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Jean Alice Walke McDavid

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UNDERSTANDING OF DIGITAL COPYRIGHT ISSUES AMONG BUSINESS  
CAREER AND TECHNICAL EDUCATORS IN MISSISSIPPI

By

Jean Alice McDavid

A Dissertation  
Submitted to the Faculty of  
Mississippi State University  
in Partial Fulfillment of Requirements  
for the Degree of Doctor of Philosophy  
in Instructional Systems and Workforce Development  
in the Department of Instructional Systems and Workforce Development

Mississippi State, Mississippi

December 2010

Copyright 2010

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BUSINESS CAREER AND TECHNICAL EDUCATORS IN  
MISSISSIPPI

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This study investigated the understanding of digital copyright issues among business career and technical educators in Mississippi. The areas considered were knowledge; perceptions of knowledge; areas of copyright knowledge including computers and software, the Internet, video, and multimedia; and demographics of teaching level, gender, participation in professional development activities, and teaching experience.

Participants included 75 Mississippi business career and technical educators at both the secondary and postsecondary levels. The knowledge level of participants was judged to be low; only four participants reached the established competency level of 70%. Their self-rated perception level was higher than their knowledge level, with the largest number of participants indicating that they had an average level of knowledge concerning digital copyright issues on a scale of ratings from no knowledge to excellent knowledge. A Spearman's correlation indicated that there was no significant correlation

between the participants' knowledge and their perceptions of their knowledge (Spearman's rho = .162).

Pearson's correlations were performed to investigate any significant correlations among computers and software, the Internet, video, and multimedia. A significant correlation was found to exist between the computers and software area and the video area,  $r = .327$ .

Analyses of any significant correlations between knowledge and the demographic variables of teaching level, gender, participation in professional development activities, and teaching experience were made by performing Spearman's rho correlations. There were no significant correlations. However, the professional development variable had a negative correlation with the knowledge scores, teaching level, and teaching experience.

Conclusions based on the findings indicated that Mississippi business career and technical educators should be provided with training on specific digital copyright areas. These educators will then be better equipped to determine appropriate use of copyrighted materials and model this use to their students.

Keywords: copyright knowledge, copyright perception, professional development

## DEDICATION

This dissertation is dedicated to my wonderful family: my daughter Leslie and her family, my husband Robert, my son Taylor, and all my Walker and McDavid relatives. To my daughter Leslie, my son-in-law Spence, and my two granddaughters Elizabeth and Ellen, a special thank you for listening to me talk about my “paper” even when you had no idea what I was talking about.

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## CHAPTER I

### INTRODUCTION

The term *information literacy* was first introduced in 1974 by Paul Zurkowski, president of the Information Industry Association (Eisenberg, Lowe, & Spitzer, 2004). In a proposal to the National Commission on Libraries and Information Science, Zurkowski (1974) stated that people who have been trained in the use of information resources for their work may be called information literate. He continued by stating that people who are not able to use the information for their needs, even if they can read and write, are information illiterates (Zurkowski, 1974). The 1980s saw the use of computers and related technologies expand to include accessing and manipulating information (Eisenberg et al., 2004). In 1989, the American Library Association (ALA) formulated a definition for information literacy which has been widely accepted and has formed the basis for definitions developed by others (Eisenberg et al., 2004). The ALA definition is, “To be information literate, a person must be able to recognize when information is needed and have the ability to locate, evaluate, and use effectively the needed information” (American Library Association, 2008, ¶ 1). This definition reinforced Zurkowski’s introduction of information literacy.

*Technology literacy* is defined by the State Educational Technology Directors Association (SETDA) as “the ability to responsibly use appropriate technology to communicate, solve problems, and access, manage, integrate, evaluate, and create



information to improve learning in all subject areas and to acquire lifelong knowledge and skills in the 21<sup>st</sup> century” (State Educational Technology Directors Association, 2003, ¶ 1). Eisenberg et al. (2004) insisted that information literacy and technology literacy are both highly important and that the educational system must provide students with both information literacy and technology literacy skills. In today’s world, it has been generally accepted that students must be technology literate (Eisenberg et al., 2004). This technology literacy must be incorporated within information literacy (Eisenberg et al., 2004).

According to Arp and Woodard (2002), many prominent organizations have responded to the need for information literacy and technology literacy guidelines. As part of the information literacy and technology literacy skills identified by those organizations, intellectual property issues, including copyright issues, were addressed. The American Library Association, the American Association of School Librarians, the Association for Educational Communications and Technology, the International Society for Technology in Education, and the Partnership for 21<sup>st</sup> Century Skills have all included copyright issues as part of their standards for information literacy or technology literacy. Clearly these organizations felt that copyright was an important topic for educators to address today.

Literary property was defined in 1879 by Drone as “the exclusive right of the owner to possess, use, and dispose of intellectual productions” (p. 97). In the United States, copyright is a form of protection that is granted in Article I, Section 8, Clause 8 of the United States Constitution which granted the United States Congress the right “to promote the Progress of Science and useful Arts, by securing for limited Times to

Authors and Inventors the exclusive Right to their respective Writings and Discoveries” (*Constitution of the United States*, p. 2). Copyright protection covered the author of original works (17 U.S.C. § 102).

Congress recognized the need to give educators a clear definition of what could be considered fair use of copyrighted material for educational use. Congress established the General Revision of Copyright Law, which became effective January 1, 1978. This revision covered what materials may be copied for educational use. The U.S. Code, Title 17, Section 107 was the section that concerned fair use. This section stated:

Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include –

- (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- (2) the nature of the copyrighted work;
- (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- (4) the effect of the use upon the potential market for or value of the copyrighted work.

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors. (17 U.S.C. § 107)

The General Revision of Copyright Law included four factors to be considered. While educational purpose was one of the four factors, that one factor alone would not make a use fair. In fair use, all four factors are weighed and balanced before a conclusion is reached about fair use (Crews, 2000).

From this information, it is clear that educational fair use is not a simple determination. Stim (2003a) noted that it was impossible to decide positively that a use will be defined as fair use. However, Simpson (2005) pointed out that educators should not be so afraid of their interpretation that they do not provide available resources to their students.

According to Thompson (2005), educators have the responsibility to be aware of legal issues so that they may help their students in using materials both ethically and legally. However, educators may not be as aware of copyright issues as they should be (Johnson & Simpson, 2005). Johnson and Simpson (2005) stated that educators may be aware of copyright issues but choose to violate copyright because of other reasons. These reasons included the following: (a) the four factors of fair use are too hard to interpret, (b) technology has made copyright violation easier, (c) it is perceived that there is no real victim, (d) copyright infringement has been done for so long that it has become habit, (e) educational funding has decreased, and (f) it is for a good cause (Johnson & Simpson, 2005).

Hobbs, Jaszi, and Aufderheide (2007) agreed that both a lack of awareness and intentional violations may be true in some cases. However, in their study, Hobbs et al.

(2007) also suggested that educators are aware of copyright but are so afraid of violating copyright laws that they do not use what they are permitted to use under fair use guidelines.

The discussion in this introduction included the constitutional background of copyright, the right of educators to use copyrighted material in their classrooms, and the need for educators to understand just how they may use copyrighted materials in a fair way. This discussion serves as a basis for the following sections on the statement of the problem, the purpose of the study, the rationale for the study, the research questions, limitations of the study, and definition of terms.

### **Statement of the Problem**

Simpson (2005) noted that copyright and fair use in educational institutions were issues that need to be addressed by educators. Arp and Woodard (2002) pointed out that, because of the intensive growth of use of computers and the Web since 1997, copyright issues have now become very significant.

Copyright in today's educational institutions was a main topic of major educational publications such as *The Chronicle of Higher Education*, the ED Tech listserv<sup>®</sup>, and *Technology and Learning*. A November 13, 2008, search of *The Chronicle of Higher Education* website noted copyright issues in 148 articles since February 2006. Additional evidence of the importance of copyright issues in education may be found in the amount of discussions concerning copyright on the ED Tech electronic mailing list. A November 13, 2008, search of the ED Tech electronic mailing list revealed 2,186 messages regarding copyright issues. Additionally, the website for the *Technology and*

*Learning Magazine* listed copyright as one of its top ten hot topics as of November 13, 2008.

Simpson (2005) noted that there are differences between fair use for print materials and that for digital media. Arp and Woodard (2002) stated that technology had made such actions as cutting and pasting very common, but it was not always clear when these actions are appropriate.

No research had been directed toward what Mississippi business career and technology educators understand about copyright and fair use issues in the classroom. In particular, this understanding was important for educators in the business program area because their curricula included copyright issues, and it was important to discover what understanding these educators have. As educators, they were seen as role models by their students, and their students will likely follow their example in what they do with copyrighted material.

Business career and technical educators may need to acquire additional knowledge about fair use copyright issues. If so, professional development opportunities concerning these issues will need to be provided. Also the differences in understanding among the four fair use copyright areas identified by Davidson (2002) were investigated in this study. If necessary, professional development opportunities concerning fair use copyright issues may be narrowed to address the specific fair use copyright area or areas.

### **Purpose of the Study**

Since educators are responsible for leading their students toward information and technology literacy in the students' work, the purpose of this study was to determine what

Mississippi business career and technical program area educators understand about copyright and fair use issues in the educational setting. Many educators may be confused about copyright issues, especially since there are different copyright issues for various media. The four areas of fair use of copyright identified by Davidson (2002) were computers and software, the Internet, video, and multimedia. These four areas included the various issues that were the concern of this study.

This study was to determine whether Mississippi business career and technical educators clearly understood what they are able to do within the fair use guidelines. Additionally, the study investigated whether there was a correlation between the educators' understanding of copyright issues identified by Davidson (2002) and the educators' perceptions of their understanding. The understanding that these business educators had toward the fair use of copyright was further studied to determine if there were correlations in the understanding of copyright issues in the four areas identified by Davidson (2002): (a) computers and software, (b) the Internet, (c) video, and (d) multimedia. Demographics variables were also studied for any significant correlations with the knowledge of Mississippi business career and technical educators as evidenced through their scores on the Digital Copyright Survey.

Personnel of the Mississippi Department of Education, Office of Vocational Education and Workforce Development (OVEWD), along with personnel of the Research and Curriculum Unit of Mississippi State University (RCU), develop professional development opportunities for all career and technical program areas, including business. This study will allow the OVEWD and the RCU to determine whether professional

development opportunities in the area of copyright and fair use are needed for Mississippi business career and technical program area educators.

### **Rationale for the Study**

The rationale behind this study was the importance of fair use by educators, especially in the context of the use of technology. The content of the curricula for Mississippi business career and technical educators and standards that are now in place for educators were also reasons for the study. Additionally, educators had a position of role model for their students. A final portion of the rationale was that educators may have infringed on copyright through non-awareness, but there may be other reasons behind their infringement.

The use of computer technologies had made the concept of fair use a major topic for educators (Arp & Woodard, 2002). Arp and Woodard (2002) stated, “Technology has blurred the once clearly delineated and separate processes of the use of information and its creation. Cutting, pasting, and cropping are simple keystrokes. The knowledge of when these actions are appropriate or inappropriate is not so easily imparted” (p. 130).

In their curricula, educators for the Mississippi business career and technical education program area had been assigned the role of instructing their students in copyright issues. These educators needed to know whether their actions are appropriate or not, and they needed to impart that knowledge to their students. These educators also had the assignment of using copyrighted materials in their classrooms through the fair use guidelines outlined in the General Revision of Copyright Law, effective January 1, 1978.

This study was particularly directed toward the understanding that Mississippi business program area educators had concerning fair use of copyrighted materials in the classroom. These business educators needed to make sure that their students understood what the students were permitted to do with copyrighted materials within the classroom versus what those students were permitted to do in the real world. From this study, a determination could be made on whether there was a need for professional development opportunities on copyright issues for business educators to be aware of the use of copyrighted materials under fair use and to give that information to their students.

In January 2002, President George W. Bush signed the No Child Left Behind Act of 2001 (NCLB). Educators are charged with helping their students meet standards in the Enhancing Education Through Technology (E2T2) portion of the NCLB. Title II, Part D of the NCLB is the Enhancing Education Through Technology Act (E2T2), which listed the following as a goal: “To assist every student in crossing the digital divide by ensuring that every student is technologically literate by the time the student finishes the eighth grade, regardless of the student’s race, ethnicity, gender, family income, geographic locations, or disability” (NCLB, Part D, Sec. 2402(b)(2)(A)). Since this goal was only established in 2002, to be effective as of 2008, there may be students in business career and technical courses who have not met this goal.

Educators are considered to be role models for their students, whether they desire to be role models or not, especially since their students consider them to be high-status models and are highly influenced by them (Eggen & Kauchak, 2004). In a discussion through the Web and Education Discussion Group, Ullah (2005) stated that educators’ being unaware of violating copyright law is giving students the wrong idea. She also



stated that she was guilty of violating copyright law without realizing it until a later time (Ullah, 2005). Such unawareness may be one reason for infringing on copyright; however, Ullah noted that she may have ignored copyright violations because she needed educational resources and materials. Educators may infringe on copyright for other reasons as well (see Introduction section).

### **Research Questions**

The following questions were addressed in this study:

1. What knowledge do Mississippi secondary and postsecondary business career and technical educators have about fair use of copyrighted material in their educational settings?
2. What are the perceptions of Mississippi secondary and postsecondary business career and technical educators about their knowledge of fair use of copyrighted material in their educational settings?
3. What is the correlation between the knowledge of Mississippi secondary and postsecondary business career and technical educators about fair use of copyrighted material and their perceptions of their knowledge?
4. Are there significant correlations in the understanding of Mississippi secondary and postsecondary business career and technical educators among the following four areas of copyright issues for education identified by Davidson (2002): (a) computers and software, (b) the Internet, (c) video, and (d) multimedia?
5. Is there any significant correlation between the total score and teaching level, gender, participation in professional development activities, or teaching experience?

## **Limitations of the Study**

There were several limitations to this study. First, this study was limited to business career and technical educators in Mississippi who responded to the instrument modified by the researcher from a survey developed for workshop use by Davidson (2002).

Two other limitations were that (a) there was more than one opportunity for educators to respond and (b) the two opportunities differed with one as a face-to-face administration and the other as an e-mail administration. The first opportunity for respondents was during a meeting of business career and technical educators at the annual conference of the Mississippi Association of Career and Technical Education in July 2009. Some educators may not have attended due to the amount of funds available to them. A second opportunity was provided for educators to respond to the instrument through an e-mail to those who were unable to attend. E-mail addresses were obtained from the *Mississippi Business/Computer Technology 2006/2007 Directory* (MDE, 2006a) and checked against those who responded to the first administration to avoid sending the instrument to someone who had already responded. Stated at the top of the e-mailed instrument was, "This instrument was administered to the business career and technical educators who attended the Business Cluster meeting during the annual conference of the Mississippi Association of Career and Technical Education July 29, 2009. Please DO NOT respond to this request if you attended that meeting." Although precautions were taken so that a participant would not respond twice, the chance that these precautions were not infallible was a limitation.

This study was limited to the use of digital copyrighted materials in the traditional classroom and did not include on-line distance education situations. Also, there were items on the Digital Copyright Survey that included analog, rather than digital, materials, particularly in the video items concerning VHS tapes. A final limitation is that the group of content experts did not include an actual copyright specialist, although the group of experts included people who are concerned with copyright issues on a daily basis, especially in the areas of multimedia, art, use of Blackboard™, and library work.

### **Definition of Terms**

For the purpose of this study, the following definitions were used:

Business career and technical educators: Business career and technical educators include secondary and postsecondary educators in the business career and technical program area of the Mississippi Department of Education, Vocational Education and Workforce Development.

Career and technical educators: These educators are those in the career and technical areas of the Mississippi Department of Education, Vocational Education and Workforce Development. The term was formerly *vocational and technical educators*.

Computers and software: Identified by Davidson (2002), this area is one of the four areas of copyright considered in this study. It involves the copying of software focusing on the reasons for the copies, for example, whether the copying is for backup copies or to copy new versions of software.

Competency level: For this study, competency is considered to be reached with 14 correct answers to the 20 items on the Digital Copyright Survey. The 14 correct answers

yield a percentage of 70% correct. Therefore, the competency level defined for this study is 70%, or 14 of the 20 items correct.

DCS: Items 7-26 of the instrument compose the DCS, the Digital Copyright Survey.

Digital Copyright Survey: For the purposes of this study, the Digital Copyright Survey (DCS) includes items 7-26 of the instrument, which were taken from Davidson's (2002) copyright survey. These are the items addressing copyright.

Fair use: Fair use is defined in the U.S. Code, Title 17, Section 107. For the purposes of this study, fair use was the way that educators may use copyrighted materials in their classrooms legally and ethically.

Fair use guidelines: Fair use guidelines are what educators should follow in the use of copyrighted materials. These guidelines are known as "The Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions." These guidelines were developed by interested parties after Congress added the Revision of the Copyright Law in 1978. They are the minimum requirements of what should be included as fair use in educational classrooms. The agreement is not part of copyright law, but it has been used in legal decisions.

Four factors of fair use: Fair use of copyrighted materials includes four factors: (a) the purpose, (b) the nature of characteristic of the work, (c) the amount, and (d) the effect on the market (U. S. Code, Title 17, Section 107).

The Internet: This area is one of the four areas of copyright considered in this study. It involves what information teachers and students may use within fair use. Items included downloading of pictures and information into a folder for student use, use of a

password-protected website with folders to be accessed by individual students' family members and faculty, downloading audio clips, and sharing of clip art and music within a lesson plan from one teacher to others through the school website.

Knowledge: Within this study, knowledge is determined from the educator's total score on the Digital Copyright Survey. The terms of *knowledge* and *understanding* are used interchangeably for this study.

Multimedia: This area is one of the four areas of copyright considered in this study. It involves clip art and music files which may be used in the educational setting. Items included use of an electronic machine that bypasses copyright protection for students to copy clips from rented DVDs for a film genre project, topics of students' use of their own digital pictures in Web projects, use of a clip of music from a purchased CD, use of music for a DVD yearbook, and selling multiple copies of a multimedia CD-ROM to recover costs of production.

