www.dius.gov.uk/higher_education/shape_and_structure/he_debate/~media/publications/O/online_innovation_in_he_131008**
- The **Quality Assurance Agency** for Higher Education's 2004 decision to merge its Code of Practice on Collaborative Provision and its Guidelines on the Quality Assurance of Distance Learning into a single Code of Practice on Collaborative and Flexible and Distributed Learning
- Since the 2006 passage of the Safeguarding Vulnerable Groups Act (i.e. children under 18 years old and 'vulnerable adults'), both HEIs and FECs must develop institutional online safeguarding policies that should be negotiated with UCU. BECTA are currently developing online and e-learning draft guidance, whilst UUK has issued guidance to subscriber HEIs

Subject to the sorts of safeguards and approaches described below, UCU does not oppose the Government's current approach, because:

- it seeks to get colleges and universities to work in concert with each other, rather than to compete;
- there is now explicit recognition that academic staff and academic related staff have to be at the heart of things for developments in e-learning to succeed.

1.3 Reasons for this Guidance

As any new methods of delivery become common, the professional and trade union issues associated with them start to emerge, particularly in relation to workload, training, and professional control. Unless unions like UCU intervene locally and nationally on the professional and trade union issues, the drive to utilise e-learning in post-compulsory education will be at the expense of both our members and our learners: hence this Guidance from UCU.

1.4 Aims and target audience

The aim of this Guidance is to advise union members, union representatives, and full time officials on the main issues relating to e-learning that are likely to face UCU members in colleges, universities and the other organisations in which we represent members.

The guidance may also be of interest to institutional managers and to policy-makers who may otherwise be unaware of the industrial relations impact of the changes in delivery methods which e-learning involves.

1.5 Feedback process

The e-learning world is changing rapidly, and UCU's experience at dealing with e-learning issues is developing quickly. This Guidance will therefore be regularly revised in response to feedback from users. Please help us to improve this Guide by giving UCU feedback on it using the online form at: **<http://www.ucu.org.uk/elearningfeedback>**.

2. Recruitment and organisation

Guidance of the kind contained in this document is of little value unless the staff involved in e-learning are collectively organised by a union, and unless they themselves become involved in jointly reviewing and applying the guidance.

Recipients of the guidance who are not in a recognised trade union should join one. (For more information about UCU and how to join it, see **<http://www.ucu.org.uk/>**)

Members who are particularly affected by the introduction of e-learning in whatever form or stage should draw this fact to the attention of their Branch.

Branches should:

- make the guidance available to staff in the parts of institutions most affected by the introduction of e-learning, whether or not they belong to UCU;
- consider establishing an e-learning subcommittee which draws together members particularly interested in or affected by the introduction of e-learning;
- give a Branch Committee or Coordinating Committee Officer a specific remit for e-learning and for the institutional application of this Guidance;
- ensure that feedback is provided to UCU on local experience at dealing with e-learning issues and on the value or otherwise of this Guidance, and on the changes which are needed in it, using the online feedback form at:
<http://www.ucu.org.uk/elearningfeedback>.

3. Institutional strategies relating to e-learning

3.1 Institutional planning

UCU's 2003 survey report conducted by NATFHE, "On-line Learning: The Lecturer Experience"⁵, indicated that well thought out and well publicised institutional e-learning plans in both FE and HE were relatively rare.

"The claim that there was little evidence of institutional strategy in this area, whilst hard to believe, is in fact very much borne out by the tenor of responses throughout the survey – that many individuals were responding in a piecemeal way, driven by their own enthusiasms and interests and sense of student expectations, without systematic support or agreed parameters. Or that where they were responding to shared expectations these were not necessarily surfacing at the institutional, but rather at the departmental or team level."

