
Instructor's Privacy in Distance (Online) Teaching: Where do you draw the line?

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Abstract

The exponential growth of distance learning provision in the past forty years poses pertinent and critical ethical issues. Students participating in distance education via an online course are required to recognize and resolve various ethical issues, some of which focus on the instructor's actions. The university, too, as it supports students and instructors, is ethically involved in the process. As the number of online classes continues to grow, an increasing number of articles are being written about student and program integrity but there is a notable absence of articles or research focusing on the emerging issue of institutional integrity in relation to instructors. The ideology of New DEEL's (Democratic Ethical Educational Leadership) speaks to the ethical basis of online teaching and this paper delineates an authentic ethical dilemma for which a universalized and generalized ethical model is proposed to be usefully applied to all issues involving privacy of participants.

All names are fictitious.

Distance education is a discipline that subsumes the knowledge and practice of pedagogy, of psychology and sociology, of economics and business, of production and technology. (Anderson & Elloumi, 2004, Athabasca University, Canada's Open University)

There can be no doubt that much good practice has evolved in the field already, largely organically, and there are as yet few comprehensive guides available for any university or college in the United Kingdom or elsewhere venturing into the open and distance learning market. This is in stark contrast to many other professions—the practices of law and medicine, for instance, both of which are governed by explicitly formulated ethical principles (Gourley, 2007 Vice-Chancellor of the Open University, UK).

Introduction

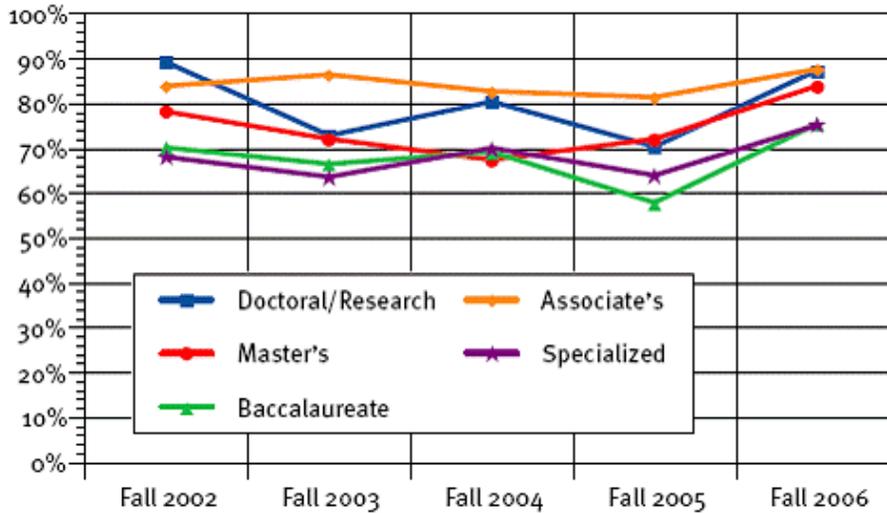
A university instructor has a moral imperative to provide his or her students with a professional model of integrity that can be absorbed and reproduced in their own organizational context. Such a professional model should incorporate actions and behavior of the head, hand, and heart (Sergiovanni, 2006); thereby ensuring intellectual and ethical integrity. Though signature pedagogies may vary from one university to another and from one program to another there is an agreed understanding as to how instructors' communicate this professional model to their students.

In the university setting, educational leadership programs are slowly being affected by the wind of change. Institutions that previously frowned on distance learning and technology mediated instruction are now implementing this mode of teaching delivery, and experimenting with online pedagogy to reach new students in new modalities.

