16 INTELLECTUAL PROPERTY TEACHING PRACTICES IN INTRODUCTORY WRITING COURSES

Nicole Nguyen

How will today's undergraduate writers be confronted with copyright and intellectual property (IP) issues once they leave the safety of the composition classroom? As an undergraduate professional writing student at a land-grant, Big 10, research-extensive institution, I came across the challenges of working within the bounds of IP issues, particularly in presenting my work online. Many of my professional writing classes involve a Web-related element, including several courses that required a final digital portfolio with examples of work done for that particular class. Inside the classroom, I had few questions as to what I could post online and who would be able to see it—I considered these Web postings as existing in a vacuum, with the instructor and the class as my audience.

However, when I purchased my own domain name and bought my own Web space, created my personal Web site and digital portfolio, and began telling people about it (via word of mouth and posts on social-networking sites like Facebook and Livejournal), I realized that my work no longer existed in a vacuum. Conceivably, anyone with Internet access could get to my Web site and see—and potentially take from or use—my work. When I searched for ways to protect my material, I was unsatisfied with the options available to me, such as Creative Commons licensing. Putting a copyright symbol at the bottom of every page was the most straight-forward way to protect my intellectual property, but if I did find that someone had infringed on my copyright, how would I be able to enforce my rights? And, more importantly, why hadn't I been exposed to these kinds of issues in my professional writing classes? This question is the driving force behind my research.

In the fall of 2008, I conducted a study on copyright issues in first-year writing curriculum. What I found was that the challenges I experienced are not limited to me, but are common among college students and will become even more common as we move out of the university setting. In my experience, college classes do not sufficiently address IP/copyright issues. Here I report the findings of my study, which concerns what first-year writing students learn about IP and copyright, and whether these students feel prepared to use that knowledge outside of the university setting.

From what I could find, limited research has been done concerning IP or copyright and academics (other authors in this collection report on the limited existing work; see, for example, Amidon and Galin), and no research has been done to find out what students are actually taking away from their instruction in these issues. I decided to conduct this research in an attempt to fill this void. My research project goes into the classroom: first, I investigated if and how teachers of first-year writing classes teach IP and/or copyright through surveys, and then defined a target audience of classes whose professors have given instruction on IP and/or copyright. These students were surveyed as to how prepared they felt about IP and how effective they felt the instruction was. From these surveys, I further narrowed the pool of students and interviewed several students about their experiences. The interview questions focused on the effectiveness of the teaching, how confident they were about utilizing their IP knowledge outside of the university setting, and the issues for which they feel they need more instruction.

Casual observation has shown me that instruction on IP and copyright issues in the university is lacking and that students do not know the options for protecting their work. Here, I present the findings of my empirical study that informs these casual observations. Ultimately, I hope the audience will be able to use my research to inform first-year writing curriculum and pedagogy as it intersects with the teaching of IP/copyright.

BACKGROUND RESEARCH

My main research question was: Are students learning enough about IP/copyright in their first-year writing classes to feel confident that they can be successful in their future writing endeavors, both inside and outside of the university setting? Additionally, my research questions include the following:

- Are teachers of first-year writing courses teaching intellectual property (IP) and copyrights?
- How much time is being spent teaching IP/copyright?

- Are students utilizing what they have learned about IP/copyright in their first-year writing courses?
- Are students only using this information for in-class assignments, or for assignments in other classes as well?
- Are students using this information for projects outside of school?
- After learning about IP/copyrights in class, do students feel that they have sufficient knowledge to make informed decisions about IP/copyright in the future?

To this end, I designed and implemented a mixed-method study using both a survey and interviews, drawing upon the work of John Creswell (2003), Huiling Ding (2007) and Martine Courant Rife (2008). I also draw upon the research of William Fisher et al. (2006); Marjorie Heins and Tricia Beckles (2005); Renee Hobbs, Peter Jaszi, and Patricia Auferheide (2007); and Rife (2008) in presenting the results of an IRB-approved, one-year study wherein I examined how and if teachers of first-year writing classes teach intellectual property and/or copyright.