Since the NATFHE survey was undertaken and published in 2003 there has been no shortage of government departments and quangos publishing further and higher education strategy documents and model advice. A recent typical example is BECTA's 'Generator', "the technology improvement leadership tool for the FE sector" which "assesses your organisation's level of e-maturity," defined as "the capacity of a learning provider to make strategic and effective use of technology to improve educational outcomes." 'Generator' may well become the FE template as it was developed with and will probably be used by OfSTED for inspection purposes.

Typically, institutions may well have top-level e-learning plans, well thought out or not, and one or more posts with responsibility for managing them. But the extent to which plans are understood or supported at team level varies very widely both within and between institutions and sectors; and any serious implementation or development of e-learning within or by an institution is likely to have a widespread, if gradual, impact on lecturers' jobs and conditions, and on the relationships between different work roles within an institution. Despite this it is not that common for UCU to have been properly consulted about the plans. The application of this Guidance will begin to remedy this.

3.2 Workload management

The impact of e-learning on lecturer workload is a crucial issue. This is more than the terms and conditions issue covered below in 5, 'Workload', since much of the workload pressure flows from financial, strategic and operational decisions about *how* to implement e-learning. For this reason institutions need to commit to making workload management a central feature of their e-learning planning, from the beginning. Some excellent

⁵ Report published by NATFHE in July 2003, available on the UCU website at http://www.ucu.org.uk/media/pdf/n/a/ucu_onlinelearning_1.pdf

recommendations on workload management strategy are contained in “Effective Workload Management Strategies for the Online Environment” published in 2003 by Penn State University in the US⁶, following a practitioner workshop which included input from staff in UK FE. These are organised under the following four main headings.

- **Authoring** – i.e. course development strategies which make effective use of lecturers’ time.
- **Teaching** – i.e. course organisation and delivery strategies which enable lecturers to concentrate on teaching rather than on administration, and which simplify and speed up the processes of providing formative feedback to learners.
- **Course revision and improvement** – i.e. techniques for the smooth and efficient evaluation of courses, recording of learner-feedback etc.
- **Institutional** – i.e. strategies for creating a supportive and encouraging environment for e-learning to take root.

Rather than summarise these recommendations here, Branches are advised to download the report and to ensure that it is properly discussed within the institution.

One particular issue which arose and where there was wide variation in the approach adopted by different English FE providers was the **recording of audit evidence**. Lecturers in some institutions that offer online courses were required to spend a disproportionate time keeping records of the time spent on individual interactions with individual learners, on account of institutional interpretations of the requirements in the LSC’s Funding Guidance, and in the Individual Learner Record Audit Guidance. Like all excessive bureaucracy sometimes required in both HE and FE, this cannot be in students’ best interests, since it reduces the amount of time available for tutoring at the expense of time spent on record-keeping. The LSC reviewed its requirements, and from late 2004 onwards this particular wasteful drain on teaching time became less of a problem.

This type of issue shows how institutions need to come to a sensible view about how, technically and procedurally, to keep the “audit-evidence” overhead of e-learning to an absolute minimum.

4. Workload

4.1 Case-loading

When learners are accessing online learning materials in the presence of a lecturer, the time taken will count against the lecturer’s class contact or scheduled teaching allocation in

⁶ “Effective Workload Management Strategies for the Online Environment - A Report Funded by a Grant from The Alfred P. Sloan Foundation” available from http://www.worldcampus.psu.edu/pub/home/fac/workload_strat.pdf

the normal way. Issues associated with the up-front time required to develop or publish online materials should be dealt with separately.

When lecturers are teaching learners using, for example, email, or the built in features of a *managed or virtual learning environment*, then:

- a substantial proportion of the support provided by the lecturer may involve one-to-one exchanges with learners;
- much of the dialogue between lecturer and learner involves *asynchronous communication*, in which lecturer and learner are not both active simultaneously;
- the distinction between the more traditional categories of scheduled teaching activity (which counts against class-contact time), and time spent marking or, say, providing occasional support to learners (which normally do not) will become unavoidably blurred.

Two approaches are possible in this situation.

The first, which many institutions may reject as prohibitively expensive, is simply to define all time spent on online teaching as class contact or scheduled teaching.