The number of students taking at least one online course has expanded at a rate far in excess of the growth of overall higher education enrollments. The most recent estimate, for fall 2006, places this number at 3.48 million online students, an increase of 9.7 percent over the previous year. The number of online students has more than doubled in the four years since the implementation of a national survey according to "Online Nation, Five Years of Growth in Online Learning" 2007 published by The Sloan Consortium. In their sample of all active, degree-granting institutions of higher education in the US open to the public The Sloan Consortium found a compound annual growth rate of 21.5 per cent i.e. from 1.6 million students taking at least one online course in fall 2002 to the 3.48 million for fall 2006. The size of the entire higher education student body has grown at an annual rate of around 1.5 percent during this same period (from 16.6 million in fall 2002 to 17.6 million for fall 2006 - Projections of Education Statistics to 2015, National Center for Education Statistics). Students taking at least one online course now represent

almost 20 percent of total enrollments in higher education. Predictions are for continued growth which suggests that online enrollment has not yet reached a plateau.

Figure 1. Institutions with online offerings expecting their online enrollments to increase-Fall 2002-Fall 2006



Source: Report from the Sloan Consortium. *Online Nation, Five Years of Growth in Online Learning*, 2007, p.14.

This exponential growth of online and distance learning provision in the past forty years, is itself a “response to ethical concerns about access to education”, and has “inevitably posed other pertinent and critical ethical issues. These include an ongoing concern with how equality of access is achieved, digital divide issues, equitability of service and resource provision, quality control, ownership of courses and materials—to name but a few” (Gourley, 2007, p. 105).

The purpose of this paper is to provide guidance for educational instructors involved in the delivery of online learning programs. The paper is informed by a multiple paradigm approach (Shapiro & Stefkovich, 2005, p.7) i.e. the ethic of justice, profession, critique, and care with New DEEL ideology at the core. New DEEL is a movement that promotes democratic action using a moral framework focusing on leadership in schools, in higher education, and in the wider community (Shapiro, 2006). While New DEEL does not refer to a specific policy or reform, but rather to an ideology ... It demands that individual values and beliefs are questioned (Storey & Beeman, 2006).

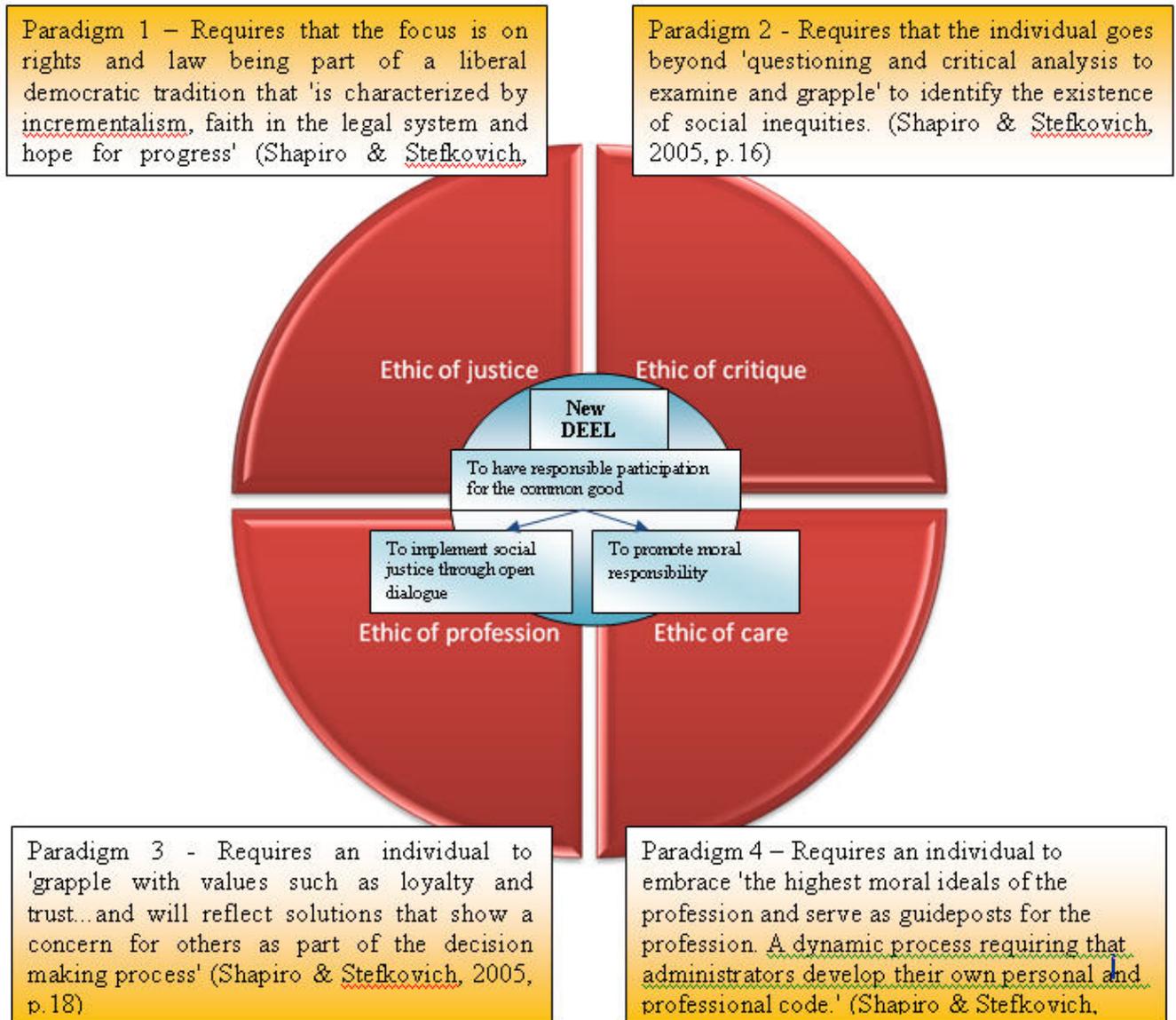
The paper explores whether there is an agreed common set of ethical guidelines at the organizational level. And asks, “How does an online coordinator manage when personal concerns conflict with organizational concerns?”