Intellectual Property in the Writing Classroom

As curriculum of college writing classes grows to include more digital components, there is a growing need to educate students about basic copyright law as well as fair use (Logie, 2006; Rife & Hart-Davidson, 2006) and the challenges and problems associated with it. Of particular importance is situating these issues in the digital realm, because writing for the Web is increasingly becoming more common, especially in light of the fact that many Professional Writing (PW) courses (at Michigan State University and elsewhere) emphasize creating a digital portfolio, both for specific classes and to prepare seniors for representing their undergraduate work at graduation. Digital portfolios serve as purposeful collections of student work that allow students from various backgrounds to demonstrate their strengths on a more even playing field than more traditional methods of assessment would (Georgi & Crowe, 1998).

One scenario to consider is that of adding images to a digital portfolio required at the end of a class term. Particularly in lower-level classes, where students have less of their own work to display, many students may go to the Web to find images and other visual embellishments to add interest to their digital portfolios. Often, this is done by simply typing in a keyword to a search engine, then choosing an image from the search results, and inserting that image directly into a portfolio (perhaps in a banner image, or as a visual element in the content). Google image search results all come with a standardized warning

about copyright protections: "Image may be subject to copyright." However, one must do additional research to find out whether or not each image is, indeed, copyrighted and how to get permission to use it. It is hopeful, I think, to assume that the average student will do little more than glance over this warning before appropriating the image for their own uses. In a class project, taking an image from an online source is generally considered fair use, so there is little problem. But if students are not informed about how the transition from student to non-student affects their ability to use Internet images, then we risk sending students the message that they can use images they've found online for anything, at any time.

Current scholarship indicates that fair use is not properly understood by teachers or writing students (Rife, 2008). Additionally, Hobbs et al. (2007) reported that because of a lack of understanding of fair use and copyright, "teachers use less effective teaching techniques, teach and transmit erroneous copyright information, fail to share innovative instructional approaches, and do not take advantage of new digital platforms" (p. 1). The study, conducted by the Center for Social Media at the School of Communication at American University, is an important one because it explores the relationship between teaching practices and beliefs about copyright.

John Logie (2006) asserted that educators have an obligation to teach intellectual property and copyright and to make transparent to students the challenges teachers face when dealing with copyright in the classroom. Particularly in disciplines involving digital communication and composition, there is an implied "awareness of and engagement with copyright questions" (p. 2). However, Logie pointed out that legislation such as the TEACH Act (or Technology, Education and Copyright Harmonization Act of 2002) creates a divided system, in which one tier presumably applies to non-networked classrooms, and a different, more complex set of rules applies to classrooms that engage in "distance delivery." Logie described how many classroom instructors "have a tradition of selective non-compliance with copyright laws," such as those set forth in the TEACH Act, of which students are often unaware. He suggested that actually introducing students to copyright laws—to the frustrations inherent in attempting to follow the laws or in composing and communicating peacefully alongside them—is an "important step toward eventually recalibrating copyright for the Internet era" (p. 3).

Why First-Year or Introductory Writing Classes?

For my research, I chose to concentrate on the IP/copyright instruction in first-year or introductory writing classes for several reasons. First, given the

size of the student body and range of subjects offered at MSU (more than 46,000 students and over 200 programs of study), concentrating only on writing classes would give me a manageable subject pool. Second, every student at MSU is required to take two writing classes: one "Tier I" (or first-year) class and one Tier II class (taken at the upper-level, in the major). Tier I classes are usually taken in the first year of university study, and because the class is a university requirement, these classes contain students of various backgrounds and majors. Tier I writing classes at MSU are offered with many different themes, including (among others) science and technology, law and justice, and women in America. Students may choose which class to take, and many will choose a particular 100-level writing class that corresponds in some way to their major. For instance, students interested in a legal career might take the law and justice themed course, while students interested in women's studies might take the class focused on women in America. Third, from a student's perspective, it makes sense to include basic copyright/IP instruction in the curriculum of an introductory writing class so that students can continue to use and build upon that knowledge as they progress toward their degrees. Intellectual property and copyright knowledge is especially important for Professional Writing students as they become communicators in the workforce—performing usability tests, developing web content, managing communication projects, suggesting communication strategies, performing content management, etc. (see DeVoss & Julier, 2009, for an overview of the MSU PW program). According to Rife (2008), professional and technical writers "may easily become leaders among their peers; therefore, we might hope the information and ways of knowing they bring with them from academia are accurate and useful" (p. 11).

