

CYBERSPACE AND RESEARCH

12

**12.1 OVERVIEW**

The preventive law principles and many of the legal principles set out in this book can be used successfully in all areas of the educational enterprise—even in the new frontier of cyberspace or the complex world of research. The end of the twentieth century marked the beginning of the computer revolution. We now punctuate our everyday speech with these two questions: “What’s your e-mail address?” And, “What’s your website?” To schools and colleges, these queries symbolize the incredible ease of accessing information for classroom teaching, personal communication, and research.

Chapter 12 Cyberspace and Research

The Internet touches everyone at schools and colleges. Students have replaced face-to-face dialogue and telephone conversations with e-mail. They also access unlimited information by searching the World Wide Web. Similarly, faculty members have been exchanging some traditional classroom-teaching methods for e-mails, distance learning, and online class assignments. They also have been contracting to sell their lessons. Staff members exchange ideas, send jokes, and make plans without leaving their desks.

While the information superhighway increases opportunities for creativity, productivity, learning, and teaching, it has also opened up a host of technology-related legal issues. The federal government and several state legislatures have passed specialized statutes to deal with the problems of unauthorized use and access to computer technology. Institutions face new and complex questions about control of information among students, faculty, staff members, school-board members, and the public. Issues involve privacy, free speech, copyright, distance learning, and disability access. Free-speech issues on the Internet involve pornography and censorship. Internet access creates claims regarding copyright infringement, fair use, and ownership of materials. Distance learning raises issues about the quality of coursework, faculty-student interaction, and grading.

Despite the complexity of technology-related issues, the following overriding principles will help keep these issues in perspective:

- The Internet is merely a tool. Laws and policies that apply to other forms of communication may apply to the Internet.
- School Internet service providers are primarily distributors of information similar to libraries and booksellers.
- Free access to information on the Internet is not equivalent to free speech.

The first three sections of this chapter address legal issues arising from the extensive use of e-mail and the World Wide Web in schools and colleges: Section 12.2 considers privacy rights for both students and employees; Section 12.3 addresses privacy's counterpoint, free speech; and the new area of cyber-crimes is covered in Section 12.4. Section 12.5 focuses on the impact of cyberspace on the laws covering copyright and trademark infringement. Sections 12.6. and 12.7 present the legal issues and preventive measures regarding Internet access and use as applied to distance learning and disability access.

Research conducted in colleges and universities presents many complex issues, such as conflicts of interest, which we do not delve into in this book. We do, however, look at research involving human subjects because first, it is conducted at most postsecondary institutions, and second, the federal government and institutions are exploring ways to regulate to ensure that researchers fulfill their ethical responsibilities. Section 12.8 looks at some of the legal issues and preventive measures that schools and colleges must address when their faculty and students conduct research with human subjects.