Online Instructor Responsibilities

Instructors have a key responsibility both for and to learners (Haughey, 2007). The responsibility of presenting students in educational leadership programs with a professional model remains a core constant, yet the relationship between the instructor and the student in an online class differs markedly from the traditional on ground model.

Shapiro & Stefkovich multiple paradigm approach serves to guide educators in designing online instruction that strives to provide an ideal ethical environment.

Figure 2 Paradigms



The Ethic of Justice

The ethic of justice deals with policies, rights and law and is part of a liberal democratic tradition that, according to Delgado (1995), “is characterized by incrementalism, faith in the legal system and hope for progress” (Shapiro & Stefkovich, 2005, p.11). The democratic aspect implies “procedures for making decisions that respect the equal sovereignty of the people” (Strike, 1991, p.415).

The 1974 Federal Family Educational Rights and Privacy Act (FERPA) mandates that universities are required to protect the confidentiality of basic student records and data. In technology mediated distance learning/online learning, electronic communication and especially the internet tend to be public mediums and universities warn users that it is virtually impossible to guarantee privacy.

Faculty should clearly exercise considerable caution. The Privacy Rights Clearinghouse document “Privacy in Cyberspace: Rules of the Road for the Information Superhighway” states:

There are virtually no online activities or services that guarantee an absolute right of privacy.

The Ethic of Critique

The ethic of critique requires that we go beyond “questioning and critical analysis to examine and grapple” (Shapiro & Stefkovich, 2005, p.16) to identify the existence of social inequities. Entering the classroom of any colleague whether on ground or on line is a privilege. Entering a classroom without the instructor’s acquiescence or knowledge

is an abuse of such a privilege. The university should not take preemptive action based on the complaint of one student although it may seem diligently responsible.

An alternative view is that all instructors are aware of the fact that their class will be regularly observed during the semester and that instructor actions will be rigorously examined (Appendix 1 Online Classroom Observation Worksheet).

Figure 3. Extracts from the Online Classroom Observation Worksheet.

6	The instructor facilitates the class discussions by asking well-designed questions that keep students topic-focused.
7	The instructor is present in the threaded discussions at least 3 times per week and comments frequently to students.
10	Throughout the threaded discussions, the instructor displays knowledge of the course material and responds to students in a positive and encouraging manner.
14	The classroom is user friendly and the instructor maintains a comfortable learning environment.
15	The instructor actively encourages students to participate in the learning process.
19	The instructor posts grades in the grade book in a timely manner.
20	The instructor posts comments clarifying and explaining grades to students.

