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Privacy and Confidentiality of Student Intellectual Property

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PRIVACY AND CONFIDENTIALITY OF STUDENT INTELLECTUAL PROPERTY

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GOALS OF PRESENTATION

To engage participants in discussions on:

1. how student digital content is handled once the course has ended; and

2. the extent to which universities and colleges control student digital content.
WHAT IS INTELLECTUAL PROPERTY?

- Intellectual property (IP)
  - refers to creations of the mind: inventions, literary and artistic works, and symbols, names, images, and related works.
    - Patents
      - Inventions
    - Trademarks
      - Symbols, logos, words/phrases
    - Copyright
      - Literacy and artistic works
WHAT IS PRIVACY?

- PRIVACY
  - The right to have control over one’s personal information.
  - The ability to limit who has this information, how this information is kept and what can be done with it.

- About control of one’s information.
WHAT IS CONFIDENTIALITY?

- Confidentiality
  - Pertains to the treatment of information that an individual has disclosed in a relationship of trust.
  - The expectation is that the information will not be divulged to others without permission.
  - Permission is expected to be consistent with the original disclosure understanding.
STUDENTS AND THE ACADEMY

- Given groups such as the American Association of University Professors (AAUP) generally advocate on the behalf of faculty.

- Who advocates on behalf of the student?
STUDENTS AND THE ACADEMY

➢ Students are our most important assets.

➢ Students participate in online instruction via BlackBoard and Moodle course delivery systems; and via Facebook, Google Apps, and related Web 2.0 technologies.

➢ Students produce digital content that is captured and stored online, often remaining after the course ends.

➢ Students have rights pertaining to the content they create; however, the university may not always address these.
INTELLECTUAL PROPERTY ISSUES
When students and faculty interact or place course materials online, they:

- create and leave digital footprints.
- leave tracks that enable others to follow and exploit information that is captured online.

Therefore these issues present both legal and ethical concerns related to intellectual property, privacy and confidentiality.

STUDENT INTELLELUAL PROPERTY

- Faculty organizations such as AAUP exist to protect the rights of faculty at the academy, but who advocates for students regarding their intellectual property?
Does your institution address the issue of student course materials or intellectual property? If so, how?
A number of U.S. universities have intellectual property policies.

- Some universities claim ownership for creations developed as:
  - an employee of the university
  - research funded grants at the university.

- Some universities include ownership statements pertaining to student related course materials.
HANDLING END-OF-COURSE STUDENT DIGITAL CONTENT

- For the course that we taught in 2012, student assignments and projects still remain online.

- How are student digital content handled once your courses end?

- How long should content remain online once the course ends?
OTHER STUDENT INTELLECTUAL PROPERTY ISSUES

Another issue concerning IP, who owns the course materials that students create?

- the student or the university?

- the student or Facebook, Google, or related Web 2.0 sites?
OTHER STUDENT INTELLECTUAL PROPERTY ISSUES

- What are student rights concerning the course materials they create?
PRIVACY AND CONFIDENTIALITY
What are some privacy and confidentiality concerns pertaining to students and the course materials they create?
PRIVACY AND CONFIDENTIALITY

- As previously stated, student create course content and is captured via the computer system while working online.

- Therefore, some materials submitted online by students may contain personal information (phone no., addresses, email, etc).

- Such materials may be subject to abuse such as phishing, spamming, etc.
STUDENT PRIVACY AND CONFIDENTIALITY ISSUES

- How can instructors use student digital created content without inadvertently infringing on students’ privacy or confidentiality concerns?
Students’ private information concerns will heavily influence their willingness to disclose personal data for use in online activities.

The more students are concerned about privacy, the less they will disclose about themselves.

Given the footprints left behind when working online, there are a number of ethical and legal consequences regarding student creations.

Just because someone created a work, does not mean that he or she owns the work.

If you have not given the issue of student created works much concern, you should.

For works universities designate as student property, instructors desiring to use student creations, should obtain consent from students prior to using their intellectual property.

Remember students have rights!