The second is to negotiate a case-loading system through which to determine a lecturer's class contact or scheduled teaching allocation, thereby enabling the time allocation for a particular course to be increased as the number of learners on that course increases. Under this kind of system each hour of allocated class contact or scheduled teaching brings with it an additional amount of time, to produce a total number of working hours to be devoted to online teaching.

The effect of such a system is that for a given number of learners on a particular course, lecturers are allocated a (usually weekly) "time budget" within which they organise their teaching and associated duties.

If this latter approach is taken it is essential that the case-loading system be structured to take account of two issues.

Firstly it must ensure that time allocations per learner are sufficient, having regard for factors such as:

- the number of study hours which the course involves;
- the way the course is designed, including the number and types of activities it contains;
- the extent to which tutor-learner dialogue is required by the course;
- the amount of tutor input which the particular sorts of learners enrolled onto the course may require: weak or inexperienced learners may require more support than stronger ones. For example, a creeping increase in unpaid hours worked by part-time Associate Lecturers have been identified by the Open University UCU branch as linked in to widening participation.
- student support and 'enhancement of the learner experience'.

Secondly it must take proper account of the fixed amount of tutor-time which a course may require, for example in:

- attending or participating in team meetings;
- maintaining or updating learning materials;
- reviewing applications from potential course participants;
- preparing for and holding face-to-face sessions with groups of learners;

There is of course a link between course design and case-loading, and if the amount of teaching time which a course will require is properly considered at the design stage then the adverse effects on workload of e-learning can be avoided.

4.2 Work-planning issues

Work-planning as it relates to online learning should conform to the requirements of the contract of employment and national staff handbook and/or any locally agreed variants (in HE), or to the relevant contractual or non-contractual provisions currently in force (in FE).

Particular care should be taken to recognise the upfront time required to develop or publish online learning materials. For example if:

- an institution requires lecturers to upload their lecture notes into a managed or virtual learning environment prior to the commencement of a course, then the time that this takes should be reflected in the work-planning process;
- the same applies to the development of pre-enrolment online student 'inductions'
- conversion of a course for online delivery requires additional time-input from lecturers, then this should be compensated by a balancing reduction in other duties, including, potentially, teaching duties. This will be of particular concern for HE or FE staff delivering Foundation Degrees, which have a high online work-based learning and workforce development element

A key drain on lecturers' time is if they decide (or are expected) to undertake development work using slow or otherwise inappropriate tools, or without the necessary know-how or *learning technology* support to be able to do the development work efficiently. Inevitably development work takes longer while someone is getting up to speed, and once up to speed such work may be very fulfilling for the staff concerned. So it should not necessarily be assumed that lecturers should **not** engage in it. But care needs to be taken to prevent development work becoming a rod for lecturers' backs.

Branches need also to be mindful that enthusiastic 'early adopters' may have done development work in their own time, and that for this reason when an institution decides to increase its use of online learning, managers may underestimate the costs, time, and amount of staff development required. Attempts to use the practices of early adopters as institutional precedents should be resisted.

5. Working conditions

5.1 Physical set-up, and privacy

Online tutoring is an intimate process in which teacher and learner hold a conversation using e-mail or other tools, and it requires a degree of peace and quiet. It is difficult to do from a standard desk in a shared workroom, with interruptions from colleagues and telephones. If staff are expected to teach online from the workplace, they will need to do so from places where they are not interrupted, and where they can conveniently access all the resources (online and paper-based) and software applications that they need for their work.

5.2 Home working

Some online tutors strongly prefer to work from home, for similar reasons to those put forward by staff who need to be at home for marking or preparation, as well as because typical lecturer staff-rooms provide insufficient privacy for online tutors to be able to work efficiently. For this reason, the issue of home working will inevitably arise in any institution in which lecturers are teaching students using, for example, email, or the built in features of a *managed or virtual learning environment*.