It is also important that the gatekeepers in the institutions' hierarchical structure carefully consider their actions and follow thoughtfully created policy.

The Ethic of Care

Viewing an ethical dilemma through this paradigm requires an individual to “grapple with values such as loyalty and trust...and will reflect solutions that show a concern for others as part of the decision making process” (Shapiro & Stefkovich, 2005, p.18). But occasionally the experiential context determines that the desired altruistic behavior is subsumed by the needs of the individual i.e. human nature will place self first depending on the circumstances. If we accept that the university has a ‘duty of care,’ an ‘ethical responsibility’ towards instructors engaged in fostering a learning community then Starratt’s second guiding virtue of authenticity provides a framework for developing and supporting the online learning community. The instructor has an ethical duty to live out their own authenticity.

So for the members of the distance learning community—instructor, institution and professional colleagues—it clearly constitutes an applied ethical issue that they are obliged to confront. It challenges universities to create a context for distance learning instructors and students to feel safe while trying to achieve a truly authentic context for learning (Haughey, 2007). But in the case cited in this article the first dilemma is identifying the primary focus of care—the student or the instructor.

University policy should be of help in resolving the dilemma. If we chart online policy development we will find that a number of interdisciplinary committees (1998) were established to develop online policies and great care was taken to when developing policy to address instructor accountability. University policy makers were sentient of the dilemma they faced but believed that as long as the instructors were aware of the policy then no harm would be done. But as the years have progressed so institutional climate has changed thus creating the identified issue.

The Ethic of the Profession

The professional paradigm is based on the integration of personal and professional codes. Professional codes embody “the highest moral ideals of the profession and serve as guideposts for the profession, giving statements about its image and character (Lebacqz, 1985)...a dynamic process requiring that administrators develop their own personal and professional code.” (Shapiro & Stefkovich, 2005, p.22).

Online “classroom invasion” appears to be general accepted university practice based on the premise that internet work (even though password protected) is out there. Knowing the password is comparable to having the key to the door, allowing an invisible presence in the classroom. Institutions justify their actions by ensuring that this behavior is clearly articulated in their online policy manual.

In the case of distance/online learning many policies were developed with the introduction of the first online classes and though these policies may be annually revised they frequently lose interdisciplinary ownership becoming the responsibility of a college/faculty/department responsible for the management of distance learning/online classes.

Figure 4. Extract from University Policy

Policy: *Online courses will be observed to ensure quality of course content, instructor effectiveness, and proper use of course delivery system. Each term a random sample of courses will be chosen for observation. The outcome of these observations will be housed in the Institute for Distance Learning and the results distributed to the course instructor and Dean of the College upon request.*

Process: *Randomly chosen online courses will be observed a minimum of two (2) times per term. This evaluation will take place at specified intervals.*

Courses may be monitored and evaluated at other intervals at the discretion of The Institute for Distance Learning

In the described case an instructor can be observed without prior notification and information gained confidentially retained unless specifically requested. In addition administrators may enter the online course if they have any cause for concern again without notifying the instructor.

Footprints in Cement Versus Footprints in Sand

Words and actions of the online instructor become an historical document which can be scrutinized, discussed and disseminated. It is of the utmost importance that words and actions reflect the highest level of integrity. Every message sent, every comment posted is dated and time stated. It is easy for an instructor to apologize and rectify a mistake or an error of judgment in the on ground classroom (sometimes the student is not even aware of the error such as a misquoted date, or an ill judged comment) but much harder online to retract a comment or remedy a mistake once the send button has been pressed