Participants: Participants in this study are those business career and technical educators who chose to participate. They represent a sample of the total population.

Understanding: Within this study, understanding is determined from the educator's total score on the Digital Copyright Survey. The terms of *understanding* and *knowledge* are used interchangeably for this study.

Video: This area is one of the four areas of copyright considered in this study. It involves the use of videos in the educational setting. Items included editing a PBS videotape using parody as a reason, making a tape of the shower scene from *Psycho* for a student to use for a project, the use of a videotape made by one class as a project by another class who finds it online, showing a purchased Disney VHS tape for young

children during a school function that involving the parents, and using a teacher-made compilation of movie clips from various VHS tapes as lesson starters.

## CHAPTER II

### REVIEW OF THE LITERATURE

This chapter is an exploration of the literature concerning fair use of copyright in schools. Copyright's impact on education, educators as copyright users, and areas of copyright are considered.

#### **Copyright's Impact on Education**

As stated in Chapter I, copyright was considered to be important enough to be included in the *Constitution of the United States* as Article I, Section 8, Clause 8. In 1978, the General Revision of Copyright Law was enacted to further define what should be considered as fair use in not-for-profit educational institutions. The "Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions" was developed by authors and publishers to define more clearly fair use. This agreement is now considered appropriate to be considered by the courts in rendering a decision concerning fair use (Crews, 2001). Schools are not automatically granted fair use; and school administrators, teachers, and librarians must follow the laws of copyright (Simpson, 2005).

Standards have also been set by many organizations to address copyright issues in education. Among these organizations are the American Library Association, the American Association of School Librarians, the Association for Educational

Communications and Technology, the International Society for Technology in Education, and the Partnership for 21<sup>st</sup> Century Skills.

### **Fair Use of Copyrighted Material: The Four Factors**

The General Revision of Copyright Law, which became effective January 1, 1978, covers what materials may be copied for educational use. In the U. S. Code, Title 17, Section 107 is the section that concerns fair use and the four factors to be considered in determining fair use. According to this section of the U. S. Code, fair use of copyrighted materials includes four factors: (a) the purpose, (b) the nature or characteristic of the work, (c) the amount, and (d) the effect on the market. The courts use these factors in determining the outcome of fair use cases.

#### Purpose

The first factor is the purpose. Nonprofit educational uses are favored over commercial uses where there is a monetary profit (Crews, 2000). “Transformative” uses are also favored; these include such uses as quotations used in a paper. Stim (2003b) suggested that questions such as the following should be asked: (a) Has the material been transformed in some way from the original by adding new expression or meaning? (b) Was there additional value to the original because of new information or a new understanding? Even if the use is not transformative, however, the Supreme Court has focused on the phrase “including multiple copies for classroom use” (17 U.S.C. § 107) in the original law (Crews, 2000).



### Nature or Characteristic of the Work

The second factor is the nature or characteristic of the work. Crews (2000) noted that the courts generally do not favor fair use of a commercial work meant for the educational market. He also stated that courts favor nonfiction works over fiction works and printed works over commercial audiovisual works. His example was that a printed social science textbook would be subject to more weight in fair use than a consumable workbook. Stim (2003b) noted that courts give more weight to factual works such as biographies than to fictional works. Stim (2003b) also mentioned that materials copied from published works may be given stronger weight for fair use than unpublished works because the author is given the right to control the first public appearance of his or her work.

### Amount

The third factor is amount. According to Crews (2000), there is no exact amount stated in the law, and courts may rule differently. He noted that one court ruled that a journal article was considered an entire work and that copying of an entire work is subject to less weight in fair use. Stim (2003b) pointed out that less is better in relation to fair use. Another determination, as pointed out by Crews (2000), is the concept of the heart of the work, a qualitative measure possibly weighing against fair use. Stim (2003b) agreed, noting that the heart of the work is the most memorable aspect of a work. However, according to Stim (2003b), in the use of a parody of the original, the parodist may use the heart of the work.

### Effect on the Market

The fourth factor is the effect on the market. According to Crews (2000), if the material copied could theoretically have been purchased, then this may weigh against fair use. This factor, as noted by Crews (2000), is closely related to the first factor of purpose. An adverse market effect because of research or scholarship purposes may be difficult to prove, whereas a commercial purpose may presume an adverse market effect (Crews, 2000).

As noted by Crews (2000), these four factors are used as a guide only and are often subjective. Stim (2003b) stated that lawmakers wanted fair use to be open to interpretation.

### Possible “Fifth” Factor

Stim (2003b) also listed a “fifth” fair use factor since judgments are subjective and are determined by the personal sense of right or wrong held by a judge or jury. Stim (2003b) suggested that this is a large part of the reasons that fair use cases seem to contradict one another or disagree with the four factors. The example given by Stim (2003b) was *Original Appalachian Artworks, Inc. v. Topps Chewing Gum, Inc.*, 642 F. Supp. 1031 (N.D. Ga. 1986) when Cabbage Patch Kids cards, seen as wholesome, were parodied by Garbage Pail Kids cards, which used gruesome, grotesque names and characters as a parody of the Cabbage Patch Kids. Even though parody would appear to be covered under fair use, this parody was considered to be an infringement (Stim, 2003b).

## **Additional Laws Concerning Electronic Technology Issues with Copyright**

Building on the foundation of fair use, there are additional laws that specifically deal with issues that were not as prevalent in the 1970s when fair use was addressed. These current issues deal with technology that was not yet developed. They focus on digital media and electronic copyright and how fair use affects electronic technology issues.

The Sonny Bono Copyright Term Extension Act (1998) protects the copyright for most work for the life of the author plus 70 years after the author's death (U.S. Copyright Office, 2005). The Digital Millennium Copyright Act of 1998 provides that parties who play the role of an Internet Service Provider may not be liable for copyright infringement in certain situations. Also, this act provides for situations when making a copy of software may be permitted (U.S. Copyright Office, 2005). A third piece of legislation is the Technology, Education and Copyright Harmonization Act, enacted in 2002 and commonly known as the TEACH Act. This act specifies what ways materials may be legally used in distance education courses (Harper, 2002).

### **The “Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions”**

From the information concerning fair use, it is evident that fair use is a complicated issue. Technology has made fair use even more complicated to understand (Arp & Woodard, 2002). According to Stim (2003a), there is no way to guarantee that what teachers decide upon will qualify as fair use.

Since there was no set interpretation for educators, the Authors League of America and the Association of American Publishers provided the “Agreement on

Guidelines for Classroom Copying in Not-for-Profit Educational Institutions.” These guidelines are not the law, but they are referred to in House Report 94-1476 as what should be considered the minimum for educational fair use (U.S. Copyright Office, 1998). Their particular purpose is to help educators determine what complies with fair use. According to Johnson and Groneman (2003), these guidelines suggest that multiple copies made for classroom use are allowed if the copying is spontaneous without time to request permission for use, there is no attempt to avoid purchase of the work, the material is only for one course, the copying is not made more than nine times by the teacher during an academic year, and if each copy gives the copyright notice.

Crews (2001) discussed the effect that the guidelines have on the courts in his article, “The Law of Fair Use and the Illusion of Fair-Use Guidelines.” He stated that the guidelines as used by the courts may aid in the courts’ decisions since copyright law is not absolutely defined with the determination of the four factors.

### **Fair Use Cases Concerning Education**

According to the Consortium for Educational Technology in University Systems (1996), many cases on fair use have gone through the courts, but few relate directly to educational situations. Among those cases which do relate to education are the following: (a) *Basic Books, Inc. v. Kinko’s Graphics Corporation* (1991), (b) *Encyclopaedia Britannica v. Crooks* (1983), (c) *Eloise Toby Marcus v. Shirley Rowley and San Diego Unified School District* (1983), and (d) *American Geophysical Union v. Texaco Inc.* (1994). Educators may not realize that they and their districts may be charged with copyright fair use violations (Simpson, 2005).

*Basic Books, Inc. v. Kinko's Graphics Corporation*

In the case of *Basic Books, Inc. v. Kinko's Graphics Corporation* (1991), several major publishing houses in New York City alleged that Kinko's infringed upon their copyright by copying excerpts of copyrighted works without permission, assembling them into coursepacks, and selling them to university students. One of the grounds that Kinko's used for defense was fair use as provided in § 107 of the Copyright Act. The court determined that (a) the purpose for Kinko's was commercial, not educational (weighing against the fair use claim); (b) the nature of the works was factual (weighing in favor of fair use); (c) the quantitative amount of the works weighed against the fair use claim, with 5.2% to 25.1% of the works used, which the court stated was "grossly out of line with accepted fair use principles" (*Basic Books, Inc. v. Kinko's Graphics Corporation*, 1991); (3) the qualitative amount of the books was ruled to be important parts since the professors used them for their classes, but the court was unable to determine if the material was primarily the heart of the material; however, the amount was seemed to be substantial (weighing against the fair use claim); and (d) the effect of the copying on the market was determined to be great because the students bought only the coursepacks and not the full texts (against the fair use claim). Another factor that was considered brought up the "Agreement on Guidelines for Classroom Copying in Non-for-Profit Educational Institutions" and found that these guidelines were also not followed. Because of Kinko's substantial income and assets, because Kinko's copying was found to be willful, and to deter Kinko's from future infringement, statutory damages of \$510,000 were assessed as well as attorney's fees and costs.

*Encyclopaedia Britannica v. Crooks*

In the case of *Encyclopaedia Britannica v. Crooks* (1983), a consortium of school districts in New York was alleged of infringement of copyright by for-profit producers of educational videos. The Board of Cooperative Educational Services of Erie County copied entire videos as they were broadcast. These 19 videos were kept at the Board of Cooperative Educational Services of Erie County and were available for teachers' use with no time limits placed on the teachers' use. The court determined (a) the purpose was educational (in favor of fair use); (b) the nature of the works was commercial as products to be sold to educational institutions (against the fair use claim); (c) the amount was substantial since entire videos were copied (against the fair use claim); and (d) the effect on the market was great since the schools in the district were not purchasing the videos but were using the copies made by the Board of Cooperative Educational Services of Erie County (weighing against the fair use claim).

*Eloise Toby Marcus v. Shirley Rowley and San Diego Unified School District*

In the case of *Eloise Toby Marcus v. Shirley Rowley and San Diego Unified School District* (1983), a public school teacher copied portions of a booklet on cake decorating into a booklet she made for her classes. The court determined (a) the purpose was educational (in favor of fair use); (b) the nature of this work was considered to be both informational and creative (neither in favor of nor against the fair use claim); (c) the amount of copying was substantial since almost 50% of the work was copied verbatim (against the fair use claim); and (d) the effect on the potential market was not seen to have been affected by the copying (in favor of the fair use claim). The court determined

that the amount of copying weighed more heavily than the other factors in this case. The finding was that this does not qualify as fair use. In this case, the court considered the “Agreement on Guidelines for Classroom Copying in Non-for-Profit Educational Institutions” and found that these guides were also not followed.

*American Geophysical Union v. Texaco Inc.*

A fourth case, that of *American Geophysical Union v. Texaco Inc.* (1994), does not regard fair use in an educational setting. However, it may be applied to an educational situation in which teachers share journals and maintain individual copies of articles. In the case of *American Geophysical Union v. Texaco Inc.* (1994), a Texaco researcher copied eight individual journal articles from the *Journal of Catalysis* to which Texaco had maintained three subscriptions. These journal articles were the focus of the fair use trial. The court determined that: (a) the purpose of the copying was seen as part of a process by Texaco to encourage their researchers to copy articles, thereby avoiding payment for additional subscriptions; photocopying is not transformative (weighing against the fair use argument); (b) the nature of the works was factual (weighing in favor of fair use); (c) the amount and substantiality of the works were great since entire articles were copied (weighing against the fair use claim); and (d) the effect on the market was seen as great; even though Texaco might not have purchased additional subscriptions, Texaco competed with the collection of license fees by the publishers and could subscribe to the Copyright Clearance Center to acquire photocopying licenses (weighing against the fair use claim). In April 1995, according to the Association of Research Libraries (2001), Texaco petitioned the U. S. Supreme Court to review the case.

However, in May 1995, an agreement was reached. Texaco paid a settlement, a retroactive licensing fee to the Copyright Clearance Center, and a subscription to the Copyright Clearance Center for the next five years (Association of Research Libraries, 2001).

### **Inclusion of Copyright in Standards**

Many standards have been developed by organizations to define more clearly the information literacy and technology literacy skills need to be developed by students. As part of these skills, intellectual property issues, including copyright issues, are addressed.

The American Library Association (ALA), the American Association of School Librarians, the Association for Educational Communications and Technology, the International Society for Technology in Education, and the Partnership for 21<sup>st</sup> Century Skills have all included copyright issues as part of their standards for information literacy or technology literacy. Clearly these organizations feel copyright is an important topic for educators to address today.

The American Association of School Librarians (AASL), which is a division of the ALA, and the Association for Educational Communications and Technology (AECT) worked together to develop *Information Power*. In this publication, AASL and AECT (1998) noted that one of the skills needed by students in order to be information literate is to act “responsibly in regard to information, particularly with respect to the difficult issues of intellectual freedom, equitable access to information, and intellectual property rights in an age of global interconnectivity” (p. 3). Further, they developed a set of nine standards in three categories labeled *Information Literacy Standards for Student*



*Learning.* Standard 8 in the Social Responsibility category, states, “The student who contributes positively to the learning community and to society is information literate and practices ethical behavior in regard to information and information technology” (AASL & AECT, p. 9). In their amplification on this standard, AASL and AECT (1998) pointed out that social responsibility with information involves respecting intellectual freedom and the rights associated with intellectual property whether the information is in print, nonprint, or electronic format (AASL & AECT, p. 36). Additionally, they stated that the concept of fair use should be understood and applied (AASL & AECT, 1998). In 2007, the AASL revised their nine standards developed with the AECT, continuing to address intellectual property as an important issue. Each of AASL’s new four standards alludes to copyright issues (AASL, 2007). Responsibilities stated for the standards include respecting intellectual property rights, respecting the principles of intellectual freedom, making ethical decisions, and following ethical and legal guidelines in accessing and using information (AASL, 2007).

In addition to these standards developed through AASL and AECT, standards addressing copyright have also been developed by the International Society for Technology in Education (ISTE), the Partnership for 21<sup>st</sup> Century Skills, and the Secretary’s Commission on Achieving Necessary Skills (SCANS).

The NETS Project of the International Society for Technology in Education (ISTE) recognized the importance of teaching students the social, ethical, legal, and human issues in the use of today’s technology. ISTE developed the National Educational Technology Standards in 1998 and included copyright issues within the standards for students, teachers, and administrators (ISTE, n.d.). In January 2002,

President George W. Bush signed the No Child Left Behind Act of 2001. Title II, Part D of the No Child Left Behind Act of 2001, the Enhancing Education Through Technology Act (E2T2), listed the following as a goal: “To assist every student in crossing the digital divide by ensuring that every student is technologically literate by the time the student finishes the eighth grade, regardless of the student’s race, ethnicity, gender, family income, geographic location, or disability” (NCLB, Part D, Sec. 2402(b)(2)(A)). The National Educational Technology Standards of ISTE are being used in many states for the basis of skills necessary for this technology literacy requirement. Although the National Educational Technology Standards are being revised, the original versions have been used for some portion of curriculum development in 48 of the 50 states in the nation (ISTE, n.d.). Mississippi included these standards in the business career and technical curricula developed during 2004 through 2007, which were not revised as of 2009. However, P. Abraham (personal communication, 2008) stated that copyright will always be included in the curricula for career and technical business courses.

Another organization involved in standards development for education is the Partnership for 21<sup>st</sup> Century Skills, which developed a set of skills to strengthen education. In this set of skills, one of the skills listed as a learning and thinking skill is information and media literacy skills (Partnership for 21<sup>st</sup> Century Skills, n.d.).

An additional set of standards was provided in the report of the Secretary’s Commission on Achieving Necessary Skills (SCANS) of 1991. Candy (2002) noted that the Secretary’s Commission on Achieving Necessary Skills had the vision of a partnership among schools, businesses, and other groups to create an information literate society. Recommendations from the SCANS report were divided into three foundation

skills and five competencies considered as essential for schools to prepare students for the workplace (U.S. Department of Labor, 1991). The SCANS report, *What Work Requires of Schools* (U. S. Department of Labor, 1991), listed acquiring and using information as one of the five competencies. The five competencies in the SCANS report also included working with a variety of technologies (U.S. Department of Labor, 1991). Further, this report noted that one of the foundation skills, that of personal qualities, includes integrity and honesty (U.S. Department of Labor, 1991).

### **Educators as Copyright Users**

Educators have access to many copyrighted materials for their classrooms and need to be aware of the way they use these materials. They are observed by their students and serve as role models for these students in the way they choose to use copyrighted materials (Eggen & Kauchak, 2004; Simpson, 2005). While it is possible that they are simply unaware that they are infringing upon copyright, it is also possible that educators have chosen to ignore copyright law for another reason. Previous research has indicated some of these reasons (Johnson & Simpson, 2005). Previous studies have also indicated that educators may have incorrect perceptions of their understanding of fair use of copyright in the classroom. They may observe the law very conservatively and, therefore, restrict their use of copyrighted materials in the classroom more than they should (Arn, Gaitlen, & Kordsmeier, 1998). Educators may also feel that they do not have the understanding that they need to determine when they are using copyrighted material as a fair use (Renner, 2002).

In Mississippi, business career and technical educators are required in their curricula to teach their students about fair use of copyright (MDE, 2002, 2004a, 2004b, 2006b, 2007a, 2007b, 2009; Research and Curriculum Unit for Workforce Development, Vocational and Technical Education, 2009). Because of this requirement, these educators have a need to be aware of the fair use of copyrighted materials in their classroom.