Whereas in HE, lecturers are typically under little day-to-day control as to place of work, in some FE colleges there is a much greater expectation that staff will spend most of their working hours on site. So in FE, the first obstacle to overcome may be getting agreement from the institution that home working is even appropriate. Once it has been agreed that home-working is appropriate for lecturers involved in online tutoring, then, apart from health and safety, which pertains irrespective of work location, the two key issues for agreement are reimbursement of expenditure and provision of equipment or funding for equipment.

5.3 Reimbursement of expenditure, provision of equipment or funding of equipment

If an institution accepts that lecturers work online from home then it should be the norm that staff are reimbursed for expenditure incurred, for example for telephone, digital cameras or for the costs of internet service provision.

To the extent that typical academic staff contracts provide for the reimbursement of expenses properly incurred in the course of work, the reimbursement of properly evidenced and apportioned telephone or ISP costs should not be in the least contentious. If it becomes so, then this is a matter for UCU.

If staff work from home, then either they should use work equipment for this purpose, or, if they use their own equipment for work purposes then it is reasonable to expect the institution to foot an appropriate proportion of the costs.

One way in which some institutions in both HE and FE approach the home working issue is to pay a fixed annual or per course allowance to staff who have been designated as home-workers, thereby avoiding the need for:

- individual staff to make time-consuming claims;
- managers and finance staff to waste time authorising and processing claims.

Staff working from home some or all of their contracted hours could also claim some tax relief. There are complex rules concerning tax relief for home-working employees so again the best option is negotiated support and advice with and from the employer. HMRC rules are sketched at www.hmrc.gov.uk/bulletins/tb79.htm; and there is useful HMRC advice on claiming tax relief for household expenses at <http://www.hmrc.gov.uk/incometax/relief-household.htm>.

Similarly, household insurance should be examined, preferably in negotiation with management as this is also a complex issue. There is useful advice at <http://www.businesslink.gov.uk/bdotg/action/detail?itemId=1074300662&type=RESOURCES>.

6. Health and safety

All work with PCs, whether it is undertaken on site or at home is governed by the *Display Screen Equipment (DSE) Regulations 1992*⁷. Application of the DSE Regulations is designed to ensure that the risks of DSE work are properly assessed and that measures are in particular taken to protect workers against:

- harm to their eyesight;
- muscular-skeletal damage.

Online tutors and those teaching learners who are themselves learning online are likely to spend sufficient time doing DSE work to be entitled to eye-tests, and, if required, to prescription spectacles paid for by their employer.

Those doing DSE work should do so with their workstation and chair situated, lit, configured and maintained according to the Regulations. For example, online tutors should be given a choice of pointing device, and be provided with a high quality display screen. They may need access to a wrist-rest, or to a non-standard keyboard. They will require a fully adjustable properly designed chair, and a desk that is large enough for their PC and for the papers and other documents which they must access while tutoring. They may require software that forces the user to take regular breaks from their PC. They may need

⁷ **Summary available for download from the HSE** – <http://www.hse.gov.uk/pubns/indg36.pdf>, **with more general HSE guidance available from the HSE's – Office health and safety "home page"**: <http://www.hse.gov.uk/office/>.

voice recognition software for text-entry, which is liable to require a particularly high specification PC, and high quality microphone.

The key to success will be acceptance by the institution that working online for more than a very few hours per week is very different from the traditional work of lecturers, and that the needs of lecturers in the former category need to be addressed if the institution is to comply with its legal obligations.

7. Choice of software systems

e-Learning may depend for its success on online communications between learners and teachers, and on the smooth-running of software systems such as *managed or virtual learning environments*. This has several implications.

Email and the software systems which support e-learning are “tools of trade”, which need to be fit for purpose, and appropriately configured for use in e-learning. A one size fits all approach in which staff who teach online are given a standard institutional set-up, without regard for how and where they work, will worsen the experience of e-learners and make an online tutor’s job harder. As a minimum, the choice and set-up of such systems should be the subject of consultation with the staff who use them; and the workload consequences of technical choices should be factored into procurement decisions.