Organizational Dilemma

All forms of learning and change start with some form of dissatisfaction or frustration generated by data that disconfirm our expectations or hopes (Schein, 1993). What typically prevents us from embracing change, causing us to react defensively, is the feeling that if we allow ourselves to enter a learning or change process, if we admit to ourselves and others that something is wrong or imperfect, we will lose our effectiveness, our self-esteem and maybe even our identity (Storey, 2007). In the dilemma outlined below the online coordinator Dr. Lee initially maintained the status quo although this later resulted in personal turmoil as she asked herself several pertinent questions. *Could ethical reasoning be identified in the decision-making process? Were her actions ethically appropriate?* Dr. Lee began to consider the fact that her understanding of the dilemma might have been enhanced if she had used a number of different lenses through which to view the situation. As faculty, she was also aware that “raising ethical questions is dangerous because it requires questioning the morality to which we are already committed” (Fasching, 1997, p.100). These questions and major concerns frame the process of exploration undertaken below.

Reflection lead to the implementation of a multiple paradigm approach to reassess the dilemma; the lens of justice, critique, care, and profession emanating from core New DEEL ideology is referenced as we reanalyze this complex dilemma focusing on privacy in relation to online learning.

SUPPORTING OR SPYING?

Pownall University is a large liberal arts university that has gained a reputation for outstanding academics and cutting edge instructional delivery for graduate students in the master's in educational leadership program. The university has been delivering online programs since 1998 and was at the forefront of online curriculum development and delivery. Today, students on the educational leadership program have the option of taking classes entirely online, on ground or blended (mix and match) according to their personal preference and circumstance. Dr. Lee, the co-coordinator of the program has worked hard to establish rigor and authenticity into the program. Her background as a teacher, administrator and principal and her ongoing research into professional and individual values combined with her evident passion for teaching and care for her students have all served the program well. Students are applying for the program based on personal recommendation. The university admissions office and indeed the College of Education are encouraged by the evident academic and experiential quality of their recent recruits onto the program.

One outcome of the increasing number of students on the program is the evident imbalance between students choosing on ground classes and those choosing online. However, as each class is currently offered on ground and online it is unclear to Dr. Lee if students are opting for a specific instructional strategy or the instructor. She has her view but at present there is no empirical data to support her

opinion.

Several weeks before the fall semester began, Dr. Lee was formally petitioned by a number of graduate students to extend the cap on online classes as one of the classes was already full. Students needed the class to graduate and wanted to take the class online. This request was communicated to the Dean of the College who agreed to create a second online class teaching the same syllabus. A full professor in the department was requested to take the course. She was already familiar with the syllabus and anticipated no problems. Dr. Lee would teach the parallel class.

Six weeks into the eight week class the Dean of the College communicated to Dr. Lee that the Academic Dean had received a complaint from a student that the teacher of their online class was failing to provide leadership on the discussion board and that two weeks had elapsed between the completion of the first assignment and the posting of the grade. The Dean of the College said that he would leave it to Dr. Lee as coordinator of the program to resolve the issue.

Dr. Lee was aware that university policy placed her in the privileged position of being able to enter an online class unannounced. She therefore immediately requested this access from the Director of Distance Learning. At the same time she was made aware of the fact that her Dean was also going through the same process. As a consequence both the Dean and the program coordinator were able to observe all online interactions between the instructor and her students and also the dates of all posted grades.

After reading all the blackboard postings, Dr. Lee observed that the complaining student had been quite correct in his/her comment about the tardiness of the professor in communicating the grades for the first assignment. However, in relation to the discussion board the professor had been an active participant and there was clear evidence of positive interactions with her students.

Dr. Lee spoke to the professor informally to ask how the course was progressing and was reassured by the professor that all was well, that the students were conscientious and that the rigor of their work was commendable.

Dr. Lee was also aware of the fact that during the second week of class the professor had been away from the university attending a conference and surmised that this had resulted in the delayed marking of the assignments. Further, a review of the historical emails from the instructor revealed that she had informed the class of her participation in a conference, explained the purpose of the conference and also given the scheduled date of the conference. While these emails explained the instructor's lack of participation in class discussion, it also revealed that the instructor had violated university policy by not checking her emails on a daily basis. Consequently: Dr. Lee decided not to inform the professor of the student's complaint. However, both she and the Dean of the College continued to monitor the class. Any email sent either by the professor or a member of the class also went to the Dean and Dr. Lee.