### **Responsibilities of Educators as Role Models for Students**

Educators are considered to be role models for their students (Eggen & Kauchak, 2004). Even if educators do not desire to be role models, students are highly influenced by their educators and their actions (Eggen & Kauchak, 2004). Concerning educators' responsibilities, Ullah (2005) stated, "If we, knowingly or even unknowingly violate copyright law, or use technology in ways that may be ethically wrong, we are telling our students that this is okay to do" (Ullah, 2005, ¶ 3). Educators need to strive to be ethically and legally in compliance with copyright in order to provide positive role models for their students (Ullah, 2005).

According to Cunningham (2002), preservice teachers are likely to be highly knowledgeable about the way computer technology works, especially in searching the Internet. However, they are not likely to be as knowledgeable about copyright issues in the use of the technology (Cunningham, 2002). In particular, Cunningham (2002) questioned whether teachers understand ethical and legal issues involved in the use of technology. She also questioned whether teachers are adequately prepared to model ethical and legal uses of technology (Cunningham, 2002). Hicks, Sears, Gao, Goodman,

and Manning (2004) expanded upon this idea by stating that use of technology in the classroom must involve social and ethical considerations.

Because of information literacy and technology literacy standards that are now in place, as well as the influence that educators have on their students, it is now important for educators to do what they expect their students to do. It is significant for educators to have a reasonable level of awareness of copyright issues (Thompson, 2005). Educators need to realize that they may be ignoring copyright issues for various other reasons, but that the effect on students is no less. Their students still regard them as role models and will emulate their actions (Eggen & Kauchak, 2004). Educators have a responsibility for the ethical development of their students (Thompson, 2005). Simpson (2002) noted that students do model what their educators do. According to Simpson (2005), “As teachers and citizens, we have an obligation to model ethical and lawful behavior for our students. Make no excuses” (p. 13). This idea is echoed in information literacy and technology literacy standards, as well as in the NETS standards used by many states as a basis for the technology literacy requirement of NCLB.

### **Theories of Educators’ Infringement of Copyrighted Material**

Now that standards are in place for students, teachers, and educators, copyright awareness may be more fully addressed in schools. However, researchers have realized that educators may ignore copyright infringements for many reasons other than non-awareness (Johnson & Simpson, 2005). In particular, because they have been infringing copyright for so long and have not been caught (Johnson & Simpson, 2005; Simpson, 2005), educators may feel that copyright infringement does not matter. In 2001,

Simpson noted that the more copyright is ignored by educators, the more likely educators are to be sued by copyright holders. In 2005, Simpson pointed out that cease and desist letters are becoming more common. She stated that such school districts as the Los Angeles Unified School District and the Beaumont (TX) Independent School District have been reported as infringing on copyright. Simpson (2005) insisted that these cases are only a beginning of copyright infringement cases that may develop. She also noted that not only large school districts are in danger of being sued, but also small districts are (Simpson, 2005).

In the past, educators used materials sold to them, and those sellers followed ethical considerations (Warlick, 2005). However, Warlick (2005) pointed out that those ethical considerations have now passed to anyone who uses a computer. He regarded it a critical part of literacy for computer users to understand and follow ethical considerations in using information (Warlick, 2005).

Ullah (2005) noted that she may have ignored copyright violations because she needed educational resources and materials. Johnson and Simpson (2005) cited several reasons, including: (a) the four factors of fair use are too hard to interpret, (b) technology has made copyright violation easier, (c) it is perceived that there is no real victim, (d) copyright infringement has been done for so long that it has become habit, (e) educational funding has decreased, and (f) it is for a good cause.

### **Educators' Perceptions of Their Understanding of Copyright Issues**

In a study which included technology coordinators' perceptions of the knowledge of Alabama's public school teachers concerning copyright issues, Patterson (2002)

discovered that the technology coordinators felt that the teachers believed many myths and misconceptions concerning copyright. During this same research, Patterson (2002) requested that the technology coordinators rate their own knowledge of copyright and found that most felt themselves to be fairly knowledgeable (83%); 9% felt that they were very knowledgeable, and 8% felt that they were not at all knowledgeable.

In an older study of communication educators in 1998, Arn et al. (1998) studied the perceptions of members of the Association of Business Communication concerning the use of copyrighted materials in the classroom. These members tended to answer survey questions conservatively, thinking that limitations on the use of copyrighted materials are stricter than they actually are (Arn et al., 1998).

Renner (2002) studied higher education educators in Ohio. She found that higher education educators in Ohio did not feel that they had a competent grasp of copyright issues but that they were concerned about legal issues regarding copyright (Renner, 2002). She also found that these educators would like to have professional development opportunities in the area of copyright issues (Renner, 2002). In another study, Sweeney (2004) noted that there was a lack of research on educators' understanding of copyright and fair use. She determined that very few of the educators in her study of faculty members at the University of South Florida were aware of copyright laws and that most faculty members had not received any copyright training (Sweeney, 2004).

Based on these studies, it is possible that educators do not have the understanding of copyright issues that they would like to have. It is also possible that, as Ullah (2005) pointed out, educators may sometimes violate copyright law without realizing it. Professional development in the area of copyright issues may be warranted.

## **Copyright Issues Addressed in Business Career and Technical Curricula**

Currently, there is an effort underway to combine the secondary curricula in Mississippi in a way to more clearly define the career pathway that a student may select. This effort is *Redesigning Education for the 21<sup>st</sup> Century Workforce*, now simply being referred to as, “Redesign.” Since this initiative is a work-in-progress, the current curricula are divided into two parts. The following non-Redesign secondary curricula are considered to be part of the business career and technical area for the purposes of this study: (a) Business and Computer Technology, (b) Computer Programming Technology, (c) Computer Systems Technology, (d) Cooperative Education, and (e) Marketing Management. Redesign curricula have been developed for the following areas and these are also included: (a) Business Management, (b) Information Technology, and (c) Marketing and Economics. Of these eight curriculum areas, all mention copyright specifically except for Cooperative Education. However, Cooperative Education does contain computer literacy within its competencies (Mississippi Department of Education, 2002). Copyright issues may be included in the teaching of these competencies. Concerning copyright, the *Curriculum Framework for Business and Computer Technology* (MDE, 2004a) specifically states, “Discuss copyright laws related to pictures, music, emblems, clipart, etc.” (p. 40). The *2007 Mississippi Curriculum Framework: Secondary Computer Systems Technology* (MDE, 2007b) states, “Discuss software copyright issues” (p. 15) in its Orientation Unit. The curriculum framework for Secondary Computer Programming Technology also states copyright issues in its Orientation Unit (MDE, 2007a). Educators from each of these secondary areas were included in the Business Cluster meeting held July 29, 2009, during the annual



conference of the Mississippi Association of Career and Technical Education (MS ACTE), according to Robin Parker, Coordinator of Curriculum at the RCU, who helped in the organization of the Business Cluster meeting (Personal communication, May 1, 2009).

Current postsecondary curricula for the business career and technical area include (a) Business and Office and Related Technology, (b) Court Reporting Technology, (c) Information Systems Technology, and (d) Paralegal Technology (Research and Curriculum Unit for Workforce Development, Vocational and Technical Education, 2009). For postsecondary curricula, each curriculum includes Baseline Competencies which require that students demonstrate the listed competencies or be provided instruction in these competencies through existing courses or through a separate introduction course. All postsecondary business curricula for Mississippi include copyright issues within their Baseline Competencies, although some postsecondary courses specifically list copyright issues within the curricula. For instance, the 2006 curriculum framework for Business and Office and Related Technology states in the Desktop Publishing course (BOT 2133), “Discuss copyright laws pertaining to scanned images and electronic clip art used in publications” (MDE, 2006b, p. 61). Postsecondary educators who teach these curricula were also invited to attend the Business Cluster meeting of MS ACTE (R. Parker, personal communication, May 1, 2009).

### **Areas of Copyright**

Areas of copyright that have been identified as important in educational settings include the following: (a) computers and software, (b) the Internet, (c) video, and

(d) multimedia (Davidson, 2002). While there are articles that support the importance of each of these four areas in copyright in educational settings, there does not appear to be any research attempting to distinguish significant differences among the four areas.

Ideally, educational settings may be seen as the places for fair use guidelines to be used. Maddox (1995) reported that, “Infringing on copyrights is so easy to do many teachers cannot believe it is against the law” (p. 101). Even years later, in 2002, Dong and Wang stated, “Many people believe that ‘fair use’ is the freedom and constitutional right to use all information products without restriction” (p. 29). In 2004, Starr noted that educators do intend to follow copyright laws. However, they may have had other items that took their priority away from that intention (Starr, 2004).

According to Fryer (2003), educators needed to be responsible and need to be clear on their guidelines. They also needed to model appropriate copyright issues for their students so that those students know the intellectual property law issues are real.

### **Computers and Software**

One area identified is that of computers and software. The Business Software Alliance (BSA) recognized several years ago that people were copying computer software and partnered with Lifetime Learning Systems (2004) to create the *Copyright Crusader* comic book to target young people in the fourth grade and up. The BSA’s concern was that even adults were copying software and needed to be reminded that this copying did not follow copyright guidelines. In 2007, the Business Software Alliance reported a software piracy rate in North America of 21%, down only slightly from the

2006 rate of 27%. According to BSA (2007), the worldwide rate for 2007 was listed as 38%.

EDUCOM and ITAA developed a brochure in 1992 to bring awareness to educators concerning software copyright (EDUCOM and ITAA, 1992). They stated the importance of the respect for intellectual property as vital to everyone and particularly implored people to observe this respect with electronic information, such as software (EDUCOM and ITAA, 1992). Agsalud (2005) noted that even backup copies of software may not be allowed. He pointed out that even fair use guidelines do not give a definite answer to this issue (Agsalud, 2005).

The BSA and others may be correct about their alarm in the copying of software. According to Snyder (n.d.), of children ages 8 through 18, fewer than half considered it wrong to download software programs, as well as music and games, without paying for them.

In educational situations, Kemp (1998) suggested that the publisher be contacted to determine if the software may be copied. She also stated that the “Agreement on Guidelines for Classroom Copying in Non-For-Profit Educational Institution,” used along with legal documents, help determine whether fair use applies. She added that this document only covers copying of books, periodicals, and musical compositions and does not include software.

### **The Internet**

A second area for educational copyright issues is the Internet. In 2002, Conn suggested that teachers and students are aware of the ways they can use information from

the Internet in their work. She also mentioned that both teachers and students should understand how they are able to use these Internet materials legally by following fair use guidelines. Barker (2005) stated that “the advent of content in digital format led to an explosion in the quantity of copyrighted material available on the Internet in the 1990s (p. 47). In 2003, Johnson and Groneman reported that educators should use acceptable policies for use of the Internet. They explained that information from the Internet should be obtained legally (Johnson & Groneman, 2003). In a report from the 2005 PEW and American Life Project, Madden and Rainie (2005) stated a prediction that, by 2014, Internet users will still easily access and use digital media.

## **Video**

A third area for educational copyright issues is video. In 2003, Chiles, Riddle, and Rich reported that the use of videos as a reward or as a curriculum enhancement is not covered under fair use guidelines. They continued in their article to discuss the use of streaming video, stating that the use of the original streaming video or an altered version may not be allowed. The streaming video, under fair use, may not be used in a public performance, with or without an admission fee, and may not be altered in any way, including sound or images (Chiles, Riddle, & Rich, 2003). Even though the Public Broadcasting Service (PBS) usually promotes the use of their videos in educational settings, the organization has noted that their videos are usually negotiated with individual owners and may have limited access for teachers (Public Broadcasting Service, 2005).

Another organization, the Disney Corporation, has been well known for protecting its copyrighted material. The Walt Disney Company (2008) gave its copyright information for the terms of use of content of the Walt Disney Internet Group at <http://corporate.disney.go.com/corporate/terms.html>, which specifically stated what was considered copyrighted and how it could be used.

### **Multimedia**

A fourth area for educational copyright issues is multimedia use. There are several instances of educators' attempts to look for copyrighted materials to use in their classrooms. It does appear that educators are looking for clipart and music that are not subject to copyright. As an example, Dorie Gilkey expressed a desire for help from the ED Tech electronic mailing list on August 30, 2006. She wanted to know what she could use for her nursing and allied health courses (Gilkey, 2006).

Others have asked questions concerning copyright issues on the ED Tech electronic mailing list, and they have given their concerns on getting permission. For instance, there was a discussion on the use of an image of Martin Luther King Jr. for classrooms. An ED Tech member questioned how she could use the Martin Luther King Jr. image (Decker, 2006a). She indicated that she had contacted the Martin Luther King Estate and was told that the Martin Luther King Estate would not give permission for her to use his image on her lesson pages, even using him as an example of a hero (Decker, 2006b). Therefore, even educators who try to use copyrighted clipart may not be granted permission.

For Usenet (newsgroups), Borland (2006) stated that the Motion Picture Association of America was suing companies that provide access to these groups for movies, software, music, and other such files. These groups generally only provide links to the files. Borland (2006) also pointed out that copyright holders may request that links to copyrighted material be taken down.

Additionally, the Recording Industry Association of America (RIAA) and the Motion Picture Association of America (MPAA) have filed many lawsuits in order to bring their view of copyright to the focus (McGrail & McGrail, 2009). Van Hooff (2007) noted that young people are engaged in many ways of defiance of copyright law. He agreed with Aufderheide, Jaszi, and Brown (2007) that young people are not changing their behavior even with threats of the RIAA and MPAA. According to a 2009 article in *eSchool News* (“RIAA Changes Tune in File-sharing Crackdown”), the RIAA has sued approximately 35,000 people since 2003 for their part in swapping songs online. Although the RIAA has now decided to stop filing lawsuits, the industry group is now focusing on a music tax for consumers (RIAA Changes Tune, 2009). The RIAA will still continue to send notices to schools when illegal activities are detected, but the group does not intend to file lawsuits unless students are highly disregarding the music industry’s effort (RIAA Changes Tune, 2009). According to the *eSchool News* article (RIAA Changes Tune, 2009), Steve Worona, a spokesman for EDUCAUSE, stated that the effort by the RIAA is a welcome change so that consumers may be able to meet their own expectations.

## Summary

Educators of today must meet the standards that are now in place (ISTE, n.d.; NCLB, Part D, Sec. 2402(b)(2)(A)). Other standards have been set by organizations that define technology literacy and information literacy (AASL & AECT, 1998; Partnership for 21<sup>st</sup> Century Skills, n.d.; U.S. Department of Labor, 1991). Educators must also serve as role models for their students (Eggen & Kauchak, 2004; Simpson, 2005; Ullah, 2005).

Previous research has shown that educators need to be aware of copyright issues, especially of fair use of copyrighted materials in their classrooms (Cunningham, 2002; Thompson, 2005). While other educators may be less aware of copyright issues, particularly digital copyright issues (Hicks et al., 2004), business educators may be very knowledgeable about these issues. Understanding of copyright issues in business educators' classrooms was investigated by Arn et al. (1998) in a study of members of the Association of Business Communication, however, and they determined that these educators did not have an adequate knowledge of copyright issues (Arn et al., 1998). Renner (2002) also determined that Ohio postsecondary educators had a low knowledge level of copyright.

Previous studies have also discovered that educators are unsure that their knowledge of copyright issues is adequate and that these educators may need professional development in this area (Patterson, 2002; Renner, 2002). In fact, educators may welcome these professional development opportunities (Renner, 2002). Technology coordinators in Alabama were asked their perceptions of what teachers understood (Patterson, 2002). The technology coordinators felt that the teachers did not understand copyright (Patterson, 2002). Renner (2002) determined that the knowledge level of Ohio

postsecondary educators was low and then included a qualitative followup of these educators' perceptions of their knowledge of copyright issues. Her study indicated that educators did not feel confident in their knowledge of copyright (Renner, 2002).

Business career and technical educators in Mississippi, however, had not been asked about their own self-perceptions of their knowledge of digital copyright issues. It was possible, as in the previous studies, that they would feel unsure about their knowledge. However, the possibility also existed that they may feel confident in their knowledge of digital copyright issues and this confidence would be evidenced by their knowledge of copyright issues. The relationship between these educators' understanding of digital copyright issues and their perceptions of their understanding had not been studied in previous research.

Davidson (2002) identified the four areas of copyright as computers and software, the Internet, video, and multimedia. However, previous research had not been performed that considered whether these four areas of digital copyright addressed in the present study were equally understood by educators. It was possible that there would be significant differences among the four areas. Another possibility was that there would be significant differences in the educators' understanding of copyright when analyzed by teaching level, gender, participation in professional development, and teaching experience. Previous studies had not investigated all of these possible differences although Renner (2002) had investigated any significant differences between the knowledge level and the two demographic variables of participation in professional development activities and teaching experience. Her study found no significant differences (Renner, 2002).



## CHAPTER III

### METHODOLOGY

The purpose of this study was to determine whether professional development opportunities concerning copyright and fair use are needed for Mississippi business career and technical program area educators. The methods used to address this purpose through the research questions of the study are discussed in this chapter. This chapter includes (a) the research design, (b) the participants, (c) the instrument, (d) the procedures, and (e) the data analysis.

#### **Research Design**

This study was survey research with quantitative analysis of the understanding of business computer and technology educators concerning copyright issues. It included the copyright survey considering variables of the four categories of copyright (computers and software, the Internet, video, and multimedia) and the scores on this survey (Digital Copyright Survey, or DCS), the perceptions of the educators of their understanding, and demographic questions.

The study was designed to investigate the following research questions:

1. What knowledge do Mississippi secondary and postsecondary business career and technical educators have about fair use of copyrighted material in their educational settings?

2. What are the perceptions of Mississippi secondary and postsecondary business career and technical educators about their knowledge of fair use of copyrighted material in their educational settings?

3. What is the correlation between the knowledge of Mississippi secondary and postsecondary business career and technical educators about fair use of copyrighted material and their perceptions of their knowledge?

4. Are there significant correlations in the understanding of Mississippi secondary and postsecondary business career and technical educators among the following four areas of copyright issues for education identified by Davidson (2002): (a) computers and software, (b) the Internet, (c) video, and (d) multimedia?