Similarly, lecturers may need access to particular software applications (for example for the generation of quizzes and tests) that are not seen institutionally as a priority. Whilst it is not UCU’s job to support, or not, the use of particular software applications, it **is** UCU’s role to ensure that members’ professional views about software for online learning are taken fully into account in institutional decision-making, rather than having such decision-making dominated by ICT technical staff, as is often the case.

8. ICT Facilities Access Regulations, or equivalent

All institutions should by now have implemented some internal rules concerning the terms under which staff and students can use the institution’s ICT facilities, called something like “ICT Facilities Access Regulations”, and such rules should have been the subject of detailed consultation with the recognised trade unions, with individual staff possibly having been asked individually to sign that they agree to be bound by them.

These regulations will now have to include the consequences of both HE and FE institutions registering with the Independent Safeguarding Authority (ISA) to ensure that ‘unsuitable persons’ do not have contact with children or vulnerable adults, which will probably require staff to also register with the ISA and being checked against a ‘vetting and barring’ list of ‘unsuitable persons’. This will apply across all staff in FE colleges, and to some staff, identified as working with either group, in HE.

Detailed advice on this topic is contained in part 2 of this guidance (forthcoming), on Internet and e-mail use at work.

In relation to online learning, Branches should check that their institution's ICT rules are consistent with, and supportive of, the day-to-day activities of lecturers who are involved in online learning. For example, the regulations may completely rule out the use of personal email accounts, when there may be occasions when a lecturer needs to communicate with a learner by this means; or the use of home computers for work purposes may be prohibited, when in practice many lecturers make regular use of home computers for work purposes.

9. Technical support and facilities

Lecturers who work online require a properly functioning suitably specified PC, a decent network connection, reliable email and other ICT systems, possibly digital cameras, as well as responsive and efficient technical support, to a higher standard than is required for staff whose use of ICT is less central to their pedagogic role, a fact which is sometimes not taken into consideration by institutional planners.

Lecturers who are involved in the development of online learning materials need access to the right *development tools*, in which they have been trained as well as to support from staff or subcontractors with *learning technology* know-how.

10. Disability

10.1 Staff

e-Learning can open up opportunities for staff with disabilities. For example, subject to suitable technical support and facilities, and the provision of the right software systems, someone who is profoundly deaf or who has a mobility or serious sight impairment may be able to teach online more easily and effectively than they could teach face-to-face⁸. Points to watch include:

- the accessibility of software to staff with disabilities including whether it will work with any *assistive technology* which they may require
- protecting members with disabilities from being "ghettoised" in e-learning
- ensuring that institutions and members take full advantage of the advice and financial support which is available from the Department of Work and Pensions Employment Service for the purchase of additional software and equipment, and from services

⁸ **Comprehensive additional information can be obtained from the JISC funded Techdis Service**
– <http://www.techdis.ac.uk/>

provided by organisations like AbilityNet⁹, a charitable organisation which helps with IT access issues, particularly for those with disabilities

10.2 Students

Just as e-learning can open up opportunities for staff with disabilities, it can also do so for students with disabilities, for example by enabling home-bound learners to enrol on courses, with similar issues pertaining concerning technical support, software systems, and *assistive technology*¹⁰. Additional points to watch include:

- that the funding which institutions receive to provide additional support for learners with disabilities is directed towards the staff who provide the support, which in the case of online learners may well be online tutors
- online teachers getting appropriate training in how to support online learners with disabilities

11. Intellectual property and copyright¹¹

Intellectual property and copyright issues have an impact on online learning and e-learning in three main areas.

⁹ **AbilityNet** – <http://www.abilitynet.org.uk/content/home.htm>

¹⁰ **Comprehensive additional information can be obtained from the JISC funded Techdis Service** – <http://www.techdis.ac.uk/>.

