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The Promise and Perils of Massive Open Online Courses: MOOCs and the Role of Law Librarians

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MOOCs and the role of law librarians

By Sara Sampson and Leslie Street

A massive open online course, or MOOC, is open to anyone and is meant to accommodate lots of students. The promise of MOOCs is accessible education. That is, people who want to learn but can't afford either the tuition or the time involved in traditional higher education can use MOOCs to learn.

A MOOC is the natural progression of the popularization of distance education. Once the restraint of a physical classroom is removed, the online course can be scaled immensely. Lectures translate into videos. Classroom discussions morph into discussion boards and handwritten exams into online quizzes. Study groups move from the coffee shop to Facebook or local meet-ups. Feedback, instead of being individualized, is given uniformly or by other students. With students scattered around the globe, synchronous communication is impractical. So the videos are stored online and students watch them when it works with their schedules. Discussions evolve over days or weeks. MOOCs can be self-paced or have a structure much like a university course. In some MOOCs, all of the materials are released at once, while in others, a week's worth of material is released on the same day each week.

MOOCs are available in a variety of formats and platforms. The largest providers of MOOCs are EdX, Udacity, and Coursera. EdX is a nonprofit, but Udacity and Coursera are for-profit

companies. Although many MOOCs have relationships with traditional higher education institutions, they are not integrated with for-credit courses. Some universities have created MOOC courses by opening enrollment in an established distance or online course. They may hold students enrolled in the for-credit course to a different standard or provide them with more individualized attention and feedback. Students generally receive a certificate or statement from the provider (e.g., Coursera) for completing the course. MOOCs have a large noncompletion rate (it's estimated at 90 percent), and research has begun on how to reduce it. Initial results suggest that students who complete at least one assignment or who pay even a nominal amount for the course tend to finish at a higher rate.

If 2012 was the year of MOOCs, as *The New York Times* reporter Laura Pappano declared in a November 2012 article, 2013 was the year law schools arrived at the party. The Center for Computer-Assisted Legal Instruction (CALI) led the way with its 2012 MOOC, *Topics in Digital Law Practice*. More than 900 people signed up for the course, but only 100 attended each of the live broadcasts. According to John Mayer, CALI's executive director, "Many people watched the videos after the fact on our YouTube channel." CALI has also received dozens of requests from faculty who want to include the videos in their courses. In the fall of 2012, Drexel Law Professor Karl Okamoto offered a two-

week MOOC, the *Basics of Acquisitions Agreements*, as part of a program to teach transactional skills to law students.

Harvard Law offered a free online copyright class in early 2013, but it was neither massive (attendance was capped at 500 students) nor open (participants were selected after an open application process), so it did not qualify as a true MOOC. In June, Case Western Reserve Law Professor Michael Scharf taught *Introduction to International Criminal Law* on the Coursera platform. In August, University of North Carolina Law Professor Donald Hornstein began his *Introduction to Environmental Law and Policy* course, and the John Marshall Law School offered a MOOC on *Military Service and Civilian Law*. In October, Northwestern Law professors Esther Barron and Steve Reed started their course, *Law and the Entrepreneur*. Others are poised to follow.

The Future of MOOCs

Many MOOC proponents predict that MOOCs will be a cost-effective way for students to learn and can democratize education around the world. In a 2012 article in *The New York Times*, Dr. Anant Agarwal, president of EdX, predicted that students may someday arrive on campus with MOOC credits much like they arrive with Advanced Placement credits today. But whether students can truly learn or even want to participate in the MOOC environment is an open question.

Schools have begun experimenting with offering credit (which may eventually be transferred to another institution) for MOOC classes. The results are not promising. San Jose State University, for example, stopped its partnership with Udacity to give credit for online courses when more than half of the students failed their courses. Colorado State University, Global Campus had a different problem. It allowed students to apply for credit after passing a computer science MOOC. Not one student tried to get the credit even though it would have saved more than \$1,000 in tuition. California Senate Bill 520 would have encouraged state universities to offer credit for MOOCs, but the sponsor later abandoned the bill. Although the promise of massive online education is real, there remain valid questions about the online experience as a substitute for formal, in-class instruction in degree programs. Even Sebastian Thru, CEO of Udacity and “founder” of the MOOC movement, has recently admitted that many of its courses are “lousy.”

More recently, some have asked questions about the ability of MOOCs to “level the playing field” among students from advantaged and disadvantaged backgrounds. *Slate* author Rebecca Schuman argues, “MOOCs reify, rather than break down, privilege barriers, and as such they are not the disruptive solution their hagiographers insisted they were.” Because MOOCs provide an advantage to students who already have information resources at their disposal, some argue that MOOCs do nothing to reach out to students who actually are resource-deprived. Pointing out that MOOCs have attrition rates of around 93 percent, some see this as an indication that MOOCs fail to deliver quality educational opportunities to all of their targets.