I visited and surveyed three writing classes—WRA 110 Writing: Science and Technology; WRA 115 Writing: Law and Justice in the U.S.; and WRA 202: Introduction to Professional Writing. Readings in the two 100-level courses were derived from their themed subject areas. As in many writing classes, the goals were to develop skills in narration, persuasion, analysis, and documentation. The science and technology and law and justice themes of the writing classes were two of eight theme options for the 100-level writing classes offered that semester, and there were no prerequisites for enrolling in any of these classes. The Introduction to Professional Writing class, however, is a 200-level class intended for students in the beginning of the Professional Writing major. The only prerequisite for taking WRA 202 is the completion of the Tier I writing course. The focus of the upper-level class is less on narrative or persuasive writing skills and more on professional style and studies of rhetoric. In accordance with the three focus options in the major (editing and publishing, digital and technical writing, and writing in communities and cultures) students are ex-

posed to many different aspects of professional writing, in particular, writing across media and writing for the Web. The technological components of these classes ensure that the students have some engagement with digital intellectual property concerns, which I saw as an important aspect of my research.

FINDINGS

Teacher Survey

In early fall 2008, I sent a call for survey participants to an email list of teachers of WRA classes, directed at teachers of Tier I writing or introductory Professional Writing classes. This list included all of the teachers in the program (including graduate teaching assistants); the email request contained a brief description of the research and invited teachers who had an IP or copyright component to their class to respond. From this call for participants, I received four responses (which may or may not be indicative of the number of classes that include IP in the curriculum). Of those four, two actually participated in the survey, and both agreed to let me visit their classes to recruit student participants.

Both teachers spent 3 weeks or more on IP/copyright issues during the semester, and their instruction methods were very different. One teacher, Jessica,* used an article about the history of fair use in two ways: first, to introduce the issues and present information to students, and, second, as a writing tool. The students had to read the article and remix it into a two-page press release. The second teacher, Brian, integrated IP/copyright discussions into the coursework throughout the semester and had a guest lecturer visit the class.

Student Survey

The student survey contained several brief questions asking how the students had learned about IP/copyright in their writing class, as well as whether they had received any instruction in IP/copyright before. About 78% of the students in the Introduction to Professional Writing class stated that they had received instruction in this subject before, and their previous experiences varied. Most of the previous instruction the students listed dealt with plagiarism and using citation when writing papers. One student mentioned learning about Creative Commons licensing in a Web-authoring class. Responses to one question were particularly interesting: When asked how long their current writing class had spent on IP/copyright, answers varied from one or two class sessions

(42.9%), 1 or 2 weeks (35.7%), to 3 weeks or more (21.4%). As mentioned earlier, Jessica, the instructor for this class, responded that her class spent 3 weeks or more on IP instruction. This may indicate a pronounced difference in perspective for the definitions of intellectual property and copyright. When paired with the student responses to the question about previous IP instruction, it appears that unless the subject matter is explicitly labeled as pertaining to IP or copyright, students may not associate the material as fitting into that category. More than three-fourths (78.6%) of students stated that they had the opportunity to put their knowledge about copyright/IP to use for a class assignment. The majority of these students indicated that they used this knowledge for the class in question, though two students wrote in detail about projects for other classes in which they were using their IP knowledge.

The law and justice themed class had similar results, despite my expectations that students in this class might be more informed in copyright or intellectual property because of my assumption that students who chose to take this class would be more interested in the subject matter. Two-thirds of the participants said that they had previous instruction on copyright and intellectual property, though none elaborated on what kind of instruction. The responses regarding how much time the teacher spent on IP varied mainly between two answer choices: 57.1% indicated that they spent one or two class sessions, while 33.3% said that they spent 1 to 2 weeks on the subject. About 57.0% of the participants for this class indicated that they had the opportunity to put their knowledge about copyright/IP to use for a class assignment.