¹¹ JISC Legal Information Service, which disseminates information and to raises awareness of the legal issues relating to the use of ICT in post-compulsory education, under the following eight topics.

- Data Protection
- Freedom of Information
- Human Rights
- Disability and The Law
- Intellectual Property Rights
- ISP (Internet Service Provider) Liability
- E-Security
- Cyber-crime and Criminal Liability

<http://www.jisclegal.ac.uk/>

11.1 Copyright

Firstly, lecturers may make use of web-based or other digital assets in breach of copyright, whether or not intentionally. To avoid this calls for good institutional support and guidance for the lecturers involved, since they are not (usually!) copyright lawyers, nor is it efficient use of a lecturer's time to spend it obtaining copyright clearance.

11.2 Intellectual property

Secondly, lecturers may feel that *their* intellectual property will be exploited without their agreement if they put their learning materials online. To some extent this issue is a red herring in that nearly all lecturers in HE and in FE have employment contracts to the effect that the copyright of course materials produced for a course run by the institution belongs to the institution. However this is not usually the case for "scholarly works" such as books, contributions to books, articles, and conference papers, the copyright of which generally belongs to the author or the publisher. For this reason, if it is proposed that a lecturer's "scholarly works" be used in online learning, the terms on which this can take place may need to be negotiated with the lecturer or publisher(s) concerned. It may also be the case that the status of course materials is contested, either because a lecturer is of the view that the copyright belongs to them- or that if they are to develop it then they wish to claim copyright. In all such cases UCU advises that the issue is raised where possible before materials are developed and/or placed on-line.

11.3 Institutional restrictions

Finally, an institution may insist that to prevent its lecturers' online learning materials being exploited by outsiders, it must restrict access to the materials only to staff and students of the institution. If this happens, UCU might want to question the ethics and/or efficacy of restricting access to publicly funded learning materials. One option to consider within the institution is for materials to be published under some form of open license, which permits not-for-profit re-use, perhaps restricting its commercial exploitation by businesses¹².

12. Protecting members against enforced changes in delivery methods

Delivery methods do change, and it is not UCU's role to resist change per se. Nevertheless it is conceivable that attempts might be made throughout or in parts of an institution to

¹² **An early instance of this approach has been taken by the South Yorkshire FE Consortium with its Learning To Teach On-Line course, LeTTOL -**
<http://www.sheffcol.ac.uk/lettol/copyright.html>. **On a much larger scale, the MIT Open Courseware Initiative publishes all its materials under a "Creative Commons" license -**
<http://ocw.mit.edu/OcwWeb/Global/terms-of-use.htm>.

implement e-learning in ways that would radically change the work of individual lecturers. Even with the sorts of safeguards which are the main concern of this Guidance, some staff may not have the necessary enthusiasm or competence, or both, to implement the changes, even if these are themselves pedagogically effective.

For this reason a rapid drive to implement e-learning is unlikely to be effective, and is probably something to be prevented, unless the staff affected are supportive of the change. In particular, UCU should seek to protect staff who simply do not have the aptitude or the desire to become sufficiently fluent in the use of ICT to “do” e-learning, should they come under pressure.

13. Staff training and development

Provision of suitable staff training and development should be a central, costed and carefully managed component of an institution’s e-learning strategy, rather than an afterthought. Thus whether or not a UCU Learning Representative is active in the Branch, provision of staff training and development relating to e-learning should be an issue for discussion between UCU and the institution, and members who object to being pressed into doing e-learning without suitable training and development may need backing from UCU. Points to watch include the following.

