To some extent, the issues depend on the particular plans. If, for example, CU Press were to expand into publishing electronic media &mdash; or even if they were to host a 24/7 web presence with materials to support texts that they were publishing, I doubt the faculty would have any particular interest. Other publishers have behaved similarly, and CU Press is well within the bounds of ordinary functioning of a University Press.

If eCornell behaved just like that an imaginary media publishing arm of CU Press, then it could reasonably be argued that this was a legitimate business interest of the University and not a concern of the faculty. After all, we don’t supervise the Press or rule on sales of farms or set prices for apples at the Orchard.

However, if eCornell markets anything that looks like education (as opposed to publishing materials that others might use for education) &mdash; courses, certificate programs, degree programs, etc. &mdash; then the faculty should be concerned and, indeed, in charge.

**Primary issues:**

1. The faculty have traditionally been and must continue to be the arbiters of what the Cornell name means with respect to education. It is the faculty who approve new programs and degrees, who recruit, hire, and promote faculty members, and who elect Deans to run the academic operations. Cornell is properly protective of her name. Indeed, the name "eCornell" is not available to anyone else. But it is the faculty who protect the meaning of the Cornell "brand" in education. I mention this first because I find it most fundamental and also because, politically, I expect that even faculty who have no intention to be involved with technology will find it important.

2. The Faculty have traditionally determined who should be admitted to study at Cornell for Cornell credit, although there are some exceptions here (Extramural and Summer Session; possibly Extension courses, although those are faculty supervised). If the University plans to market education to industrial or non-Cornell clients, the faculty have a legitimate interest in how those customers are screened and certified &mdash; or in seeing to it that whatever certification they receive not be confused with Cornell courses and degrees.

3. The current Intellectual Property ownership policy has been made obsolete by technical progress. There is no longer a distinction of "encoded" vs. other works that makes any sense (if there ever was). The University has no policy regarding course materials or a course itself. If the University gets into the business of developing and marketing electronic courses, how can the faculty believe that the administration and Trustees can discuss forming a modern, enlightened policy in good faith? There will be strong financial incentives to grab all intellectual property for the University so it can be sold commercially.

4. Faculty must be concerned with how contributions to technology-based teaching will be valued in tenure and promotion cases. Past practice has **not** valued these contributions highly. But if the University is encouraging faculty to work on such projects (financial incentives are strong inducements), it takes on some obligation to keep promotion evaluations consistent. What if a Dean pressures a junior faculty member to
develop a particularly lucrative electronic offering? Is there some implied promise that the work will be valued in tenure evaluations?

5. The definition of appropriate faculty behavior may change out from under us. Traditionally, faculty have consulted and taught specialized courses for commercial and government clients. This has been thought a good thing both because it keeps us in touch with the real word and because outreach is a recognized function of this University. But now, I may be told not to offer my services to company X because we hope to land them as a client for eCornell &mdash; or worse, that my existing contract with them puts me in direct competition with the University and is thus inappropriate.

**Secondary issues:**

i. Nobody knows how technology will really impact education. But as a leading educational institution, Cornell has a vested interest and a responsibility to lead. Leadership in teaching should come from scholars motivated by what is best for our students and by the search for the best ways to use technology to convey knowledge. It should not come from people motivated by the need to turn a profit (even if they hold Ph.D.s and professorships). (I realize that this is undoubtedly too idealistic to even describe the current state of affairs, but I happen to think that those Deans who have pursued commercial deals without the active participation of their faculty have been foolish and fundamentally wrong.)

ii. There is a risk that technology-based teaching may come to dominate traditional teaching (as its fans assert). If that were to happen, a University-owned commercial operation that was not supervised by the faculty could come to dominate Cornell’s teaching. To put it in other terms, although I disagree with President Rawlings that technology has caused our students to think differently, I propose that there is evidence that technology is causing our administrators to think differently &mdash; in particular in how they conceive of the University.

Note that I advocate not merely that the formation of a for-profit electronic arm of the University be discussed with the faculty, but that it must be supervised by the faculty to ensure that policies and practices conform with Cornell standards. We express concern that industrial investment not warp our research programs. We must maintain similar vigilance with respect to our educational programs.

iii. Would the formation of eCornell constrain faculty members in their dealing with publishers and other sellers of technology-based education products? To use my case, is there a point at which the University would decide that my ActivStats materials and the supporting web-based materials hosted by Addison Wesley Longman amounted to a pre-packaged course and was improperly competing?

iv. There are a number of secondary issues that arise in discussing the primary issues. For example, if course content is defined to be intellectual property owned by the University, can a faculty member who moves from Cornell to another school continue to teach the courses he/she has developed? Could he/she develop them into an electronic DL offering at his/her new school without fear of a lawsuit from Cornell? If not, will this be made clear to all entering faculty? (And what sort of career would then be left to someone denied tenure?)