Only about half (52.9%) of those in the Writing: Science and Technology class said that they had no previous experience learning about IP/copyright, and those who had learned about it in the past said that they learned about IP in high school, rather than other college classes. In response to how long their current writing class had spent on IP/copyright, answers were similar to those for the law and justice course: one or two class sessions (58.8%), 1 or 2 weeks (35.3%), to 3 weeks or more (5.9%).

Identifying and Explaining Trends in Survey Results

Across the survey results from the three different classes, there is a trend of under-estimation of the amount of time that teachers spent teaching intellectual property/copyright. "I use, mainly, a journal article on the history of the fair use doctrine. Students read it and remix it into a two page press release. We grapple with this project for two weeks (plus revision time)," Jessica said about the inclusion of IP in her syllabus. Students, however, did not list the journal article or the remixed press release. Instead, they noted that their teacher used

slides to give them instruction on IP. Again, this shows a marked difference between the perception of subject matter for students and teachers. Because this is present in all three of the classroom student surveys, it represents a general trend in student perception. What is not evident from these surveys, however, is whether or not there is any overlap in what the students listed as the tools used to teach them intellectual property and what tools the teachers actually intended to use in instruction.

Student Interviews/Vignettes: Caroline's Vignette

Caroline is a Professional Writing (PW) junior who, at the time of the interview, was enrolled in the introductory PW class (WRA 202). During her interview, Caroline displayed a view of intellectual property and copyright confined to experiences writing research papers for classes and different methods of citation. When asked how long her PW class had studied copyright, she indicated that this instruction was minimal and consisted of 3 hours, total, throughout the semester. Despite her restrictive definition of IP and copyright, Caroline expressed curiosity about other aspects of copyright and had questions beyond those asked and discussed in class. However, these questions still dealt specifically with writing research papers and primarily with issues of source use and plagiarism: for example, how much can be paraphrased before you should include a citation? When I asked Caroline if she had any concerns about protecting her work, she asked for an example of a situation where her work would *need* protecting. Until that point, she had not considered her work in any other context than a hard copy turned in to a teacher. I described a hypothetical situation in which she would put examples of her work on a personal Web site or portfolio, which is a requirement for graduating PW students at Michigan State University. She grasped the idea immediately, expressing concerns about people taking whole work (or parts) that she published online. She drew on her knowledge of how easy it is to simply use something from a Web site without including attribution, consulting a copyright or use statement, or contacting the author for permission. When asked if she felt that she had enough knowledge about copyright or IP to make a judgment about an issue concerning copyright/IP outside of the university setting, she said that she was more confident in her ability to research and find answers than in her actual knowledge. She said that if she was faced with a situation relating to copyright, she would know how and where to look to find the appropriate response.

Caroline's responses to my interview questions suggest that she is knowledgeable enough about copyright and IP issues to recognize where there may be cause for concern, but only if prompted. She indicated that her definitions

and views of IP and copyright have been shaped by writing classes—English classes in high school and PW classes at MSU. It can be inferred from her responses that because these writing classes frame copyright and IP only in terms of research papers, that students do not naturally make a connection between copyright and their rights as creators, or between copyright concerns and the growing availability and easy access to work on the Internet.

Student Interviews/Vignettes: Alice's Vignette

Alice is a PW sophomore enrolled in the introductory Professional Writing course (WRA 202) at the time of the interview. She also is pursuing graphic design as a hobby. She seemed very comfortable with the idea of intellectual property and copyright in the classroom, and was willing to volunteer her concerns about these issues. Alice said that she had been first exposed to copyright issues in a Web-authoring class at MSU, where her instructor talked about copyright and IP in terms of images on the Web. Alice recognized that copyright concerns are present everywhere because "everybody's always worried about what's copyrighted." She also said that studying rhetoric and the use of visuals helped her realize that she has not observed much originality in visuals (this point raises multiple questions and issues worthy of research and discussion, but these questions and issues are beyond the scope of this chapter).