On reflection Dr. Lee began to feel uncomfortable with the action she had taken. She had gone into the classroom of a senior professor without permission or indeed without her even being aware of the fact. She asked herself if a student had complained about an instructor of an on ground class would she have taken the same action. Would she (and the College Dean) have immediately entered a classroom to observe instruction without the instructor's prior knowledge or permission? Would she have analyzed the instructor's assessment grades and historical records without their knowledge?

As she pondered on the issue she began to wonder about the ethics of her behavior.

Postscript

Pownall University policy for Student Evaluation of Online Courses requires students to rate instructors on a number of performance variables including teaching, interpersonal and administrative skills and are asked questions regarding the distance learning medium and services. Of the twenty competencies, seven specifically refer to the actions of the instructor.

Further Pownall University policy stipulates:

- 1. Online instructors are required to login to their online courses at least once each day to check for any student questions or issues. It is suggested that online instructors respond to student issues within 24 hours after the student has posted a question in the online course or submitted*

- a question via email.*
- 2. It is also important to grade and return assignments in a timely manner.*
 - 3. The Institute for Distance Learning encourages instructors to grade assignments within 72 hours of the due date.*

Extract from the Institute for Distance Learning Policy Handbook

The instructor had taught a full class of fifteen students. In the final course/instructor evaluation **all** students rated the course and instructor highly.

In the case under study the instructor acted in a professional and conscientious manner by informing the students that she would be attending a conference but would make every effort to be in daily communication. Despite this communication with her students both her lack of social presence and teaching presence (Anderson, 2004) impacted the learning community resulting in a student feeling a lack of care which is validated by research Sandra Porta-Merida, 2008 conducted in her unpublished dissertation. Porta-Merida found that the universal desire of students to receive timely feedback holds true for students in both traditional face-to-face and online courses. In face-to-face courses students receive feedback while they are in the classroom. Similarly, online students expect timely feedback in their courses. It would appear that there was an absence of trust between the student and the instructor and that the gatekeepers acquiesced quickly to the demands of the student rather than trusting the professionalism of the instructor. However, all involved faculty acted professionally for the good of the students. Entering the online classroom was the only way the instructor could be held accountable and this action is clearly articulated in university policy (See Figure 4).

Online Program Coordinator

Conflicting Values

Occasionally, an individual's personal values may conflict with the organization's values causing internal conflict particularly if they are suppressed for fear of reprisal, i.e. rationalization of aspirations. Alternatively, individual core values may be weak or unidentified, and adoption of external values is an easier course of action than investigating core beliefs (Judge 1999). Although Starratt (2004) acknowledges this conflict he challenges the instructional leader to be true to self. He focuses on the three virtues of responsibility, authenticity and presence, identifying a "fundamental link between the virtue of responsibility and the virtue of authenticity that activates the two and brings them into a dynamic relationship. It is the virtue of presence" (p.91). Thus for the online program coordinator there is a moral responsibility to respond to situations in a manner consistent with "the person I am, the values I embrace, the lessons I've learned, the commitments I've made" (p.92).

In situations where students in traditional on ground classes may experience inconsistency between their instructors they are unlikely to formally communicate their dissatisfaction to a higher authority. All students (irrespective of instructional delivery mode) should be directed to contact the instructor first and follow the syllabus guidelines. But for online students experiencing dissatisfaction with their instruction (in relation to content delivery and varying instructor responsibilities) there is a quick and immediate solution—fire off an email of complaint to an appropriate senior member of the academic faculty—an email which then has to be responded to, and the issue identified by the student, investigated. As can be deduced, professional and academic consistency between instructors is therefore essential.