5. Is there any significant correlation between the total score and teaching level, gender, participation in professional development activities, or teaching experience?

### **Participants**

The participants for this study included 139 educators in the business career and technical area of the Mississippi State Department of Education, Office of Vocational Education and Workforce Development. These participants were chosen because of the involvement of copyright in their curricula. The participants included attendees at the Business Cluster meeting of the Mississippi Association of Career and Technical Education (MS ACTE), as well as business career and technical educators identified through use of the *Mississippi Business/Computer Technology 2006/2007 Directory* (MDE, 2006a). Of the 139 possible participants, 75 completed the instrument. Both

secondary and postsecondary business career and technical educators were included in the study.

A purposive sample was used to select participants for this study because selecting participants from the population for a specific purpose was necessary (Fraenkel & Wallen, 2003). In order to answer the research questions, this study focused on Mississippi's business career and technical program area, with participants in the study being a sample group of business career and technical educators.

### **Instrument**

The Digital Copyright Survey portion of this instrument was taken from the workshop instrument used by Hall Davidson (Personal communication, February 5, 2008). This portion was limited to true or false answers. The request from the researcher to Davidson to use and modify this instrument as appropriate and an e-mail granting permission by Davidson are found in Appendix A. Appendix B contains the instrument for the study, and Appendix C includes the key and rationale for correct answers for the Digital Copyright Survey (DCS).

### **Items of the Instrument**

The first five items of the instrument were for demographics. Item 6 was to determine the perceptions that Mississippi business career and technical educators have toward their knowledge of the use of copyrighted items in the classroom. Items 7-26 formed the DCS, the copyright survey portion of the instrument. Items 7-11 dealt with computers and software. Items 12-16 were those that concern the Internet, and items 17-21 dealt with video. Multimedia was the concern in items 22-26.

## **Validity and Reliability**

Davidson did not address validity and reliability in the use of his copyright survey. Instead, he has used the survey as a means of beginning a discussion for workshops that he conducts on copyright issues (H. Davidson, personal communication, February 5, 2008). Also, assessment of the validity and reliability needed to be performed because the instrument had been modified.

To be valid, the instrument must be appropriate, meaningful, and useful. Content validity refers to the content and format of the instrument (Fraenkel & Wallen, 2003). The survey was reviewed by three content experts who were asked to judge whether the questions were appropriate for the study and to make recommendations for changes to specific items. Appropriate changes were made based on comments and suggestions from the experts.

Reliability is the degree to which a test consistently measures whatever it is measuring (Fraenkel & Wallen, 2003). Internal consistency was determined by using the Cronbach coefficient alpha for the modified instrument, as recommended by Fraenkel and Wallen (2003).

## **Procedures**

Both content experts and pilot study participants were asked to review the items of the instrument. Their comments and suggestions were considered prior to the administration of the instrument, and appropriate changes were made. Approval to conduct the research was requested from the Mississippi State University Institutional Review Board for the Protection of Human Subjects in Research (IRB). IRB approval

was received July 20, 2009 (see Appendix B). Two administrations of the instrument were included in this study. The first was an administration during a face-to-face business cluster meeting at MS ACTE on July 29, 2009. The second administration was through an e-mail sent October 5, 2009, to business career and technical educators who were not at that meeting. An incentive of one \$25 Wal-Mart gift card was offered for participants from each administration. The following sections contain a more in-depth discussion of the procedures for this research study.

### **Content Experts**

The researcher requested three content experts to review the instrument, judge whether the questions were appropriate for the survey, and provide comments and suggestions to improve the instrument. The changes from the content experts were incorporated as needed. Two of these experts have a Ph.D. and the other is currently pursuing his Ph.D. Although they have dealt with copyright issues through their individual work experiences, none of these content experts is considered to be a specialist in all areas of copyright. The three experts' experience with copyright issues is a combination of multimedia, artwork, the use of Blackboard<sup>TM</sup>, and library work.

### **Pilot Survey**

After content experts had reviewed the instrument and their suggestions had been incorporated, the researcher piloted the instrument since the original instrument had been modified. The pilot was done with a selection of ten former business educators in secondary and community or junior colleges. Seven of the ten educators responded to this pilot survey.

This group provided information to be used to ensure the validity of the survey. The pilot group was asked for additional comments or questions if there was any portion that was unclear or confusing. The main reason for the pilot survey was to obtain any comments or questions concerning the items. The results of the survey were analyzed by the researcher, and changes in the instrument were made as appropriate from the pilot group's responses. These included editing and formatting changes.

Although a reliability analysis was considered with the pilot group data, reliability was known to be low with smaller numbers of participants. It was determined that the pilot group was so small that reliability would be low. A larger number of respondents were needed to perform a data analysis of the copyright items before deleting any items and computing the reliability coefficient. The Cronbach's alpha measure of reliability was determined after the instrument was administered (see results in the Instrument section of Chapter IV).

### **Incentive**

Each participant was eligible for a \$25 gift card to Wal-Mart as an incentive to respond to the survey. Participants in the face-to-face administration given during the business cluster meeting at the MS ACTE conference were asked to complete a ticket giving their name, address, e-mail address, and school. One ticket from those submitted was drawn for the winner of the one \$25 gift card for that administration, and the gift card was presented to the winner during the meeting.

Participants who did not attend the business cluster meeting during the MS ACTE conference were sent an e-mail of the instrument on October 5, 2009. They were

requested to respond by October 19, 2009, to be eligible for a drawing for the second \$25 gift card. This winner was notified by e-mail to provide contact information so that the gift card could be sent. A third administration of the instrument was made to the electronic mailing list of Business and Computer Technology Teachers on November 18, 2009. These educators were also promised that one respondent of those responding by November 30, 2009, would receive a \$25 Wal-Mart gift card. The winner was notified and sent contact information; the gift card was then mailed.

### **Administration of Final Version of Instrument**

The final version of the instrument was administered at the MS ACTE conference in the summer of 2009, during which a separate meeting was held for business career and technical educators. It also was sent to all business career and technical educators who were unable to attend the conference. These educators were identified by comparing the drawing tickets from the MS ACTE business cluster meeting and educators listed in the *Mississippi Business/Computer Technology 2006/2007 Directory* (MDE, 2006a). E-mail addresses, according to Angela Kitchens, Coordinator of Business and Computer Education at the Office of Vocational Education and Workforce Development of the Mississippi Department of Education, were provided in this directory, found online at <http://www.mde.k12.ms.us/VOCATIONAL/PDF/bctdir05.pdf> (A. Kitchens, personal communication, May 20, 2009). This directory was used to contact the business educators who did not attend the Business Cluster meeting of MS ACTE.

The researcher used the e-mail addresses provided by those who responded during the MS ACTE meeting to avoid sending those people a duplicate request for a response

to the instrument. In an effort to further control duplicate responses, the e-mailed version included a statement at the top which noted, “This instrument was administered to the business career and technical educators who attended the Business Cluster meeting during the annual conference of the Mississippi Association of Career and Technical Education July 29, 2009. Please DO NOT respond to this request if you attended that meeting.” The second administration was e-mailed to the identified educators on October 5, 2009. A third distribution of the instrument was e-mailed to the electronic mailing list of the business career and technology educators on November 18, 2009. However, information on that electronic mailing list, such as number of educators on the list or specific people or e-mail addresses, was not available; therefore, the responses from the third administration were not included in this study.

### **Institutional Review Board and Informed Consent**

A request to conduct the study was submitted July 10, 2009, to the Mississippi State University Institutional Review Board for the Protection of Human Subjects in Research (IRB). On July 20, 2009, IRB approved the study (see Appendix D). The researcher contacted the Interim Director of the Mississippi Department of Education, Vocational Education and Workforce Development to request permission to contact the business career and technical instructors (see Appendix E). The business career and technical educators were asked to participate in this study and were informed of their right to refuse to be included in the study as well as their choice to withdraw at any time. Participants were guaranteed confidentiality in the use of their data. Participants gave



their informed consent by completing and submitting the instrument. They were also provided a copy of the informed consent form signed by the researcher.

### **Data Analysis**

For the first research question, the purpose was to determine how much understanding business career and technical educators have of fair use of copyright in their classroom. This understanding was determined from items 7-26 with a rating of one point given per correct answer. An item analysis was performed, and an analysis of the frequencies of the total correct answers of the DCS was used to determine the results of the first research question.

The second research question concerned the perceptions that business career and technical teachers have toward their understanding of copyright and fair use. Results for this question were determined from an analysis of frequencies.

The third research question investigated the relationship between the understanding of business career and technical educators about fair use of copyrighted materials and their perceptions about their knowledge of this area. Use of the educators' rating and the total of correct items from the copyright portion were used to answer this question. Spearman's rho correlation was used for this determination.

Research-based copyright issues include computers and software, the Internet, video, and multimedia (Davidson, 2002). These areas were the concern of the fourth research question. To determine if there were significant correlations among these areas for business career and technical program area educators, these four areas were studied using Pearson's correlations.

Research Question 5 was developed to study whether there were significant correlations between the scores on the copyright portion and the demographic variables of teaching level, gender, participation in professional development, and teaching experience. Spearman's rho correlations were used to determine any significant correlations.

## CHAPTER IV

### RESULTS

This chapter includes information on the participants involved in the study, the original instrument and changes that were made before data collection, the data collection procedures, and an interpretation of results of each of the research questions.

#### **Participants**

Participants in this study were business cluster educators who attended the Business Cluster Meeting on July 29, 2009, during the Annual Meeting of the Mississippi Association of Career and Technical Education (MS ACTE) or whose e-mail address appeared in the *Mississippi Business/Computer Technology 2006/2007 Directory* (MDE, 2006a). One hundred thirty-nine business cluster educators were contacted, with responses received from 75. A consideration was made to obtain responses from the Business and Computer Technology electronic mailing list of the Mississippi Department of Education, Office of Vocational Education and Workforce Development. However, there were many unknown elements about this list which could not be addressed by the Program Coordinator of ICT/STEM at the Office of Vocational Education and Workforce Development of the Mississippi Department of Education and administrator of this list (T. Jones, personal communication, November 4, 2009). These elements included such items as names of members on the list, e-mail addresses of those on the list, and the

number of members on the list. Therefore, although an e-mail was sent to members of the Business and Computer Technology electronic mailing list on November 18, 2009, the responses obtained from that e-mail administration were not included in this study.

Participants' demographic variables with means, standard deviations, and frequencies of self-reported answers are given in Table 4.1. Of the 75 respondents, there were 17 postsecondary participants (22.7%) and 57 secondary participants (76.0%); 63 participants (84.0%) were female, and 11 (14.7%) were male. One respondent (1.3%) did not answer the demographic items of the instrument. The participants were primarily secondary teachers with the majority (49, or 65.0%) having experience of 11 or more years. Of this group, 33 (44.0% of the total number of participants) reported having 20 or more years of teaching experience. Of the 75 participants, 62 (83.0%) responded during the MS ACTE face-to-face meeting and 13 (17.0%) responded to the e-mail request.

Participants were asked two questions concerning professional development activities. The first question was item 3, "Have you taken advantage of any professional development opportunities dealing solely with copyright issues in the last five years?" This question was to be answered with a yes or no answer. The second question concerning professional development activities, item 4, asked participants the number of such activities that they had attended in the last five years that dealt solely with copyright issues.

Since some participants answered that they had not attended any professional development activities, but then answered that they had attended a specific number of such activities and not 0 as expected, the two questions concerning professional development were combined into one question, simply whether the participant had

Table 4.1 Means, Standard Deviations, Frequencies, and Percentages of Self-Reported Answers for Demographic Data of Participants' Teaching Level, Gender, Participation in Professional Development Activities, and Teaching Experience

Variable	Mean	SD	Frequencies and Percentages of Self-Reported Answers		
			Answer	Frequency	Percentage
Teaching Level			Postsecondary	17	22.7%
			Secondary	57	76.0%
			Omitted	<u>1</u>	<u>1.3%</u>
			Total	75	100.0%
Gender			Female	63	84.0%
			Male	11	14.7%
			Omitted	<u>1</u>	<u>1.3%</u>
			Total	75	100.0%
Participation in Professional Development Activities			Yes	21	28.0%
			No	53	70.7%
			Omitted	<u>1</u>	<u>1.3%</u>
			Total	75	100.0%
Teaching Experience	16.48	10.31	1 year	3	4.0%
			2 years	6	8.0%
			3 years	3	4.0%
			4 years	1	1.3%
			5 years	2	2.7%
			6 years	2	2.7%
			7 years	2	2.7%
			8 years	1	1.3%
			9 years	3	4.0%
			10 years	2	2.7%
			11 years	3	4.0%
			12 years	1	1.3%
			13 years	3	4.0%
			14 years	1	1.3%
			15 years	1	1.3%
			16 years	3	4.0%
			17 years	1	1.3%
			18 years	3	4.0%
			20 years	3	4.0%
			21 years	2	2.7%
22 years	4	5.3%			
23 years	2	2.7%			
25 years	4	5.3%			
26 years	5	6.7%			
27 years	1	1.3%			
28 years	4	5.3%			
29 years	1	1.3%			

Table 4.1 (continued)

Variable	Mean	SD	Frequencies and Percentages of Self-Reported Answers		
			Answer	Frequency	Percentage
			30 years	1	1.3%
			31 years	1	1.3%
			33 years	2	2.7%
			35 years	1	1.3%
			36 years	1	1.3%
			37 years	1	1.3%
			Omitted	<u>1</u>	<u>1.3%</u>
			Total	75	100.0%

attended professional development activities dealing solely with copyright issues. From the combined responses of items 3 and 4 into the new item, 53 participants (70.7%) indicated that they had not attended professional development activities dealing solely with copyright issues. Only 21 participants (28.0%) had any professional development dealing solely with copyright issues, with one participant (1.3%) not answering this item.

### **Instrument**

The instrument included 26 items. The first five items were demographics. The sixth item requested the participant's self-rating of his or her perception of copyright knowledge. The remainder of the items formed the Digital Copyright Survey.

### **Validity**

Validity refers to whether the test actually measures what it is intended to measure (Fraenkel & Wallen, 2003). The instrument was reviewed by three content experts for content validity. Two of these experts hold a Ph.D. and the other is currently pursuing his Ph.D. One has experience with copyright through the use of multimedia and

artwork. Another has experience with copyright issues through the use of Blackboard™, and the third has experience in information literacy and copyright through work as a librarian. With the backgrounds of these three experts, it was expected that their insight would be valuable. However, none of these three content experts is considered to be a copyright specialist.

The content experts were provided with a copy of the instrument with the correct answers and rationale for the Digital Copyright Survey (DCS) items, and each expert was told the purpose of the study. The experts agreed that the instrument measured what it was intended to measure and, therefore, was valid. This agreement was determined by ensuring that (a) the content was related to the purpose of the study, (b) the instrument provided a sampling of scenarios that educators would encounter in real-world situations, (c) an appropriate format was followed, and (d) the instrument met the expectation that educators' understanding of fair use of copyrighted materials in the classroom would be met.

There were several suggestions, most of which were editing and formatting recommendations. However, there were two items that the experts felt were extremely confusing and would not measure what they were intended to measure. All three experts commented on item 6, the item requesting that participants rate their perceptions of their knowledge of the use of digital copyrighted materials in the classroom. Consideration of their comments led to changing the item to a statement format and deleting the numbers on the scale. The comment was made that the original format seemed to have participants rate their knowledge against other participants' knowledge. Changing the scale to

statements resolved this problem while still making it clear to the participants that they had choices ranging from no knowledge to excellent knowledge.

The other item that seemed confusing was item 13, which stated, “A school designs a password-protected website for family and faculty only. It is okay for teachers to post student work there, even when it uses copyright material without permission.” Since this item seemed to state that the entire website would be available to all families of all students, the item was changed to reflect that student work was put into password-protected files that could be accessed by students’ family members and faculty only.

### **Reliability**

Reliability is defined as the consistency of the instrument (Fraenkel & Wallen, 2003). Cronbach’s alpha is a measure of reliability with values of -1 to +1. Cronbach’s  $\alpha = .58$  for the DSC only. There are several reasons that the reliability is lower than the generally accepted alpha level of .6 to .7 (Hair, J. F., Jr., Anderson, R. E., Tatham, R. L., & Black, W. C.. 1998).

The DCS items were written as scenarios and, as such, were possibly more difficult to answer in a rather short time period. For the face-to-face administration, participants were given a total of 20 minutes to complete the instrument. This amount of time may not have been enough for the participants to clearly think through their answers. However, the participants only needed to answer true or false for each item.

According to Weber (1992), many empirical investigations of business ethics research involving scenarios did not consider validity and reliability. In his discussion of 26 studies that used scenarios for business ethics research, Weber (1992) noted that only



9 (35%) checked for either validity or reliability, which he stated was a serious lack in those studies.

Weber (1992) also discussed the multidimensionality that is present in most scenarios in order to make them realistic. This multidimensionality may contribute to the low reliability. An additional reason for the low reliability may be that the purpose of the original copyright instrument developed by Davidson (2002) was “to stimulate conversation and awareness of copyright, fair use, and related issues important to educators. It was created to surprise, and, for the record, no one ever got everything right—including attorneys.” (H. Davidson, personal communication, February 5, 2008).

A final reason for low reliability on the DCS may be the low number of items (20) on the DCS. It is known that reliability goes up considerably with more items and more variance (Hair et al., 1998).

Reliability was also determined for each of the four areas of copyright measured by the DCS and yielded the following results: (a) computers and software, items 7-11, Cronbach’s  $\alpha = .14$ ; (b) the Internet, items 12-16, Cronbach’s  $\alpha = .57$ ; (c) video, items 17-21, Cronbach’s  $\alpha = .41$ ; and (d) multimedia, items 22-26, Cronbach’s  $\alpha = .37$ . All four reliability values are low. These low values may be explained by the low number of items considered for each area since there were only five items per area.