- ‘Early adopters’, who naturally tend to be prominent in e-learning developments within an institution may make good “champions” but their capacity to get things done without needing much training should not be taken as the norm
- “Short sharp training courses”, centrally planned, with little involvement by staff in their planning, are often an ineffective way to develop new ICT skills, especially if there is no immediate opportunity to put the skills into practice during or shortly after the course
- Training and development should be available to the relevant staff, whether or not they are lecturers, whether they are full or part time. Part time staff should be paid for attendance at training and development events
- For many people, time, access to ICT, good clear documentation, support from e-learning adept colleagues and from an efficient “help-desk”, alongside a definite role in a clearly established, realistic plan of action is much the most effective way to become fluent in using ICT in teaching and learning. Possible enhancements to this approach include the 2004 FERL Practitioner’s Programme (FPP), some of BECTA’s developmental guidance and/or the institutional appointment of so-called “champions” i.e. staff with e-learning know-how and enthusiasm, who have time allocated to them to provide development support for colleagues in their curriculum area and a role in deciding on the staff development and training priorities for that area. The accreditation scheme developed by the Association for Learning Technology (ALT) may also be relevant
- Online tutoring involves a distinct set of capabilities and is much more than simply knowing how to use the relevant ICT tools at a technical level. For this reason staff who

are expected to be online tutors should generally have done a practically focused course about online teaching such as Learning to Teach On-Line (LeTTOL)¹³.

14. Glossary of terms

Assistive technology

software (such as *voice recognition software*) or hardware the purpose of which is to help a user with a disability make more effective use of *ICT*

Association for Learning Technology (ALT)

a professional and scholarly association for *learning technologists* – <http://www.alt.ac.uk/> – of which UCU is a corporate member

Asynchronous communication

communication which takes place where the parties to the communication (learner and tutor, say) are not both active simultaneously

Blended learning

the integrating of e-learning with more traditional approaches to teaching and learning

Development tool

software with which to create e-learning materials, for example quizzes or games

Display Screen Equipment (DSE)

ICT equipment which uses a screen to display text, graphics, or video

FERL Practitioners' Programme (FPP)

an FE-oriented accredited staff training programme concerning the use of *ICT* in teaching and learning - <http://ferl.becta.org.uk/display.cfm?page=403>

ICT

information and communications technology - an umbrella term that includes any communication device or application, encompassing: radio, television, mobile phones, computer and network hardware and software, and so on, as well as the various services and applications associated with them, such as videoconferencing.

¹³ **LeTTOL course web site** – <http://www.lettol.ac.uk/>

Learning technologist

someone who applies *learning technology* as a significant proportion of their work

Learning technology

the systematic application of a body of knowledge (based on the principles of good learning theory, instructional design and change management and grounded in a good understanding of the underlying technologies and their capabilities) to the design, implementation and evaluation of learning resources

Online distance learning

distance learning in which learners access learning materials over the Internet and communicate with each other and with tutors using email and web-based discussion-support systems

Managed or virtual learning environment

a loose term which is commonly used to describe a set of interlocking software systems through which e-learners can access learning materials, communicate online with each other and with tutors, and through which an institution and its staff can track learners' progress, allocate learners to groups, create and distribute online learning materials - <http://www.jiscinfonet.ac.uk/InfoKits/creating-an-mle>

National Learning Network (NLN)

a national partnership programme (with £156 million of LSC funding over the five years 1999-2004) designed to increase the use of ICT to support learning in the learning and skills sector in England – <http://www.nln.ac.uk/>

Ufi learndirect

an English, Welsh and Northern Ireland initiative to provide mainly online, vocationally oriented courses, using LSC and equivalent funding, through a network of branded learning centres – <http://www.ufi.com/>

Virtual learning environment (VLE)

Strictly speaking a VLE is the component of a *managed learning environment* through which learners access learning materials, and, in some cases communicate with each other and with tutors (Moodle, WebCT, and Teknical are examples of such systems). All VLEs can be equipped with the facility to monitor both staff and student usage.