The MOOC Student Experience

To investigate what learning via a MOOC is like, author Sara Sampson enrolled in an Internet History, Technology, and Security (IHTS) course via Coursera. The nine-week course is taught by University of Michigan School of Information Professor Charles Severance.

Each week, new videos and a quiz were made available to students. The videos included lectures by Severance as well as videos he collected over the years of internet pioneers such as Robert Cailliau, Mitchell Baker, and Jeff Bezos. There were several opportunities to interact with classmates. The discussion boards were quite active, and students earned badges for participation levels. The conversations were interesting, and students with different opinions and perspectives participated in a respectful way. Students used Google Maps to track

where their classmates lived. In true MOOC form, the students were from many countries and from all over the United States.

The quizzes were untimed, and students could repeat them as many times as they wanted before the due date. The highest score was used to calculate the final grade. The final exam was timed and could be taken only once. To earn extra credit, students could write up to three essays and then give feedback to their peers. Sampson wrote the first essay assignment, describing the first time she encountered the internet. Three other students provided feedback, which included a score and general comments about the essay. In the end, students who averaged 85 percent or higher received a Statement of Accomplishment with Distinction from Severance, and students averaging 75 percent to 84 percent received a Statement of Accomplishment.

Sampson enrolled in the Signature Track, which attempts to verify a student’s identity for required assessments. According to Coursera, this works by using the student’s “photo ID, as well as your Signature Phrase, a biometric profile of your unique typing pattern.” (For more information see blog.coursera.org/post/40080531667/signaturetrack.) Each time Sampson took a quiz or the final exam, she had to use her computer’s webcam to take a photo of herself. The photos had to match the one submitted when the account was set up. A single Signature Track course costs the student from \$30 to \$100 and offers a Verified Certificate signed by the instructor and issued by Coursera.

Overall, the IHTS course was interesting and offered a good introduction to the MOOC structure and the Coursera platform. Severance has offered his course many times via the Coursera platform, and it runs smoothly. Expectations for the course and how to meet them are clearly provided. Sampson has used what she learned to improve discussion in her Advanced Legal Research course about how to keep online research secure as required by professional responsibility rules and the need to preserve online legal information.

Law Library Support for MOOCs

Law libraries and law librarians are well situated to assist in the preparation and delivery of MOOC courses by assisting students in obtaining electronic research skills. This may be a vital component of any online legal course; however, because of the international makeup of many MOOC courses, it may be especially important. It is not realistic that a professor teaching an online legal course could speak with specificity regarding the legal regime in every country, region, municipality, or other jurisdiction. Thus,

for courses that may be legal in focus, it could be helpful for MOOC students to have a brief introduction to finding the law in their own jurisdictions. In addition to assisting with providing research instruction in MOOCs, there are a number of other ways a library may assist in MOOC education.

Before a library or librarian assists in the creation or delivery of MOOC content, a number of important factors should be considered. We learned many of these lessons when our library was charged with assisting in the research component of a MOOC course on environmental law developed by Professor Hornstein. He offered us specific guidance regarding the needs of his MOOC (which had more than 20,000 students enrolled from all over the world).

First, research education as a part of a MOOC course should accommodate students with a variety of educational backgrounds. Students in Hornstein’s MOOC came from many different countries and ranged in age from high school to their eighties. Their educational backgrounds ranged from little formal education to licensed attorneys and other professionals. Many students involved in MOOC courses may lack training in formal research, much less the specifics of legal research. Other students could be highly advanced. Thus, any research must appeal to students broadly but be simplified so that even the most basic MOOC student can be successful.

Research assignments should appeal and be relevant to students from a worldwide audience. Of course, if the content of the class is limited to a particular aspect of U.S. law, then perhaps it would make sense to isolate research assignments to U.S. law. However, many students who take legal courses via MOOCs come from nonlegal backgrounds and are enrolled in the courses to expand their knowledge. Thus, it is helpful to give salience to what students may encounter in their own countries’ legal regimes.

Second, when designing research education for MOOCs, you must use research sources that are widely available on the free internet. This certainly makes designing legal research problems a challenge because for many countries few official sources of the law exist online. For our assignments, we found cases from various countries (South Africa, England, Canada, the Philippines, and India) that were available in English. Keep in mind that you are simply teaching students by providing examples and general guidance of where students should look to find the law. It is not possible that every source of law for every country is available freely on the web (and in an English translation to

boot, since most MOOC instruction is in English!). Use as examples countries that have a variety of legal sources available online.