### **Final Instrument as Administered**

Before this research study was approved by the Mississippi State University Institutional Review Board, the IRB required the deletion of the item that asked

participants to provide their e-mail addresses as part of the instrument. That item was removed and items were renumbered.

The final instrument incorporated the changes suggested by the content experts and the change required by the IRB. A copy of the final instrument administered at the MS ACTE meeting is included in Appendix B.

The instrument e-mailed to other possible participants had a request added at the top, stating, “This instrument was administered to the business career and technical educators who attended the Business Cluster meeting during the annual conference of the Mississippi Association of Career and Technical Education July 29, 2009. Please DO NOT respond to this request if you attended that meeting.” Although a check was made against the e-mail addresses provided by participants at the MS ACTE meeting and the e-mail addresses provided in the *Mississippi Business/Computer Technology 2006/2007 Directory* (MDE, 2006a) in order to avoid duplication, this statement gave additional assurance that a participant would complete only one instrument.

### **Response Rate**

From the participants of the MS ACTE meeting and the educators identified in the *Mississippi Business/Computer Technology 2006/2007 Directory* (MDE, 2006a), 139 business cluster educators were contacted. Of these, 75 (54%) responded, with 62 participants (83.0%) responding during the MS ACTE meeting and 13 (17.0%) replying to the e-mailed instrument. Because these educators could choose whether to participate, this study investigates a sample of the business career and technical educators. Two of those responding did not answer item 6, the question pertaining to their perceptions of

their knowledge of electronic copyright issues; and one of those did not answer items 1-5, the demographic questions. Those two participants were deleted in the examination of some research questions. The participant not answering only item 6 was not included in the investigation of Research Questions 1 and 4. The participant not answering items 1-6 was not included in the investigation of Research Questions 1, 4, and 5.

### **Comments from Participants**

Participants made several comments on the instrument. Most concerned item 6 (on perception) or items on the DCS. Participants' specific comments are given in Appendix F.

### **Data Collection**

Data collection was made at two separate times, resulting in a total of 75 responses. The first administration was face to face during the Business Cluster meeting of the MS ACTE on July 29, 2009. Participants were asked to complete both the instrument and a ticket with information on name, address, e-mail address, and school. An incentive was offered for participating; completion of the instrument and a drawing ticket enabled each participant to enter a drawing for one \$25 Wal-Mart gift card. The instruments and tickets were submitted to the administrator after completion, with 62 submissions (100% of those attending the meeting and 83% of the total response rate). The tickets were placed in a box, and one name was drawn for a \$25 Wal-Mart gift card which was presented immediately after all instruments and tickets were submitted.

The tickets were then used to compare the e-mail addresses of those who participated during the Business Cluster meeting on July 29, 2009, to the e-mail

addresses of Business Cluster educators in the *Mississippi Business/Computer Technology 2006/2007 Directory* (MDE, 2006a). Those tickets were used to make sure that participants at the meeting were not sent the e-mail that went to those possible participants identified through the *Mississippi Business/Computer Technology 2006/2007 Directory* (MDE, 2006a).

The second administration was delivered through e-mail to those possible participants who were listed in the *Mississippi Business/Computer Technology 2006/2007 Directory* (MDE, 2006a) and had not participated during the July 29, 2009, Business Cluster meeting during the MS ACTE annual meeting. The e-mail was distributed to 67 possible participants on October 5, 2009, with an incentive of one \$25 Wal-Mart gift card provided to one participant from the e-mail request. Thirteen participants (5% of those e-mailed and 17% of the total response rate) responded to this e-mail. The winner of the gift card was drawn from all responses received by October 19, 2009. This winner was contacted by e-mail to acquire contact information, and the gift card was sent to the address provided by the winner.

As mentioned earlier, administration of the instrument through the Business and Computer Technology electronic mailing list was considered. The administration was done, but there were only two responses from that administration. The e-mail was sent November 18, 2009, with a request for response by November 30, 2009. Because information concerning how many were on the list was not available, this administration was ignored and the data from the two responses were not included in this study. However, people who responded were also given the incentive of a \$25 Wal-Mart gift card with one winner from that administration. The winner was e-mailed to obtain

mailing information and was sent the gift card. The two respondents from this administration were not included in the data analysis because of the lack of information about the electronic mailing list.

### **Results of Research Questions**

Data from two administrations, one face to face on July 29, 2009, and one e-mailed on October 5, 2009, were entered into PASW<sup>®</sup> (formerly SPSS) Version 18. Results were examined to answer the research questions. The following sections discuss the methods used to investigate the research questions and give the results from the investigation of each question.

#### **Research Question 1**

What knowledge do Mississippi secondary and postsecondary business career and technical educators have about fair use of copyrighted material in their educational settings?

Results for Research Question 1 were obtained through the use of item analysis and frequencies of the total scores on the DCS. Each participant was awarded one point for each correct answer. On the scale of 0 (no correct answers) to 20 (all correct answers), an acceptable score was determined to be 14 (70% of the items answered correctly).

#### Item Analysis

An item analysis was used for data from the DCS. The items, means, standard deviations, percentage of “true” responses from participants, percentage of “false” responses from participants, and percentage of participants omitting the item are given in Table 4.2. Also included are means and standard deviations for the totals of the areas of

computers and software (items 7-11), the Internet (items 12-16), video (items 17-21), and multimedia (items 22-26), as well as the mean and standard deviation for the entire DCS.

Table 4.2 shows that correct answers to items 9 (93.3%), 10 (93.3%), and 11 (92%) were given by a large majority of the participants. Participants' correct responses fell in the mid-range for items 7 (54.7%), 15 (58.7%), 19 (54.7%), and 24 (54.7%). As shown, the DCS mean was only 10.07 (SD = 2.09). The answers to the mid-range items could have been chosen purely by chance. Participants did marginally better on items 12 (65.3%), 23 (69.3%), and 25 (64.0%). However, most participants incorrectly answered half of the items (items 8, 13, 14, 16, 17, 18, 20, 21, 22, and 26). Percentages of correct responses for these items were: item 8 (33.3%), item 13 (22.7%), item 14 (34.7%), item 16 (38.7%), item 17 (32%), item 18 (24.0%), item 20 (38.7%), item 21 (32.0%), item 22 (2.7%), and item 26 (46.7%).

#### Analysis of Computers and Software Items

Items 7-11 were the items that dealt with computers and software. Most participants correctly answered items 9 (93.3%), 10 (93.3%), and 11 (92.0%). Few participants correctly answered item 8 (33.3%). Of the five items, item 8 is the only one that ended with, "This is a violation of copyright law," rather than just giving the scenario or ending the item with a positively slanted statement, such as, "This is fair use." Perhaps participants answered item 8 as though it were written in a positive manner since the others were written that way. About half of the participants correctly answered item 7 (54.7%). Because this item dealt with making a backup copy of software that may have

Table 4.2 DCS Items with Means, Standard Deviations, and Breakdown of the Participants' Answers by Percentages Answering True or False for Each Item with Correct Answers and Omissions Given

DCS Item	Mean/SD	Breakdown of Answers by Percentage		
		% True	% False	% Omitting
7. A student snaps in half a CD-ROM the teacher really needed for her next class. The teacher decides to ask the librarian to make a back-up copy of all her crucial disks so that it never happens again. This is permissible.	.53/.50	54.7% <sup>a</sup>	42.7%	2.7%
8. A technology coordinator installs the one copy of Photoshop the school owns on a central server so students are able to access it from their classroom workstations. The school district ensures that there will be no simultaneous use of the one copy by monitoring its use. This is a violation of copyright law.	.36/.48	65.3%	33.3% <sup>b</sup>	1.3%
9. A school has a site license for version 3.3 of a multimedia program. A teacher buys five copies of version 4.0, which is more powerful, and installs them on five workstations in the computer lab. But now when students at these workstations create a project and bring it back to their classrooms, the computers (running 3.3) won't read the work! To end the chaos, it is permissible to install 4.0 on all machines.	.93/.25	5.3%	93.3% <sup>b</sup>	1.3%
10. The state mandates technology proficiency for all high school students but adds no money to schools' software budgets. To ensure equity, public schools are allowed to buy what software they can afford and copy the rest.	.93/.27	5.3%	93.3% <sup>b</sup>	1.3%
11. A teacher has more students and computers than software. He uses a CD burner to make several copies of a copyrighted interactive CD-ROM so each student can use an individual copy in class. This is fair use.	.92/.27	6.7%	92.0% <sup>b</sup>	1.3%
Total of Computers and Software Items (Items 7-11)	3.68/.76			

<sup>a</sup>Indicates that true is the correct answer.

<sup>b</sup>Indicates that false is the correct answer.

Table 4.2 (continued)

DCS Item	Mean/SD	Breakdown of Answers by Percentage		
		% True	% False	% Omitting
12. A class is studying ocean ecosystems and must gather material for multimedia projects. The teacher downloads pictures and information on marine life from various commercial and noncommercial sites to store in a folder for students to access. This is fair use.	.67/.47	65.3% <sup>a</sup>	32.0%	2.7%
13. A school designs a password-protected website for families and faculty only. Student work is put into password-protected files that can be accessed by their family members and faculty only. It is okay for teachers to post student work there, even when it uses copyrighted material without permission.	.27/.42	22.7% <sup>a</sup>	77.3%	0.0%
14. A student film buff downloads a new release from a Taiwanese website to use for a project. As long as the student gives credit to the sites from which he has downloaded material, this is covered under fair use.	.35/.48	65.3%	34.7% <sup>b</sup>	0.0%
15. A technology coordinator downloads audio clips from MP3.com to integrate into a curriculum project. This is fair use.	.59/.50	58.7% <sup>a</sup>	37.3%	4.0%
16. A teacher gets clip art and music from popular file-sharing sites, and then creates a lesson plan and posts it on the school website to share with other teachers. This is permissible.	.39/.49	61.3%	38.7% <sup>b</sup>	0.0%
Total of the Internet Items (Items 12-16)	2.21/1.15			
17. A teacher videotapes a rerun of <i>Frontier House</i> , the PBS reality show that profiles what three modern families living as homesteaders from the 1880s did. In class, students edit themselves “into” the frontier and make fun of the spoiled family from California. This is fair use.	.33/.47	32.0% <sup>a</sup>	64.0%	4.0%

<sup>a</sup>Indicates that true is the correct answer.

<sup>b</sup>Indicates that false is the correct answer.



Table 4.2 (continued)

DCS Item	Mean/SD	Breakdown of Answers by Percentage		
		% True	% False	% Omitting
18. A student tries to digitize the shower scene from a rented copy of <i>Psycho</i> into a “History of Horror” report. Her computer will not do it. The movie happens to be on an NBC station that week, so the teacher tapes it and then digitizes it on the computer for her. This is fair use.	.24/.43	24.0% <sup>a</sup>	76.0%	0.0%
19. A class videotapes a Holocaust survivor who lives in the community. The students digitally compress the interview, and, with the interviewee’s permission, post it on the Web. Another school discovers the interview online and uses it in their History Day project. This is fair use.	.53/.50	54.7% <sup>a</sup>	44.0%	1.3%
20. On Back-to-School Night, a school offers child care for students’ younger siblings. They put the kids in the library and show them Disney VHS tapes bought by the PTA. This is permissible.	.37/.49	61.3%	38.7% <sup>b</sup>	0.0%
21. A teacher makes a compilation of movie clips from various VHS tapes to use in his classroom as lesson starters. This is covered under fair use.	.32/.47	68.0%	32.0% <sup>b</sup>	0.0%
Total of Video Items (Items 17-21)	1.80/.89			
22. At a local electronics show, a teacher buys a machine that defeats the copy protection on DVDs, CD-ROMs, and just about everything else. She lets her students use it so they can incorporate clips from rented DVDs into their film genre projects. This is fair use.	.03/.16	2.7% <sup>a</sup>	97.3%	1.3%
23. A number of students take digital pictures of local streets and businesses for their Web projects. These are permissible to post online.	.69/.46	69.3% <sup>a</sup>	28.0%	2.7%

<sup>a</sup>Indicates that true is the correct answer.

<sup>b</sup>Indicates that false is the correct answer.

Table 4.2 (continued)

DCS Item	Mean/SD	Breakdown of Answers by Percentage		
		% True	% False	% Omitting
24. A student wants to play a clip of ethnic music to represent her family's country of origin. Her teacher has a CD that meets her needs. It is fair use for the student to copy and use the music in her project.	.54/.50	54.7% <sup>a</sup>	45.3%	0.0%
25. A high school video class produces a DVD yearbook that includes the year's top ten music hits as background music. This is fair use.	.64/.48	36.0%	64.0% <sup>b</sup>	0.0%
26. Last year, a school's science fair multimedia CD-ROM was so popular everyone wanted a copy of it. Everything in it was copied under fair use guidelines. It is permissible for the school to sell copies to recover the costs of reproduction.	.47/.50	53.3%	46.7% <sup>b</sup>	0.0%
Total of Multimedia Items (Items 22-26)	2.37/.83			
Total of All Items on DCS	10.07/2.09			

<sup>a</sup>Indicates that true is the correct answer.

<sup>b</sup>Indicates that false is the correct answer.

had a statement suggesting that such a copy was not permitted, participants may have felt that they had no right to make a backup copy. Agsalud (2005) stated that some software includes such statements. However, within fair use guidelines, such an archival copy is permissible when made by the librarian.

### Analysis of the Internet Items

Items 12-16 were the items that dealt with the Internet. More participants (65.3%) correctly answered item 12 than any of the other items in this group. Few participants (22.7%) answered item 13 correctly. This item had been re-worded because of comments from the content experts, but it still may not be completely clear that the individual student's folder could only be accessed by that student's family members and faculty. Additionally, item 14 may need to be re-written to further describe the website as a legitimate peer-to-peer resource without pirated material since so many websites now include pirated material. Only 34.7% correctly answered item 14. Participants who incorrectly answered item 16 (61.3%) may include those who correctly answered item 15 (58.7%), because the items seem related. Item 15 included the website MP3.com, a peer-to-peer website that has material that is legitimately acquired. In item 16, the teacher is copying from popular file-sharing sites for a lesson plan to be shared with other teachers. While both items deal with copying of material from file-sharing sites, which is permissible if the materials are not pirated, item 16 deals with the sharing of that material on the school website, which is not permissible. However, items 15 and 16 were close in content; that may account for the similarity of the correct answering of 58.7% of the participants on item 15 and the incorrect answering of 61.3% on item 16.

### Analysis of Video Items

Items 17-21 dealt with video. Participants did not do well on any of these items, with the highest percentage (54.7%) correctly answering item 19. Item 20 specifically mentions Disney tapes, but only 38.7% realized that Disney is a company that is known to protect its copyrighted material (The Walt Disney Company, 2008). However, two participants indicated their knowledge about Disney. One person underlined the word “Disney,” while the other participant commented, “Home use only!” Since videos have become a way of keeping children occupied while their parents attend such events as Back-to-School Night, educators may think that this is permissible. It is possible that they have done it for so long that it has become habit, and habit is stated as one reason that educators infringe on copyright (Johnson & Simpson, 2005; Simpson, 2005) (see the Theories of Educators’ Infringement of Copyrighted Material section of Chapter II). The other three items were answered correctly by only 24.0% - 32% of participants. This seems to be an area of copyright that needs to be addressed through professional development activities. Educators at least need to be aware that there is a possibility of being taken to court because of video copyright infringement, as in the case of *Encyclopaedia Britannica v. Crooks* (1983) (see the Fair Use Cases Concerning Education section of Chapter II).

### Analysis of Multimedia Items

Items 22-26 dealt with multimedia. Fewer participants, only 2.7%, answered item 22 correctly than any other item on the DCS. It is possible that most participants felt that using a machine that defeated the copy protection for any reason, especially encouraging

students to use it, should not be permitted under fair use. They may even have felt that such a machine should be prohibited. Today manufacturing of these machines is prohibited, but if an educator does have one, it is permissible for students to copy clips for their projects. These participants may not have been aware that it was ever legal to manufacture this type of machine and may have felt that owning one was prohibited as well. The other four items concerning multimedia were answered correctly by approximately the same amount of participants, ranging from 46.7% answering correctly on item 26 to 69.3% on item 23. This is an area that needs to be addressed through professional development activities.

#### Participants' Comments that Reflect Their Answers to Specific Items

Appendix F gives participants' comments. These comments may provide some insight into the participants' answers to specific items. One participant made the comment that some of the questions seemed a bit ambiguous. Some participants thought that the answer to a particular item could be dependent upon unknown factors.

For item 7, two participants made comments. One indicated that the answer would be true if the teacher made the CD, but false if the CD was copyrighted. However, according to Davidson's (2002) rationale (see Appendix C), the librarian is allowed to make backup copies. While this participant may have marked the item correct if provided with more information on the origins of the CD, the reason would have been faulty.

Another participant who commented on item 7 stated that the answer depends on the software company because only some companies allow a backup copy to be made. As

with the other participant just discussed, this information is not needed for the correct answer.

Two participants commented on item 8, with both concerned about whether the school district has a network license. Holding such a license does not matter. According to Davidson's (2002) rationale, this item was concerned with simultaneous use of the software and the school district's monitoring and enforcing of that use.

Three participants commented on item 12 by stating that the answer depends on information not given, particularly whether the site allows the copying of media and what length of time the teacher would use the material. Davidson (2002) stated that material may be downloaded except from subscription sites, but that the resulting projects may not be published on the Web without obtaining copyright permission.

Since one participant included the length of time in the comment on item 12, as well as in a comment on item 21, it should be noted that teachers do need to be aware of the length of time they plan to use the copyrighted material. Educators are allowed to make a copy of a chapter, an article, or other copyrighted material for use in their teaching (Simpson, 2002). They also may share the copyrighted material by making multiple copies for their students, but this is limited to one time only (Simpson, 2002). When teachers make multiple copies over several years without securing permission from the copyright holder, the use is not considered fair use (Johnson & Groneman, 2003). However, for this study, the length of time was not considered to be a digital copyright issue, since it overlapped with copyright issues that existed previously with printed material.