Voice recognition software

Software which lets a user create text and control their computer using speech and a microphone instead of or as well as fingers and a mouse and keyboard

15. Further information

15.1 UCU publications (all available from UCUs's website, www.ucu.org.uk, under 'Professional and Publications' on left menu)

On-line learning: the lecturer experience; survey report, 2003

Education on-line – UCU (ex-NATFHE) guidance for branches. Internet and e mail use at work

15.2 Other publications

Data Protection Act 1998

Computer Misuse Act 1990

Copyright, Designs and Patents Act 1988

Human Rights Act 1998

Race Relations Act 1976

Regulation of Investigatory Powers Act 2000

Telecommunication (Lawful Business Practice) (Interception of Communication) Regulations 2000

15.3 URLs, including those referenced in footnotes to this document

AbilityNet – <http://www.abilitynet.org.uk/content/home.htm>

Association for Learning Technology (ALT) – <http://www.alt.ac.uk/>

British Educational and Communications Technology Agency (Becta) – <http://www.becta.org.uk/>

British Standards Institution – <http://www.bsi-global.com>

Creative Commons License – <http://creativecommons.org/>

DfES e-Learning Strategy – <http://www.dfes.gov.uk/elearning/>

Effective Workload Management Strategies for the Online Environment - A Report Funded by a Grant from The Alfred P. Sloan Foundation to The Pennsylvania State University World Campus, developed with input from staff in UK FE – available for download from:

http://www.worldcampus.psu.edu/pub/home/fac/workload_strat.pdf

Further Education Resources for Learning (FERL) – <http://ferl.becta.org.uk/>

FERL Practitioners' Programme – <http://ferl.becta.org.uk/display.cfm?page=707>

Higher Education Academy (HEA) – <http://www.heacademy.ac.uk>

HMRC - www.hmrc.gov.uk/bulletins/tb79.htm;
www.hmrc.gov.uk/incometax/relief-household.htm

HSE

- Summary of Display Screen Equipment Regulations 1992 – <http://www.hse.gov.uk/pubns/indg36.pdf>
- General guidance relating to office safety – <http://www.hse.gov.uk/office/>

Insurance

<http://www.businesslink.gov.uk/bdotg/action/detail?itemId=1074300662&type=RESOURCES>.

Learning and Teaching Support Network guides for

- Senior Managers;
- Heads of Department;
- Teachers;
- Learning Technologists;
- Support Staff.

Available for download from

<http://www.ltsn.ac.uk/genericcentre/index.asp?id=19519>

Learning To Teach On-Line – <http://www.lettol.ac.uk/>

LSDA Learning Technologies – <http://www.learningtechnologies.ac.uk/>

National Information and Learning Technology Association (NILTA), a wholly owned subsidiary of the Association of Colleges – <http://www.nilta.org.uk/>

National Learning Network (NLN) – <http://www.nln.ac.uk/>

QAA - Draft revised Code of Practice for the assurance of academic quality and standards in higher education – <http://www.qaa.ac.uk/public/COP/cprovis/draft/letter.htm>.

JISC Infonet – <http://www.jiscinfonet.ac.uk/>

JISC Legal Information Service – <http://www.jisc.ac.uk/legal/>

JISC Techdis Service – <http://www.techdis.ac.uk/>

16. Feedback form

The e-learning world is changing rapidly, and UCU's experience at dealing with e-learning issues is developing quickly. This Guidance will therefore be regularly revised in response to feedback from users, which you can provide using the online feedback form at:

<http://www.ucu.org.uk/elearningfeedback>.

UCU Guidance for Branches on Online Learning and e-Learning – Online Feedback

If you have feedback on the UCU Guidance, please submit it via the online form at:

<http://www.ucu.org.uk/elearningfeedback>. If for some reason you cannot access the form, send your feedback to: **jofford@ucu.org.uk** and **dhendry@ucu.org.uk**. The following questions/topics may help you structure your feedback.

Personal Details:

- Name
- Institution
- Contact telephone number
- Contact email address
- UCU Membership number (if known)
- Job-role

Your comments on the Guidance:

- Gaps
- Errors
- Improvements/changes
- Issues (if any) which you think UCU should be taking up at institutional level
- Issues (if any) which you think UCU should be taking up at national level
- Additional references for inclusion in future editions of the Guidance

Thank you