When asked if she felt confident about making copyright judgments outside of the classroom, Alice responded that her confidence depended on the area. She would be more confident working with copyright for images because that's where she initially learned about copyright. She said she would be less confident about video copyrights, though her discussion of the ideas presented in *Bound by Law*, a comic about copyright in documentary films, shows that she has a good handle on basic concepts. Alice also said that she does not think that copyright is common sense, and that important copyright/IP issues should be dealt with by someone who has studied the issues, like a copyright or intellectual property lawyer.

Her class instruction on copyright made Alice more conscious of copyright in her graphic design work, as it pertains to using images from the Web, taking source code from a Web site, or observing Creative Commons licensing (especially when using Flickr images). Having been exposed to copyright and IP concerns in another class, Alice expressed that she wanted to know more about why copyright is important. Her Web-authoring class only touched on the rules to observe when looking for images on the Web, but her introductory PW writing course concentrated a bit more on "why copyright and citation is such a big deal." She implied, though, that this instruction was not sufficient,

and said that she would like someone to explain what people can and cannot do in terms of copyright, and then explain why. Alice's responses seem to show curiosity and awareness of copyright and IP issues beyond what was presented in her classes.

Identifying and Explaining Trends in the Interviews

The student interviews did not really exhibit many trends, in part because I was only able to do two in-person interviews (despite having six total volunteers; four of the six did not respond to my follow-up email asking to schedule a time and place to conduct the interview). Caroline and Alice's responses to the interview questions were so different in nature that it is difficult to say whether or not their responses are representative of the complete range of student experiences with intellectual property instruction. One thing that these two interviews do suggest, however, is that a student's prior interest in the subject is a key factor in how well they receive the instruction in class. The curiosity that Caroline showed towards the end of her interview seemed to indicate that she would be receptive to more instruction on the subject and would likely be able to put knowledge to use with a push in the appropriate direction. Alice's curiosity, however, seemed to be in and of itself a driving force for endeavoring to learn more about intellectual property on her own time.

CONCLUSIONS

Answering the Research Questions

Are teachers of first-year writing courses teaching intellectual property (IP) and copyright? Based on the survey results from the initial teacher–participant recruitment survey, it might appear that teachers of first-year or introductory writing classes are not teaching IP/copyright. These results, however, are by no means definitive. Non-participation does not necessarily mean that teachers are not including IP/copyright in their curriculum. Teachers of introductory writing classes may have chosen not to participate in this survey for a variety of reasons, including the fact that it was conducted by an undergraduate student as independent research. In response to the initial recruitment email, at least one teacher responded to me with a number of questions concerning why I was conducting this research and how it pertained to my studies as an undergraduate. After receiving my responses, this teacher declined to participate in the study. Additionally, one must consider that a low response rate for online

surveys is not unusual (Andrews, Nonnecke, & Preece, 2003).

How much time is being spent on teaching IP/copyright? For the two teachers who did participate, it can be concluded that teachers who do include IP/copyright in their curriculum do so for a significant amount of time—3 weeks or more in the cases of Jessica and Brian. Their attitudes toward the importance of teaching intellectual property/copyright in writing classes may correspond to the amount of time that they spend teaching the subject. On a scale from 1 to 5, with 5 as "extremely important," both teachers ranked teaching IP/copyright to first-year writing students as a 4 or 5.

Are students utilizing what they have learned about IP/copyright in their first-year writing courses? Over half of the students surveyed (59.6%) said that they have had the opportunity to put to use the knowledge gained from instruction about intellectual property/copyright during their writing class. I would speculate, though, that for students *interested* in learning about IP/copyright, the answer would be yes more often than for students not interested in the subject.

Are students only using this information for in-class assignments, or for assignments in other classes as well? Are students using this information for projects outside of school? For the most part, the students indicated that they used what they learned for in-class assignments. Those who defined copyright/IP instruction as information about plagiarism and citations said that they used their knowledge for other classes where they had to write papers. Very few participants described using the information for projects outside of school. My suspicion here, however, is that, at this point in their academic careers, few students think that they are taking part in projects outside of school. One flaw in this question is that I did not specify what constitutes an outside project. The word "project" carries a school-related connotation that I did not recognize when I created the surveys. Web-related social activities such as Facebook, Flickr, MySpace, and maintaining a personal Web site or blog that I generally consider to be part of an outside project are likely not included in the participants' definitions of "projects outside of school."