The DCS dealt mainly with digital copyright issues, but the instructions to the participants may not have been clear that digital copyright issues were the focus of the study and not just general copyright issues. Also, four of the items of the DCS mentioned VHS tapes, an analog, not digital, use. Because of these items, perhaps the copyright issues should have been referred to as copyright issues with nonprint media rather than as digital copyright issues (refer to the Limitations of the Study section of Chapter I).

#### Frequencies for the Total Score

In order to determine how correct participants were in their answers to the DCS, frequencies for the total score of the 20 items on the DCS were analyzed (see Table 4.3). A score of 14 items correct on the DCS was the minimum score established for competency; this score equals 70% of the items correct. As shown in Table 4.3, 4.0% of the participants received a total score of 14 on the DCS, and only one participant (1.3%) received a score of 15. No participant scored higher than 15 on the DCS. Therefore, only the three participants scoring 14 and the one participant scoring 15 met the established competency level on the DCS. These results indicated that the Mississippi business career and technical educators have extremely little knowledge concerning digital copyright issues.

The items on the DCS were only answered as true or false. There was a 50% chance that a participant would get an item correct just by guessing an answer. The frequencies show that the largest number of participants (20) scored only 10 on the DCS. With the total score mean of 10.07 and standard deviation of 2.09 (see Table 4.2), the participants may have gotten this number correct just by guessing.

Table 4.3 Frequencies and Percentages of the Number of Correct Responses on the Digital Copyright Survey (Total Score) Ranging from a Low Score of 6 Items Correct (30%) to a High of 15 Items Correct (75%)

Number of Items Correct	Frequency	Percentage	Cumulative Percentage	Score on DCS (Percentage)
6.00	6	8.0	8.0	30
7.00	2	2.7	10.7	35
8.00	9	12.0	22.7	40
9.00	9	12.0	34.7	45
10.00	20	26.7	61.3	50
11.00	9	12.0	73.3	55
12.00	12	16.0	89.3	60
13.00	4	5.3	94.7	65
14.00	3	4.0	98.7	70
15.00	1	1.3	100.0	75
Total	75	100.0		

## Research Question 2

What are the perceptions of Mississippi secondary and postsecondary business career and technical educators about their knowledge of fair use of copyrighted material in their educational settings?

Frequencies of item 6, the perception variable, were examined. Participants were given a list of statements and asked to check the one statement that indicated their perceptions of their knowledge of the use of digital copyrighted material in the classroom. These statements were in a sequence that followed a scale of 1-5, with 1 being no knowledge and 5 being excellent knowledge. The following statements were provided to the participants:

I have no knowledge about the use of digital copyrighted material in the classroom.

I know a little about the use of digital copyrighted material in the classroom.



I have an average amount of knowledge about the use of digital copyrighted material in the classroom.

I have an above average amount of knowledge about the use of digital copyrighted material in the classroom.

I have excellent knowledge about the use of digital copyrighted material in the classroom.

Table 4.4 shows the frequencies of the ratings. With two non-responses to item 6 (2.7%), there were 30 participants (40%) of the 73 who answered this item who felt that they had average knowledge concerning digital copyright issues, followed by 21 (28%) responding that they had little knowledge. Eleven participants (14.7%) responded that they had above average knowledge. Eight participants (10.7%) responded that they had no knowledge, while three (4%) responded that they had excellent knowledge concerning digital copyright issues.

Table 4.4 Frequencies of the Scale Items (No Knowledge through Excellent Knowledge) for the Self-Rating of Perception of Amount of Knowledge of Copyright

Self-Rating of Perception of Amount of Knowledge of Copyright	Frequency	Percentage	Valid Percentage	Cumulative Percentage
No Knowledge	8	10.7	11.0	11.0
Little Knowledge	21	28.0	28.8	39.7
Average Knowledge	30	40.0	41.1	80.0
Above Average Knowledge	11	14.7	15.1	95.9
Excellent Knowledge	3	4.0	4.1	100.0
Total	73	97.3	100.0	
Omitted	2	2.7		
Total	75	100.0		

There were 44 participants (58.7%) who perceived they had an average, above average, or excellent knowledge of copyright. The scores on the DCS do not seem to indicate that this perception is warranted. However, 29 participants (38.7%) perceived that they had no knowledge or little knowledge about copyright.

### **Research Question 3**

What is the correlation between the knowledge of Mississippi secondary and postsecondary business career and technical educators about fair use of copyrighted material and their perceptions of their knowledge?

The variable used for the knowledge of Mississippi business career and technical educators about fair use of copyrighted material was the total score obtained from participants on the DCS, appearing on the instrument as items 7-26. The variable for their perceptions of their knowledge came from the self-reported answers to item 6 of the instrument. Since the perception variable was ordinal data with a range of 1-5, the knowledge variable, determined by total score, was treated as ordinal data. Because two of the 75 participants did not choose to answer the question on perception, item 6, there were only 73 participants examined for Research Question 3.

A correlation of the two variables was performed, with results shown in Table 4.5. Although a Pearson correlation is often performed, that type of correlation is best used when both variables are interval or ratio data. Since the data from the perception variable were ordinal and the data from the knowledge variable of total score were treated as ordinal, a Spearman's rho correlation was used.

Table 4.5 Spearman's rho Correlation of Perception and Knowledge

		Perception	Total Score
Spearman's rho	Perception	1.000	.162
	Correlation Coefficient		
	Sig. (2-tailed)	.	.170
	N	73	73

The correlation between the perceptions of the participants and their knowledge as evidenced by the DCS total score (Mean = 10.07, SD = 2.09) indicated no significant difference ( $p = .17$ ). It was anticipated that the correlation coefficient would be a negative value and would indicate that participants perceived that their scores would be higher than they actually were. This expectation, though, was not supported by the results. However, Spearman's rho correlation was low at .162.

#### Research Question 4

Are there any significant correlations in the understanding of Mississippi secondary and postsecondary business career and technical educators among the following four areas of copyright issues for education identified by Davidson (2002): (a) computers and software, (b) the Internet, (c) video, and (d) multimedia?

Means and standard deviations for these four areas of copyright issues are presented in Table 4.6. Each of the four areas was identified by Davidson (2002) to define digital copyright issues in educational settings. The scores of items 7-11 were combined to form the computers and software area, items 12-16 to form the Internet area, items 17-21 to form the video area, and items 22-26 to form the multimedia area. The grand mean for total score (the number of correct answers) was 10.07, with a standard

deviation of 2.09. Table 4.6 shows that the computers and software area had the largest portion of the mean for the DCS (Mean = 3.68, SD = .76). This area had the most items answered correctly (3 out of 5) (see Table 4.2). The mean for the Internet area was 2.21, with a standard deviation of 1.15. This area had only one item answered correctly out of the five (see Table 4.2). Both the video area (Mean = 1.80, SD = .89) and multimedia area (Mean = 2.37, SD = .83) had two items answered correctly out of five for each area (see Table 4.2).

A Pearson correlation was performed for each pair of variables with results shown in Table 4.7. A significant correlation was determined to exist between the computers and software scores and the video scores,  $p = .004$ ,  $r = .327$ . The direction of the correlation is positive and indicates that the participants who scored higher on the computers and software portion of the DCS (items 7-11) also scored higher on the video portion (items 17-21). There were no other significant correlations.

Table 4.6 Means and Standard Deviations for the Number of Correct Answers Within the Four Areas of Copyright Issues (Computers and Software, the Internet, Video, and Multimedia)

Area of Copyright Issues	Mean	Standard Deviation
Computers and Software (items 7-11)	3.68	.76
The Internet (items 12-16)	2.21	1.15
Video (items 17-21)	1.80	.89
Multimedia (items 22-25)	2.37	.83
Total DCS	10.07	2.09

Table 4.7 Pearson Correlations for Each Possible Pair of Variables for Computers and Software Area, Internet Area, Video Area, and Multimedia Area

		Computers and Software	Internet	Video	Multimedia
Computers and Software	Pearson Correlation	1	.110	.327 <sup>a</sup>	.085
	Sig. (2-tailed)		.346	.004	.470
	N	75	75	75	75
Internet	Pearson Correlation	.110	1	.082	-.028
	Sig. (2-tailed)	.346		.484	.814
	N	75	75	75	75
Video	Pearson Correlation	.327 <sup>a</sup>	.082	1	.102
	Sig. (2-tailed)	.004	.484		.382
	N	75	75	75	75
Multimedia	Pearson Correlation	.085	-.028	.102	1
	Sig. (2-tailed)	.470	.814	.382	
	N	75	75	75	75

<sup>a</sup>Correlation is significant at the 0.01 level (2-tailed).

### Research Question 5

Is there any significant correlation between the total score and teaching level, gender, participation in professional development activities, or teaching experience?

For Research Question 5, the total score variable is the number of correct responses to the DCS (Mean = 10.07, SD = 2.09). The teaching level variable is item 1 on the instrument, while the gender variable is item 2. Items 3 and 4 on the instrument were combined into one variable of participation in professional development activities, with

answers of “yes” and “no.” The teaching experience variable (Mean = 16.48, SD = 10.31) is the number of years reported by participants on item 5.

The variables were used to investigate any significant correlations between total score and teaching level, gender, participation in professional development activities, or teaching experience. Seventy-four participants responded to the demographic variables and were included in the results. One participant did not respond to the demographic variables and was omitted from this research question. Spearman’s rho correlations were used for teaching level, gender, participation in professional development activities since the demographic variables were either nominal or ordinal data. The teaching experience variable was treated as ordinal data. For all of these correlations, the total score variable was treated as ordinal data. Results are shown in Table 4.8; there were no significant correlations.

Table 4.8 shows that the correlations between the total scores and the teaching level (Spearman’s rho correlation = .062) and the total score and gender (Spearman’s rho correlation = .225) are in a positive direction. The table also shows that the correlation between the total scores and participation in professional development activities (Spearman’s rho correlation = -.134) is in a negative direction. Because of its negative value, participation in professional development activities was further examined. Table 4.1 indicates the frequency of answers to this item, with 21 participants (28.0%) stating that they had participated in professional development activities, but 53 (70.7%) stating that they had not. One participant (1.3%) did not answer this item.

Table 4.8 Spearman's rho Correlations for Each Possible Pair of Variables for Total Score on DCS and Demographic Variables of Teaching Level, Gender, Participation in Professional Development Activities, and Teaching Experience

		Total Score	Teaching Level	Gender	Participation in Professional Development Activities	Teaching Experience
Spearman's rho	Total Score	1.000	.062	.225	-.134	.074
	Correlation Coefficient					
	Sig. (2-tailed)	.	.601	.054	.256	.534
	N	75	74	74	74	74
<hr/>						
	Teaching Level	.062	1.000	-.133	-.059	-.014
	Correlation Coefficient					
	Sig. (2-tailed)	.601	.	.259	.619	.909
	N	74	74	74	74	74
<hr/>						
	Gender	.225	-.133	1.000	.010	.103
	Correlation Coefficient					
	Sig. (2-tailed)	.054	.259	.	.931	.381
	N	74	74	74	74	74
<hr/>						
	Participation in Professional Development Activities	-.134	-.059	.010	1.000	-.088
	Correlation Coefficient					
	Sig. (2-tailed)	.256	.619	.931	.	.457
	N	74	74	74	74	74
<hr/>						
	Teaching Experience	.074	-.014	.103	-.088	1.000
	Correlation Coefficient					
	Sig. (2-tailed)	.534	.909	.381	.457	.
	N	74	74	74	74	74

Of the three participants who scored 14 on the DCS, two of the three had not participated in professional development activities, while one of the three had. The one person who had the highest score of the total group (15) had participated in professional development activities. Of the four participants who scored 13, three had participated in

professional development activities and one had not. Of these participants who scored highest on the DCS, five had participated in professional development activities and three had not.

Examination of the variable of participation in professional development activities further showed that the variable had a negative correlation with the teaching level (Spearman's  $\rho = -.059$ ). Of the 17 postsecondary educators, 13 (76.4%) reported having no professional development. Of the 57 secondary educators, 40 (70.2%) had no participation in professional development activities.

The variable of participation in professional development activities also had a negative correlation with teaching experience (Spearman's  $\rho = -.088$ ). Teachers with more experience tended not to have participated in professional development activities. Of educators reporting that their teaching experience spanned 20 or more years (33, or 44% of the participants), 20 participants (60.0% of the 33 who had taught for more than 20 years) reported having no participation in professional development activities.

An examination of participation in professional development activities with Davidson's (2002) areas of copyright using Spearman's  $\rho$  yielded the results shown in Table 4.9. Both the Internet area and the multimedia area had negative correlations. The correlation between participation in professional development activities and the Internet was significant (Spearman's  $\rho = -.298$ ,  $p = .01$ ), although the correlation between participation in professional development activities and the total score was not (Spearman's  $\rho = -.134$ ). The significant correlation means that those who had participated in professional development activities scored lower on the Internet items



Table 4.9 Spearman's rho Correlations for Each Possible Pair of Variables for Participation in Professional Development Activities and Specific Areas of Copyright (Computers and Software, the Internet, Video, and Multimedia), with a Focus on the Correlations with Participation in Professional Development Activities

			Participation in Professional Development Activities	Computers and Software Area	The Internet Area	Video Area	Multimedia Area
Spearman's rho	Participation in Professional Development Activities	Correlation Coefficient	1.000	.087	-.298 <sup>a</sup>	.071	-.045
		Sig. (2-tailed)	.	.459	.010	.550	.704
		N	74	74	74	74	74
	Computers and Software Area	Correlation Coefficient	.087	1.000	.141	.313 <sup>a</sup>	.097
		Sig. (2-tailed)	.459	.	.226	.006	.408
		N	74	75	75	75	75
	The Internet Area	Correlation Coefficient	-.298 <sup>a</sup>	.141	1.000	.105	-.022
		Sig. (2-tailed)	.010	.226	.	.368	.850
		N	74	75	75	75	75
	Video Area	Correlation Coefficient	.071	.313 <sup>a</sup>	.105	1.000	.111
		Sig. (2-tailed)	.550	.006	.368	.	.344
		N	74	75	75	75	75
	Multimedia Area	Correlation Coefficient	-.045	.097	-.022	.111	1.000
		Sig. (2-tailed)	.704	.408	.850	.344	.
		N	74	75	75	75	75

<sup>a</sup>Correlation is significant at the 0.01 level (2-tailed).

than those who had not participated. It was possible that this result was an instance of the extra caution that educators tend to use in regard to copyrighted material as discussed by Hobbs et al. (2007). Educators may need professional development that particularly concerns what they are permitted to use from the Internet under fair use guidelines.

Although not significant, there was also a negative correlation between participation in professional development activities and the multimedia area. This result further strengthened the need for professional development in specific areas, especially to give educators the awareness of what they are permitted to use under fair use guidelines so that they are not limiting the materials that they use within their classrooms. The results of the correlations with the Internet and multimedia showed a strong need for determining what topics of copyright were covered within the professional development activities that were attended.

### **Summary**

Research was conducted on responses to an instrument composed of five demographic variables, one perception item, and 20 items concerning digital copyright use in the classroom. The 20 items concerning digital copyright issues were taken from Davidson's (2002) copyright survey and composed the Digital Copyright Survey (DCS) in this study. Participants were 75 Mississippi business career and technical educators, whose curricula required that they understand fair use of digital copyright issues in order to impart that knowledge to their students.

Data collection was made through two administrations of the instrument. The first was a face-to-face administration during the business cluster meeting of the MS ACTE

on July 29, 2009. The participants from that administration were compared to the possible participants listed in the *Mississippi Business/Computer Technology 2006/2007 Directory* (MDE, 2006a), and an e-mail was sent to those listed in the directory who had not participated in the business cluster meeting on July 29, 2009. This e-mail was sent on October 5, 2009, with a request for responses by October 19, 2009, and was the second administration of the instrument. An incentive of one \$25 Wal-Mart gift card was offered in each administration, and there was one winner from each administration who was given a gift card. Of the 139 possible participants, 75 participated in the survey.

The first research question examined the understanding that Mississippi business career and technical educators had about copyright and fair use in their educational settings. The variable of understanding was determined from total scores on the DCS, with a rating of one point per correct answer. An item analysis gave the percentages of true answers, false answers, and missing answers, along with the correct answers. Results indicated that only ten items were answered correctly at least 50.0% of the time, and that could be due to chance. Three items were correctly answered 92.0% - 93.3% of the time, three items were answered correctly 64.0% - 69.3% of the time, and four items were answered correctly 54.7% - 58.7% of the time. The other ten items were answered correctly only 2.7% - 46.7% of the time.

Frequency of the number of correct responses was also used in determining the results to Research Question 1. Scores ranged from a low of 6 (30.0% of the items) by six participants to a high of 15 (75.0% of the items) by one participant. Most participants (71, or 94.7%) scored at 13 (65.0% of the items) or below, indicating that this study's participants did not know about digital copyright issues.

The second research question dealt with what perceptions participants have about their understanding about the use of digital copyrighted material in the classroom. Frequencies were used to determine the results to this question. Seventy-three of the 75 participants answered this item of the instrument, with the largest number (30, or 40%) feeling that they had an average amount of knowledge. The majority of participants (44, or 58.7%) perceived they had average, above average, or excellent knowledge of copyright. In contrasting these participants' perceptions with their knowledge, most participants seemed to perceive that their knowledge of copyright was average or above while their knowledge as evidenced by the DCS did not support their perceptions. However, 29 participants (38.7%) perceived that they had no knowledge or poor knowledge of copyright issues.

The third research question investigated whether there was a significant correlation between the participants' knowledge and their perceptions of their knowledge. A Spearman's rho correlation was performed; there was no significant correlation. It is surprising that the direction of this correlation is positive (Spearman's rho = .162), since so many participants scored low on the DCS, but perceived that their knowledge was average, above average, or excellent concerning copyright issues.