Additionally, some internet search sources, like Google, appear differently to users in different countries. This means that directions for research assignments need to be written in such a way that students will know how to troubleshoot and work around problems that they may encounter based on internet databases. Furthermore, to the greatest extent possible, it is helpful for students to have more than one way to find information. For example, when selecting foreign cases for students to find in Hornstein's International Environmental Law MOOC, we chose those that could be located ideally using Google, ECOLex, and Worldlii databases. Unfortunately, not all cases could be found using Worldlii, but we wanted students to have at least two ways of trying to locate the cases.

Even if you do not write legal research assignments for MOOC courses, there are other ways that you can assist with MOOCs. You can write a research guide for students to use throughout the MOOC, for example. We found this to be incredibly helpful in assisting in Hornstein's course because it first enabled us to note what was available on the web regarding sources of law for environmental laws around the world. The logistics of writing research-based assignments for MOOCs may be a considerable challenge, but, at the least, students could use a research guide to help them find more information on the web that could be useful both during and after their time in the course. A research guide helped students realize that they first needed to understand the legal structure of their particular countries before they could begin to do research to find the law. To that end, we tried to point students first to sources that taught them the basic legal structure of their countries (like Globalex).

Hornstein points out an additional way that librarians can assist in the delivery of MOOCs. Indicating that MOOCs really are "just a new type of textbook," Hornstein states that librarians could "gain experience with the mechanics of incorporating images, including video segments and other 'widgets' directly into PowerPoints and/or MOOC platforms." Librarians are poised to assist in this area as we have increasingly gained knowledge and expertise in screencasting, video tutorials, and other alternate electronic instructional methods. Our expertise in building and delivering electronic content is useful in delivering exceptional online education. Hornstein adds, "This could be a wonderful new area in which library staff might add value to the teaching enterprise."

If MOOCs and distance education catch on in law schools, libraries may also be called upon to proctor exams. This is already a practice in undergraduate distance education. With students scattered geographically, some U.S. public libraries have begun offering free proctoring services. If law students are permitted or encouraged to enroll in courses offered by other institutions, academic law libraries may be expected to provide a similar service.

Copyright Considerations

Because MOOCs generate a new type of tangible content, copyright issues also bear consideration by library staff. Hornstein points out that Coursera is a for-profit company, and, though its courses are currently offered for free, "The overall endeavor is commercial in nature." This means that librarians and MOOC instructors must be aware that certain copyright exceptions may not apply in the same way. As a result, Hornstein only used images in his course that employed a Creative Commons license that allowed for use for "commercial" endeavors. Attribution was also required, and Hornstein usually did so by incorporating entire Pinterest boards that linked to all of the metadata for the images he used.

At the University of North Carolina, most of the copyright questions about what content could be used in the courses were handled by the scholarly communications officer at the university library. She developed a FAQ document to educate professors about how a MOOC differs from courses offered at the university. MOOC teachers had many questions, such as whether playing a snippet of the Pink Panther theme or using the Pink Panther shadow required paying a licensing fee. The scholarly communications officer also helped professors navigate the permissions process when necessary.

There also should be a higher-level discussion at each university involved in MOOC courses regarding what copyright reservations must be made. It is critical to ask who owns the content produced by a MOOC. Is it Coursera? Is it the professor? Is it the university where the professor is employed? These questions must be adequately negotiated and answered prior to the delivery of MOOC content. Librarians involved in MOOCs should be aware of these decisions and who owns the content they produce that becomes a part of the MOOC.

Privacy and Licensing Issues

As schools begin to offer credit for MOOC classes, protections given in the traditional educational arena may need to migrate to the MOOC platform. In a traditional classroom, the students are not expected to release ownership of any

intellectual property they create in a classroom. In MOOCs, however, this may not be case. Coursera's current terms of use, available at www.coursera.org/about/terms, grant to Coursera and any participating institution "a fully transferable, worldwide, perpetual, royalty-free and non-exclusive license to use, distribute, sublicense, reproduce, modify, adapt, publicly perform and publicly display such User Content." Privacy protections as outlined in the Family Educational Rights and Privacy Act are not necessarily applicable in the MOOC environment.

MOOCs as Training for Law Library Employees

MOOCs also represent a new way for library staff to participate in continuing education opportunities. There is no cost other than time, and staff can select the parts of the course most relevant to their needs. There is no travel involved, so this saves on travel costs and limits time away from regular job duties. Staff can schedule their participation when other obligations permit.

There are a wide variety of courses offered that may be relevant to law library employees. For example, the Internet History, Technology, and Security class provides an overall introduction to internet security. This can help reference librarians and teachers of legal research understand how to conduct research online in a confidential way, as required by many state's ethics rules. Substantive law courses could help those without a background in law conduct legal research better. Librarians interested in management might find finance or business courses helpful.

MOOCs: What's to Come?

MOOCs promise to provide educational opportunities to more people in more places. But whether MOOCs can overcome the problems inherent in the platform or replace, in whole or in part, traditional formal education remains to be seen. We'll be watching.



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