After learning about IP/copyrights in class, do students feel that they have sufficient knowledge to make informed decisions about IP/copyright in the future? This is a tricky question to answer after such a small study. After two in-depth interviews, I received such different pictures of how students received and used instruction on IP that I cannot really come to a conclusion. To get a fuller picture of how and what students learn would require a much larger study. Still, though, based on my experience, coupled with the research I have done here, I say no, students do not feel sufficiently prepared based on the knowledge gained in their introductory writing class. Even Alice—who had received previous instruction in the subject, is very interested in the subject on her own,

and has been able to incorporate what she's learned so far—does not feel that her instruction has been sufficient. However, this leads to another question: Can one ever really be sufficiently prepared? Copyright and intellectual property law is very complicated and continues to evolve in tandem with digital communication. The nature of the subject is constantly changing, so basic principles learned in the first year of college may never be wholly sufficient. The goal here, I think, is to instill a spirit of curiosity, awareness, and ethics that would lead a responsible student to, at least, think about whether or not there are IP/copyright considerations to make in their work—and to continue to think about these issues once they graduate and are part of the work force.

NOTE

1. Student and teacher names in this chapter are pseudonyms.

REFERENCES

Andrews, Doreen; Nonnecke, Blair; & Preece, Jennifer. (2003). Conducting research on the Internet: Online survey design, development and implementation guidelines. http://www.ifsm.umbc.edu/~preece/Papers/Online_survey_design_IJHCI04.

Aoki, Keith; Boyle, James; & Jenkins, Jennifer. (2005). *Tales from the public domain: Bound by law?* http://www.law.duke.edu/cspd/comics/

Creswell, John W. (2003). *Research design: Qualitative, quantitative, and mixed methods approaches* (2nd ed.). Thousand Oaks, CA: Sage Publications.

DeVoss, Dànielle Nicole, & Julier, Laura. (2009). Profile of Professional Writing at Michigan State University. *Programmatic Perspectives,* 1 (1), 71-87.

Ding, Huiling. (2007). Confucius's virtue-centered rhetoric: A case study of mixed research methods in comparative rhetoric. *Rhetoric Review*, 26 (2), 142-159.

Fisher, William; Palfrey, John; McGeveran, William; Harlow, Jackie; Gasser, Urs; & Jaszi, Peter. (2006, August). The digital learning challenge: Obstacles to educational uses of copyright material in the digital age. A Foundational White Paper. The Berkman Center for Internet & Society at Harvard Law School. Research Publication No. 2006-09. http://cyber.law.harvard.edu/publications/2006/The_Digital_Learning_Challenge.

Georgi, David, & Crow, Judith. (Winter, 1998). Digital portfolios: A confluence of portfolio assessment and technology. *Teacher Education Quarterly,* 25 (1), 73-84.

Heins, Marjorie, & Beckles, Tricia. (2005, December). Will fair use survive? Free expression in the age of copyright control. A public policy report. Brennan Center for Justice. http://www.fepproject.org/issues/copyright.html.

Hobbs, Renee; Jaszi, Peter; & Aufderheide, Patricia. (2007, October). The cost of copyright confusion for media literacy. http://www.centerforsocialmedia.org/resources/publications/the_cost_of_copyright_confusion_for_media_literacy/.

Logie, John. (2006). Copyright in increasingly digital academic contexts: What it takes. Writing in Digital Environments (WIDE) Paper #7. http://www.wide.msu.edu/widepapers.

Rife, Martine Courant. (2008). *Rhetorical invention in copyright imbued environments.* Unpublished doctoral dissertation. East Lansing: Michigan State University. Rife, Martine Courant, & Hart-Davidson, William. (2006). Digital composing and fair use: exploring knowledge and understanding of fair use among teachers and students in a university professional writing program. Pilot study report. SSRN Working Paper Series. http://papers.ssrn.com/sol3/papers.cfm?abstract_id=918822