The fourth research question concerned whether there were any significant correlations among the following four areas of digital copyright issues identified by Davidson (2002): (a) computers and software, (b) the Internet, (c) video, and (d) multimedia. A Pearson correlation was performed for each pair of variables. A significant correlation was found between the computers and software variable and the video variable ( $r = .327$ ,  $p = .004$ ). The direction of the correlation was positive, with

participants who scored higher on the computers and software variable also scoring higher on the video variable. There were no other significant correlations.

Research Question 5 investigated whether there were any significant correlations between the total score on the DCS and each of the demographic variables of teaching level, gender, participation in professional development activities, and teaching experience. There were no significant correlations. However, the DCS score correlated negatively with participation in professional development activities (Spearman's  $\rho = .134$ ). Also, participation in professional development activities had negative Spearman's  $\rho$  correlations with both teaching level (Spearman's  $\rho = -.059$ ) and teaching experience (Spearman's  $\rho = -.088$ ).

Further examination revealed negative correlations between participation in professional development activities and the areas of the Internet (Spearman's  $\rho = -.298$ ) and multimedia (Spearman's  $\rho = -.045$ ), indicating that those who had no participation in professional development activities scored higher in those two areas than those who had participated. The correlation with the Internet area was significant (Spearman's  $\rho = -.298$ ). These results gave a strong rationale for the need for professional development in specific areas, especially to give educators the awareness of what they are permitted to use under fair use guidelines so that they are being too cautious with what they use in their classrooms.

CHAPTER V  
SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

Since the days that the U.S. Constitution was written, copyright has been a concern. Our founding fathers included copyright as Article I, Section B, Clause 8. As part of the General Revision of Copyright Law, effective January 1, 1978, the legislative members went further in trying to define educational use of copyrighted material in the classroom. The U.S. Code, Title 17, Section 107, stated the following four fair use factors that should be considered: (a) the purpose, (b) the nature of characteristic of the work, (c) the amount, and (d) the effect on the market.

Courts today use these factors in determining when a use of copyrighted material may be considered as fair use. Although the 1979 revision was written before computer technology became an integral part of our educational system, it is still the law followed in the court system. Both publishers and authors realized that more specific definition needed to be determined with the rise in use of computer technology. A group of these publishers and authors formed to discuss changes and clarify educational use more fully. While the group's document, the "Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions," was not made part of the law, this agreement was cited in House Report 94-1476 as the minimum requirements for fair use (U.S. Copyright Office, 1998). Courts use this agreement as part of their determination in fair use cases (Crews, 2001). Both the case of *Basic Books, Inc. v. Kinko's Graphics*

*Corporation* (1991) and the case of *Eloise Toby Marcus v. Shirley Rowley and San Diego Unified School District* (1983) relied on the agreement as part of the determination for these court decisions.

Simpson (2005) stated, “All these rules and regulations may seem to be too complicated to be worth the trouble” (p. 13). However, she added, “Cease and desist letters are on the rise, and reported cases of schools violating copyright from computer software piracy...to photocopying workbooks...are only the beginning of the story” (Simpson, 2005, p. 13). Awareness of the importance of educators to understand both the fair use factors and the “Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions,” as well as research on the need for educators to clearly understand copyright issues in their classroom, led to this study.

Since copyright is a part of each curriculum taught in the business cluster of Mississippi’s career and technical educational programs (see MDE, 2002, 2004a, 2004b, 2006b, 2007a, 2007b, 2009; Research and Curriculum Unit for Workforce Development, Vocational and Technical Education, 2009), the business career and technical educators of Mississippi were chosen as the sample for this study. However, all educators need to understand what they may do with copyrighted material in their classrooms.

Since the 1980s, the use of computers and related technologies has increased tremendously, and digital copyright issues have become very significant (Arp & Woodard, 2002; Eisenberg et al., 2004). Each business career and technical program involves the use of new technologies in the classroom. The focus of the current study, therefore, was narrowed to digital copyrighted material.

This study adds research to the literature so that identified gaps in the literature may be addressed concerning Mississippi business career and technical educators and digital copyright issues. In a previous research study, Patterson (2002) found that technology coordinators in Alabama felt that the teachers believed many myths and misconceptions concerning copyright. Renner (2002) discovered that higher education teachers in Ohio do not feel that they are competent enough in their knowledge of copyright issues. Sweeney (2004) stated that very few of the faculty members at the University of South Florida were aware of copyright laws and that most of the faculty had not received any copyright training. Fryer (2003) stated that teachers at all levels need to abide by copyright laws. In order to do this, educators must first understand copyright issues, including those for digital copyrighted materials (Fryer, 2003). This study investigated these issues.

### **Summary and Discussion**

Five research questions were developed to investigate the understanding of digital copyright issues among business career and technical educators in Mississippi. These questions are discussed in following sections and their results are compared with the results from previous copyright research studies.

#### **Research Question 1**

What knowledge do Mississippi secondary and postsecondary business career and technical educators have about fair use of copyrighted material in their educational setting?

The 20 copyright items of the DCS were used to address Research Question 1, with an analysis of variance and frequencies used to determine results. The scale used for



the current study was 0 (no correct answers) to 20 (all correct answers) with one point given for each correct answer. The competency level for this study was established as 14 (70% of the items answered correctly). This competency level is comparable to the level used by Renner (2002), who stated that 75% was the score chosen to determine competency in her study with 21 items. Arn et al. (1998) did not state a competency level for their 15-item copyright survey but noted that they felt that the C average (score of 70-80 on a 100-point scale) of their participants “perhaps indicates a lack of understanding of the...copyright guidelines” (p. 38). Therefore, it may be assumed that Arn et al. (1998) felt a higher competency level than 70% was required. Sweeney (2004) did not state a competency level for her research, but she reported that only 35 points were scored out of a possible 88 for the highest scorer on her copyright survey, a score of 40% correct.

In this study, only 4 participants (5.3%) met the competency level of 70%. Only one of these participants (1.3%) received a score of 75% and no participants scored between 80% and 100% on the DCS. Forty-nine participants (65.3%) scored at least 50% on the DCS, with scores ranging from 6 (30%) to 15 (75%) on the 20-point scale. These results were compared with those of Renner (2002) from her study of Ohio postsecondary teachers. Her study showed that 12% of her 115 participants obtained the competency level set at 75% and 96 (83%) scored at least 50% on her copyright survey. She reported the range of scores as 2 (10%) to 18 (86%) (Renner, 2002). While the competency level was slightly higher and the scores were much higher for Renner’s study, the range of scores for the current survey was more concentrated toward the middle of the scale than Sweeney’s. Her scores fell on almost the entire range of possible scores. With scores

toward the middle of the scale in this study, the scores were low and the correct answer to items could have been chosen by chance.

## **Research Question 2**

What are the perceptions of Mississippi secondary and postsecondary business career and technical educators about their knowledge of fair use of copyrighted material in their educational settings?

Frequencies of item 6, the perception question on the instrument, were used to investigate Research Question 2. Seventy-three of the 75 participants answered this question. Thirty participants (40%) felt that they had average knowledge concerning digital copyright issues, followed by 21 (28%) responding that they had little knowledge. Eleven participants (14.7%) responded that they had above average knowledge. Eight participants (10.7%) responded that they had no knowledge, and three (4%) responded that they had excellent knowledge concerning digital copyright issues.

While 44 participants (58.7%) in the current study felt that they had at least an average level of knowledge, results of two other studies contrasted with this finding. Renner (2002) discovered that the participants of her study felt they had limited knowledge on copyright issues. Patterson (2002) examined perceptions that Alabama technology coordinators held concerning the copyright knowledge of Alabama K-12 public school teachers. She found that, according to the technology coordinators' perceptions, these Alabama teachers lacked knowledge of digital copyright issues (Patterson, 2002).

In the current study, the four participants who scored 13 on the DCS perceived their knowledge as follows: (a) one as excellent, (b) one as above average, and (c) two as average. These participants perceived that they knew more about digital copyright issues

that the DCS scores indicated. The one person who scored 75 on the DCS self-rated his perception as 3, an average knowledge of digital copyright issues.

In contrasting previous research results with educators' knowledge and perceptions of copyright, Renner (2002) found that her educators' knowledge of copyright was low and her participants perceived a need for more knowledge of copyright issues. In the current study, participants' knowledge was low, but most participants (44, or 58.7%) perceived they had an average, above average, or excellent knowledge of copyright issues.

### **Research Question 3**

What is the correlation between the knowledge of Mississippi secondary and postsecondary business career and technical educators about fair use of copyrighted material and their perceptions of their knowledge?

The variable used for the knowledge of Mississippi business career and technical educators about fair use of copyrighted material was the total score obtained from participants on the 20 copyright items of the instrument, items 7-26. Possible total scores ranged from 0 to 20. The variable for their perceptions of their knowledge came from the self-reporting on item 6 of the instrument on a 5-point scale with 1 being no knowledge about the use of digital copyright materials in the classroom and 5 being excellent knowledge. There is no significant correlation between the two variables.

While Renner (2002) mainly focused her study toward the knowledge of Ohio postsecondary educators about copyright issues, she did continue her research with a followup of 25 of her participants. Her results of these educators' perceptions of their confidence in the use of electronic copyrighted material indicated that the participants felt that they had a limited amount of knowledge of copyright; 86% of the participants scored

at least 50%, with 12% meeting her competency level of 75% (Renner, 2002). Renner's (2002) participants perceived a lower level of knowledge of electronic or digital copyright with more participants scoring above 50% than the participants in the current study. In the current study, only 61.3% scored above 50% with only 5.3% meeting the competency level of 70%.

#### **Research Question 4**

Are there significant correlations in the understanding of Mississippi secondary and postsecondary business career and technical educators among the following four areas of copyright issues for education identified by Davidson (2002): (a) computers and software, (b) the Internet, (c) video, and (d) multimedia?

The variables for Research Question 4 were obtained from the DCS. Items 7-26 were broken into the four areas of computers and software, the Internet, video, and multimedia. The computers and software variable was formed from the scores of items 7-11; the Internet variable, from items 12-16; the video variable, from items 17-21; and the multimedia variable, from items 22-26. These variables were identified by Davidson (2002). At the beginning of his educational workshops on copyright issues, Davidson (2002) used this copyright survey of 20 items. However, he had not conducted formal research to discover educators' needs in these areas. His purpose was to use the copyright survey as a starting point for discussion (H. Davidson, personal communication, February 5, 2008). These areas had not been previously investigated in formal studies to determine if there are significant correlations within the areas. In this study, each pair of variables was correlated using Pearson's correlation.

A significant correlation was determined to exist between the computers and software variable and the video variable,  $p = .004$ . The Pearson correlation ( $r = .327$ )

showed the direction to be positive. The correlation indicated that the participants who scored higher on the computers and software area also scored higher on the video area and vice versa. This result was unexpected, and there does not appear to be any reason that this correlation should be significant. However, it is possible that the campaigns by various organizations, such as the Business Software Alliance in partnership with Lifetime Learning Systems (2004), EDUCOM and ITAA (1992), the Motion Picture Association of America (Borland, 2006; McGrail & McGrail, 2009), and the Recording Industry Association of America (McGrail & McGrail, 2009), have made a difference in these two areas of copyright.

Consideration of the item analysis performed for Research Question 1 indicated that correct answers to items 9 (93.3%), 10 (93.3%), and 11 (92%), all items from the computers and software area, were given by a large majority of the participants. These results indicated that most of the participants understand the majority of the items for computers and software. The other three areas did not have this high response. In fact, the video area had four items that fell into those answered incorrectly most of the time. These were item 17 (answered correctly only 32% of the time), item 18 (answered correctly only 24% of the time), item 20 (answered correctly only 38.7% of the time), item 21 (answered correctly 32% of the time), and item 22 (answered correctly only 2.7% of the time). The fifth item in this area was item 19, only answered correctly 54.7% of the time.

### **Research Question 5**

Is there any significant correlation between the total score and teaching level, gender, participation in professional development activities, or teaching experience?

Spearman's rho correlations were analyzed for total score with each of the variables of teaching level, participation in professional development activities, and teaching experience. Results indicated no significant correlations.

The variables of participation in professional development activities and teaching experience were also included in the study of Ohio postsecondary educators by Renner (2002). While the current study looked for significant correlations between pairs of variables, Renner's study looked for significant differences using analysis of variance. Neither study found any significance with the professional development activities variable or the teaching experience variable.

However, examination of the variable of participation in professional development activities showed that the variable had negative correlations with the total score ( $r = -.134$ ), the teaching level ( $r = -.059$ ), and teaching experience ( $r = -.088$ ). Because of these negative correlations, the participation variable was examined further. A large number of participants (53, or 70.7%) had not participated in professional development activities compared with those who had participated (21, or 28.0%). Thirteen of the 17 postsecondary educators (76.4%) had no participation, while 40 of the 57 secondary educators (70.2%) reported having no professional development. Of the 31 educators with the most amount of teaching experience (more than 20 years), 20 (64.5%) reported no participation in professional development.

Additional examination of participation in professional development was made with the areas of copyright: (a) computers and software, (b) the Internet, (c) video, and (d) multimedia (Davidson, 2002). Spearman's rho correlations showed that both the Internet and multimedia areas had negative values with participation in professional

development activities, with a significant correlation with the Internet area (Spearman's  $\rho = -.298$ ). These results appear to support the research by Hobbs et al. (2007), who determined that educators may use extra caution in their use of copyrighted material in their classroom. Additionally, the results gave a firmer rationale for determining specific areas of copyright covered by the professional activities that were attended and the need to offer copyright instruction in specific areas.

### **Conclusions**

The following conclusions are based on the findings as they relate to the topics of the five research questions: (a) knowledge of digital copyright issues by Mississippi business career and technical educators; (b) perceptions of these educators of their knowledge of digital copyright issues; (c) relationship between these educators' knowledge and their perceptions of their knowledge; (d) relationship among Davidson's (2002) four area of copyright issues of computers and software, the Internet, video, and multimedia; and (e) relationship between these educators' knowledge of digital copyright issues and the demographic variables of teaching level, gender, participation in professional development activities, and teaching experience.

### **Knowledge of Digital Copyright Issues**

Only four of the Mississippi business career and technical educators (5.3%) met the competency level of 70% on the 20-item DCS, with most Mississippi business career and technical educators (94.7%) not meeting the competency level of 70%. If the level had been set at Renner's (2002) competency level of 75%, only one participant (1.3%)

would have been considered competent. Renner (2002) reported that 12% of her 115 participants reached the competency level of 75%.

The understanding level of most Mississippi business career and technical educators in this study is extremely low. It was expected that educators in the business career and technical program area would have a higher understanding of digital copyright issues than many other educators because of the involvement of copyright and computer technology in their curricula. However, their scores were very low, with only four participants of the study reaching a passing score of 14 out of the 20 items on the DCS. Educators in other areas would be expected to understand even less. These results indicate that there is a serious need for digital copyright instruction for these educators.

### **Perception of These Educators Toward Their Knowledge**

Most participants (44, or 58.7%) perceived that they had at least an average amount of knowledge about the use of digital copyrighted material in the classroom. There were, however, 29 participants (38.7%) who perceived that their knowledge level was below average or non-existent.

### **Relationship Between These Educators' Knowledge and Their Perceptions**

The self-reported perception cannot be viewed as completely separate from the understanding of digital copyright issues since this perception item concerned the teachers' understanding. The educators' understanding of digital copyright issues and their perceptions of their understanding did not yield a significant correlation. In this study, only 5.3% met the competency level of 70%. Renner (2002) included both of these variables in her study. Only 12% of her 115 participants met her competency level of



75% of the questions answered correctly. Their general perception was that they did not feel confident in their copyright knowledge.

In order to meet the competency level of 70% on the DCS for this study, at least 14 of the 20 items needed to be answered correctly. The one person who scored 15 on the DCS self-rated his perception as 3, an average knowledge of digital copyright issues. Of the three who scored 14, two self-rated their perceptions as 4 and one as 2. Of the four participants who scored 13 on the DCS, one participant rated the perception level as 5, one as 4, and two as 3. The participants scoring 13 perceived that they knew more about digital copyright issues than the scores indicated. The perception levels of participants seem to be higher than their scores indicated, especially since so many participants (44, or 58.7%) self-rated themselves as holders of average understanding of digital copyright issues while their scores showed that they were far below average.

### **Relationship Among the Four Areas of Educational Copyright Issues**

Of all possible pairs of correlations, only the one between the computers and software variable and the video variable proved to have a significant correlation, Pearson's  $r = .327$ ,  $p = .004$ . The direction of the correlation is positive. This result was unexpected, and there does not appear to be any reason that this correlation should be significant.

More than 90% of participants correctly answered three of the items composing the computers and software variable. Since such organizations as EDUCOM and ITAA (1992) and the Business Software Alliance with Lifetime Learning Systems (2004) developed awareness campaigns concerning copyrighted software, it is possible that

educators have become more aware of the area of software copyright than the other three areas.

More than 50% correctly answered three of the five items for both the video variable and the multimedia variable, but these answers may have been by chance alone. Educators may have had their awareness of these two areas raised by such groups as the Public Broadcasting System (2005), the Motion Picture Association of America (Borland, 2006; McGrail & McGrail, 2009), and the Recording Industry Association of America (RIAA Changes Tune, 2009). However, educators need instruction in both of these areas.

More than 50% of participants incorrectly answered three of the five items composing the Internet variable. The Internet area of copyright was the area with the least number of items answered correctly. With the Internet as such a popular technology today, teachers need to understand fully the use of the Internet following the fair use guidelines of copyright (Conn, 20002; Johnson & Groneman, 2003).

### **Relationship Between These Educators' Knowledge and Demographic Variables**

The correlation of the total score variable (the correct responses on the DCS) with each of the demographic variables yielded no significant relationship. The results show that the teachers' understanding of digital copyright items and the demographic variables are similar. Teaching level, gender, participation in professional development activities, and teaching experience did not make a significant difference in the scores obtained by the participants on the DCS.

The demographic variables studied by Renner (2002) included participation in professional development activities and teaching experience. As in the current study, she also found no significant difference based upon these demographic variables.