Conclusion

The same action can have different ethical meanings depending on the motives that inspired it e.g. pedagogic reason, professionalism, and disciplinary. Justifying the action may come from a variety of applied ethical lenses i.e. Justice, care, critique, profession, scaffolded by New DEEL ideology. There is a moral imperative for administrators to be authentic in their actions and to ensure that their presence provides students with a model of professional integrity. If this integrity is threatened or undermined then New DEEL ideology must drive the instructor to question the required action if they are truly authentic to self.

Developing responsible ethical policies for online instructor monitoring requires a deliberative process in which the interests of all concerned parties are adequately considered. The ethical base that undergirds this deliberative process should be recognized as a matter of crucial importance. Development of such policy should be interdisciplinary capitalizing on the intellectual capital of the whole university making the university in reality a unit of democracy. Additionally, policies once crafted should be revisited annually by all involved.

**INSTITUTE FOR DISTANCE LEARNING
ONLINE CLASSROOM OBSERVATION WORKSHEET**

This form is used in the evaluation of the classroom performance of online instructors. The competencies and categories on this form are those that instructors should possess, achieve, and maintain for effective and quality online classroom performance.

Instructor: _____

Course: _____

	Competency	Met?
1	The instructor revises, updates, and prepares the entire online course including discussion questions, lectures, and exams before the scheduled delivery date.	
2	The syllabus lists course information in a structured, informative, logical, and organized manner.	
3	The instructor begins the class by asking students to introduce themselves and then responds to each student's introduction, with a personalized comment.	
4	The instructor personalizes the course by including biographical information and encourages students to contact them during the course.	
5	The instructor uses the announcement section of the online classroom to send out reminders and updates that are clear, detailed, and informative.	
6	The instructor facilitates the class discussions by asking well-designed questions that keep students topic-focused.	
7	The instructor is present in the threaded discussions at least 3 times per week and comments frequently to students.	
8	The threaded discussions include an example or detailed information regarding how the student should post their response.	
9	The threaded discussion is pertinent to course objectives and materials.	
10	Throughout the threaded discussions, the instructor displays knowledge of the course material and responds to students in a positive and encouraging manner.	
11	If there is an ask questions discussion forum the instructor gives prompt feedback to every student within a 24 hour period.	
12	Lectures materials or presentations are well written, current, and help give students an understanding of the material.	
13	Lectures and presentations use real life or practical examples and include a discussion on the application of the material.	
14	The classroom is user friendly and the instructor maintains a comfortable learning environment.	
15	The instructor actively encourages students to participate in the learning process.	
16	The instructor spends an adequate amount of time each week in the online classroom.	
17	The instructor clearly defines the methodology used to determine grades.	
18	Any evaluation tools, such as exams and quizzes are covered in the lectures, readings, and threaded discussions.	
19	The instructor posts grades in the grade book in a timely manner.	
20	The instructor posts comments clarifying and explaining grades to students.	

Date Observed: _____

Observed by: _____

Appendix 2. Example of relevant sections of a university policy.

Online Course Monitoring and Observation

Policy:

Online courses will be observed to ensure quality of course content, instructor effectiveness, and proper use of course delivery system. Each term a random sample of courses will be chosen for observation. The outcome of these observations will be housed in the Institute for Distance Learning and the results distributed to the course instructor and Dean of the College upon request.

Rationale:

All online courses require specific components and instructor contribution as an ongoing process throughout the course of the term. Without all necessary and proper components, course quality and student learning are diminished. To ensure that The Institute delivers only courses of superior quality, careful monitoring and evaluation of each class must take place.

Process:

Randomly chosen online courses will be observed a minimum of two (2) times per term. This evaluation will take place at specified intervals:

8-Week Term

1. Prior to course delivery
2. Conclusion of the sixth (6th) week of the term

All other Terms

1. Prior to course delivery
2. Approximately at mid-term

Courses may be monitored and evaluated at other intervals at the discretion of The Institute for Distance Learning.

Courses will be checked for the existence and quality of required components during each observation session. If, at any time, a course is found to be deficient, the instructor will be contacted for consultation. This consultation may include, but is not limited to, course delivery remediation, hands-on instruction, trouble-shooting and course repair. *Please see Section VI for the Online Classroom Evaluation Checklist*

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