The results from the examination of participation in professional development activities indicated that professional development activities should be provided for these educators. The activities should concentrate solely on digital copyright issues and not be included in activities which concern other subjects or even with activities that concern only legal issues, since legal issues may cover an extremely large amount of subjects.

A more in-depth analysis of the participation in professional development yielded results that both the Internet and multimedia items were negatively correlated with participation. Those who participated in professional development scored lower in these two areas than those who did not, with a significant correlation for the Internet (Spearman's  $\rho = -.298, p = .01$ ). These results indicated that these educators may tend to be more cautious in what they are able to use in their classrooms than they should be. Professional development activities are needed in specific areas and need to focus on what is permissible to use so that educators do not limit themselves in their use of copyrighted material.

### **Comparison of Conclusions**

A comparison of conclusions from the five research questions indicated that educators need professional development activities in digital copyright issues. Although most participants felt that they had at least an average amount of knowledge about digital copyright issues, their scores on the DCS did not provide evidence to support their perceptions. Additionally, most participants (53 or 70.7%) had not attended professional development activities. Educators need to be made aware that they need to attend professional development activities. Also, any professional development activities

concerning copyright should be structured to cover issues that are not currently being addressed.

### **Recommendations for Practice and Future Studies**

Based on the findings of this study, recommendations for practice and future studies have been made. The following recommendations include those for practice (numbered 1 through 3) and those for future studies (numbered 4 through 7):

1. Since the established competency level of 70% on the DCS was met by only 5.3% of these participants, professional development opportunities need to be provided. It is suggested that a training study consisting of a pretest, then training, and then a posttest be conducted. If previous participation in professional development activities and training dealt solely with digital copyright issues, that participation should be considered as a covariate.
2. Low scores obtained on three of the five items on the Internet area of digital copyright issues mean that educators need to be more aware of the Internet aspect of digital copyright issues, especially since the Internet is so widely used today. Professional development opportunities may need to be offered to educators with a focus only on what use of copyrighted items from the Internet is appropriate under the fair use guidelines. Since there was a significant negative correlation between participation in professional development activities and the Internet items of the DCS, a portion of the professional development opportunities needs to focus on how copyrighted material from the Internet may be used within the

fair use guidelines in the classroom so that educators do not restrict their use unnecessarily.

3. Participation in professional development activities should be examined by the specific topic or topics on copyright issues to get a more complete understanding of what professional development educators are attending. General copyright issues or general legal issues may be the topic rather than specific areas of digital copyright issues. This recommendation is particularly important because of the findings of negative correlations between participation in professional development activities and the Internet and multimedia items.
4. In future studies, it is suggested that participants be asked to follow up with an interview. A qualitative portion may yield insight into the reasons for some answers on the copyright items and the perception item. It may also determine reasons for the lack of educators' participation in professional development activities dealing solely with copyright issues. Additionally, a qualitative study may determine whether educators are being more cautious in their use of copyrighted material than they need to be.
5. This study was confined to the study of Mississippi business career and technical educators in the classroom. Future research should consider expanding the study to include educators who teach online courses and to educators of different program areas.
6. As they develop, new and emerging technologies should be added to the 20 copyright items studied in this research.

7. Since the DCS was originally developed for use in starting discussion for copyright workshops (Davidson, 2002), the instrument should be revised for use in research studies so that the items do not cause educators to feel that the items are ambiguous or confusing.

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APPENDIX A  
REQUEST TO USE DAVIDSON'S INSTRUMENT AND  
DAVIDSON'S PERMISSION

Request to Use Davidson's Instrument:

I am a doctoral student in Instructional Technology at Mississippi State University, as well as a retired editor from the Research and Curriculum Unit for Workforce Development, Vocational and Technical Education, Mississippi State University.

I would like to use your copyright quiz for my doctoral dissertation. My research involves determining whether there is a difference among the knowledge of the four areas you have identified in your quiz (computers and software, the Internet, video, and multimedia). The population I plan to use is Mississippi Business and Computer Technology (BCT) teachers (grades 10-12). I also plan to ask the BCT teachers their perceptions of their understanding of these four areas before the quiz and compare their perceptions with their answers on the quiz.

I do have some questions for you:

1. Do you have any data on reliability/validity that you are willing to share with me?
2. If my dissertation committee would like me to modify the quiz, may I? (I will share with you any recommendations they make.)
3. Are you willing to serve as a content validator for my perceptions survey?

I appreciate your time in responding to me. Please contact me at jam15@msstate.edu or jamcdavid@gmail.com.

Sincerely,

Jean Alice McDavid



Response from Hall Davidson:

Hall\_Davidson@discovery.com to jam15, me, Home  
show details 2/5/08 Reply

Jean,

You may use any or all of the material from my copyright resources. Please give attribution where appropriate.

Thank you for asking.

The quiz was designed to stimulate conversation and awareness of copyright, fair use, and related issues important to educators. It was created to surprise, and, for the record, no one ever got everything right—including attorneys.

Let me know what you end up doing with it.

Hall

APPENDIX B

INSTRUMENT WITH ITEMS 7-26 FROM DAVIDSON (2002)

**Directions: Please check an answer for each of questions 1-4.**

1. Teaching Level:  
 Postsecondary  
 Secondary
2. Gender:  
 Female  
 Male
3. Have you attended any professional development opportunities dealing solely with copyright issues in the last five years?  
 Yes  
 No
4. How many workshops/seminars/college courses have you attended in the last five years that dealt solely with copyright issues?  
 0  
 1  
 2  
 3  
 More than 3

**Directions: Please fill in the blank for question 5.**

5. Years of Teaching Experience: \_\_\_\_\_

**Directions: Please check one answer for question 6.**

6. Please rate your personal knowledge regarding the use of digital copyrighted materials in the classroom. Place check the statement that most accurately represents your perception of your knowledge.  
 I have no knowledge about the use of digital copyrighted material in the classroom  
 I know a little about the use of digital copyrighted material in the classroom  
 I have an average amount of knowledge about the use of digital copyrighted material in the classroom  
 I have an above average amount of knowledge about the use of digital copyrighted material in the classroom  
 I have excellent knowledge about the use of digital copyrighted material in the classroom

**Directions: Please check either True or False for each of questions 7-26.**

7. A student snaps in half a CD-ROM the teacher really needed for her next class. The teacher decides to ask the librarian to make a back-up copy of all her crucial disks so it never happens again. This is permissible.  
 True  
 False
8. A technology coordinator installs the one copy of Photoshop the school owns on a central server so students are able to access it from their classroom workstations. The school district ensures that there will be no simultaneous use of the one copy by monitoring its use. This is a violation of copyright law.  
 True  
 False
9. A school has a site license for version 3.3 of a multimedia program. A teacher buys five copies of version 4.0, which is more powerful, and installs them on five workstations in the computer lab. But now when students at these workstations create a project and bring it back to their classrooms, the computers (running 3.3) won't read the work! To end the chaos, it is permissible to install 4.0 on all machines.  
 True  
 False
10. The state mandates technology proficiency for all high school students but adds no money to schools' software budgets. To ensure equity, public schools are allowed to buy what software they can afford and copy the rest.  
 True  
 False
11. A teacher has more students and computers than software. He uses a CD burner to make several copies of a copyrighted interactive CD-ROM so each student can use an individual copy in class. This is fair use.  
 True  
 False
12. A class is studying ocean ecosystems and must gather material for multimedia projects. The teacher downloads pictures and information on marine life from various commercial and noncommercial sites to store in a folder for students to access. This is fair use.  
 True  
 False

13. A school designs a password-protected website for families and faculty only. Student work is put into password-protected files that can be accessed by their family members and faculty only. It is okay for teachers to post student work there, even when it uses copyrighted material without permission.
- True  
 False
14. A student film buff downloads a new release from a Taiwanese website to use for a project. As long as the student gives credit to the sites from which he has downloaded material, this is covered under fair use.
- True  
 False
15. A technology coordinator downloads audio clips from MP3.com to integrate into a curriculum project. This is fair use.
- True  
 False
16. A teacher gets clip art and music from popular file-sharing sites, and then creates a lesson plan and posts it on the school website to share with other teachers. This is permissible.
- True  
 False
17. A teacher videotapes a rerun of *Frontier House*, the PBS reality show that profiles what three modern families living as homesteaders from the 1880s did. In class, students edit themselves “into” the frontier and make fun of the spoiled family from California. This is fair use.
- True  
 False
18. A student tries to digitize the shower scene from a rented copy of *Psycho* into a “History of Horror” report. Her computer will not do it. The movie happens to be on an NBC station that week, so the teacher tapes it and then digitizes it on the computer for her. This is fair use.
- True  
 False
19. A class videotapes a Holocaust survivor who lives in the community. The students digitally compress the interview, and, with the interviewee’s permission, post it on the Web. Another school discovers the interview online and uses it in their History Day project. This is fair use.
- True  
 False

20. On Back-to-School Night, a school offers child care for students' younger siblings. They put the kids in the library and show them Disney VHS tapes bought by the PTA. This is permissible.  
 True  
 False
21. A teacher makes a compilation of movie clips from various VHS tapes to use in his classroom as lesson starters. This is covered under fair use.  
 True  
 False
22. At a local electronics show, a teacher buys a machine that defeats the copy protection on DVDs, CD-ROMs, and just about everything else. She lets her students use it so they can incorporate clips from rented DVDs into their film genre projects. This is fair use.  
 True  
 False
23. A number of students take digital pictures of local streets and businesses for their Web projects. These are permissible to post online.  
 True  
 False
24. A student wants to play a clip of ethnic music to represent her family's country of origin. Her teacher has a CD that meets her needs. It is fair use for the student to copy and use the music in her project.  
 True  
 False
25. A high school video class produces a DVD yearbook that includes the year's top ten music hits as background music. This is fair use.  
 True  
 False
26. Last year, a school's science fair multimedia CD-ROM was so popular everyone wanted a copy of it. Everything in it was copied under fair use guidelines. It is permissible for the school to sell copies to recover the costs of reproduction.  
 True  
 False

APPENDIX C  
KEY FOR INSTRUMENT ITEMS 7-26 WITH  
RATIONALE FROM DAVIDSON (2002)

On this key, please note that these items were slightly modified from the items by Davidson (2002). However, the rationale for each item remains the same.

7. A student snaps in half a CD-ROM the teacher really needed for her next class. The teacher decides to ask the librarian to make a back-up copy of all her crucial disks so it never happens again. This is permissible.  
 True  
 False

**“True.** Technically, this should be done in the library. The law allows archival copies, and, in some cases, lost, stolen, or damaged originals may be replaced with copies if the originals are unavailable or unreasonably priced” (Davidson, 2002, p. 30).

8. A technology coordinator installs the one copy of Photoshop the school owns on a central server so students are able to access it from their classroom workstations. The school district ensures that there will be no simultaneous use of the one copy by monitoring its use. This is a violation of copyright law.  
 True  
 False

**“False.** As long as one copy is not being used simultaneously, it’s OK to distribute the software via the server. However, when districts or schools fail to monitor and enforce simultaneous use, they get in trouble. (On a network it’s easy to track if a program is being used in more than one location.)” (Davidson, 2002, p. 30).

9. A school has a site license for version 3.3 of a multimedia program. A teacher buys five copies of version 4.0, which is more powerful, and installs them on five workstations in the computer lab. But now when students at these workstations create a project and bring it back to their classrooms, the computers (running 3.3) won’t read the work! To end the chaos, it is permissible to install 4.0 on all machines.  
 True  
 False

**“False.** Alas, the teacher bought a product that isn't backwards-compatible and should complain to the manufacturer. It’s likely the law would deem it reasonable to install 3.3 in the new machines (after removing 4) until the issue is resolved” (Davidson, 2002, p. 30).

10. The state mandates technology proficiency for all high school students but adds no money to schools’ software budgets. To ensure equity, public schools are allowed to buy what software they can afford and copy the rest.  
 True  
 False



**“False.** Some interpretations of the 11th Amendment of the Constitution suggest that state schools may in fact be exempt from copyright prosecutions. However, following the guidelines encourages software and hardware makers to keep making quality products for us to buy” (Davidson, 2002, p. 30).

11. A teacher has more students and computers than software. He uses a CD burner to make several copies of a copyrighted interactive CD-ROM so each student can use an individual copy in class. This is fair use.  
 True  
 False

**“False.** Just as with a print encyclopedia, one student at a time has access to a piece of software. The number of students who can use a software program simultaneously is restricted to the number of copies the school owns (but be sure to check out #2 [now #8] above)” (Davidson, 2002, p. 30).

12. A class is studying ocean ecosystems and must gather material for multimedia projects. The teacher downloads pictures and information on marine life from various commercial and noncommercial sites to store in a folder for students to access. This is fair use.  
 True  
 False

**“True.** The Web may be mined for resources. Download away (of course, don’t hack into subscription sites)! But remember: you can’t put these projects back up on the Web without permission from the copyright holders” (Davidson, 2002, p. 30).

13. A school designs a password-protected website for families and faculty only. Student work is put into password-protected files that can be accessed by their family members and faculty only. It is okay for teachers to post student work there, even when it uses copyrighted material without permission.  
 True  
 False

**“True.** If the site really is protected, then this is considered OK. The school should monitor its Web hits, though, and make sure the outside world isn’t sneaking in” (Davidson, 2002, p. 30).

14. A student film buff downloads a new release from a Taiwanese website to use for a project. As long as the student gives credit to the sites from which he has downloaded material, this is covered under fair use.  
 True  
 False

**False.** Educators may use ‘legitimately acquired’ material without asking permission, but many file-sharing sites are suspect in this area. Use common sense to determine if those peer-to-peer resources are legitimate or pirated. (You can also check copyright ownership at [www.loc.gov](http://www.loc.gov) or [www.mpa.org](http://www.mpa.org).)” (Davidson, 2002, p. 30).

15. A technology coordinator downloads audio clips from MP3.com to integrate into a curriculum project. This is fair use.

- True  
 False

“**True.** MP3.com pays for its archives, so the material there is legitimately acquired. Be wary of some of the other peer-to-peer sites, however (see #8 [now #14])” (Davidson, 2002, p. 30).

16. A teacher gets clip art and music from popular file-sharing sites, and then creates a lesson plan and posts it on the school website to share with other teachers. This is permissible.

- True  
 False

“**False.** Legitimately acquired material can be used in classrooms. However, under the current law, no teacher can redistribute such material over the Net or any other medium. You can use it, but you can’t spread it around” (Davidson, 2002, p. 30).

17. A teacher videotapes a rerun of Frontier House, the PBS reality show that profiles what three modern families living as homesteaders from the 1880s did. In class, students edit themselves “into” the frontier and make fun of the spoiled family from California. This is fair use.

- True  
 False

“**True.** Video can be pulled into multimedia projects. I live in California, too, so I share their pain” (Davidson, 2002, p. 30).

18. A student tries to digitize the shower scene from a rented copy of Psycho into a “History of Horror” report. Her computer will not do it. The movie happens to be on an NBC station that week, so the teacher tapes it and then digitizes it on the computer for her. This is fair use.

- True  
 False

“**True.** Manufacturers are instituting blocking technology, authorized under the law, so newer material like VHS rentals and DVDs block educators from their constitutional right to use material for teaching. It’s time to begin complaining. In the meantime,

educators should grab all the laserdiscs they can find. They're unblocked" (Davidson, 2002, p. 30).

19. A class videotapes a Holocaust survivor who lives in the community. The students digitally compress the interview, and, with the interviewee's permission, post it on the Web. Another school discovers the interview online and uses it in their History Day project. This is fair use.  
 True  
 False

**“True.** That's the other side of fair use. Just as you can use other people's intellectual property for educational purposes without permission, so can your own be used" (Davidson, 2002, p. 30).

20. On Back-to-School Night, a school offers child care for students' younger siblings. They put the kids in the library and show them Disney VHS tapes bought by the PTA. This is permissible.  
 True  
 False

**“False.** Video (like everything else) is not covered under fair use for entertainment or reward. The use described is entertainment, pure and simple. However, Disney will sell you a one-time license for \$25 that makes this legal use. Call Disney at (818) 560-1000, ask for 'Rights,' and prepare to trade faxes" (Davidson, 2002, p. 30).

21. A teacher makes a compilation of movie clips from various VHS tapes to use in his classroom as lesson starters. This is covered under fair use.  
 True  
 False

**“False.** The current guidelines exclude the creation of video compilations. However, FilmClipsOnline.com offers film clips for free (the VHS tape on American values is particularly good). E-mail Michael Rhodes at imrhodes@msn.com or call (805) 984-5907" (Davidson, 2002, p. 30).

22. At a local electronics show, a teacher buys a machine that defeats the copy protection on DVDs, CD-ROMs, and just about everything else. She lets her students use it so they can incorporate clips from rented DVDs into their film genre projects. This is fair use.  
 True  
 False

**“True.** Manufacturing these machines is now prohibited (it previously wasn't). But teachers have the right to use material that is technologically blocked. Personally, as a

teacher, I would absolutely use it to unlock content for students, but I would absolutely not use it to make copies at home” (Davidson, 2002, p. 30).

23. A number of students take digital pictures of local streets and businesses for their Web projects. These are permissible to post online.

True

False

**“True.** You may use the images in projects and post such images on the Web. Some sites, like Disneyland and architectural landmarks, may be considered copyright material, however, and might ask you to remove the image. People (not selectively chosen) in public places are as a rule OK in photographs” (Davidson, 2002, p. 30).

24. A student wants to play a clip of ethnic music to represent her family’s country of origin. Her teacher has a CD that meets her needs. It is fair use for the student to copy and use the music in her project.

True

False

**“True.** See the chart at

[http://www.techlearning.com/techlearning/pdf/db\\_area/archives/TL/2002/10/copyright\\_chart.pdf](http://www.techlearning.com/techlearning/pdf/db_area/archives/TL/2002/10/copyright_chart.pdf) for limitations on length. To my mind, the music guidelines need to be rethought and broadened. Until then, look for CDs that are created royalty-free” (Davidson, 2002, p. 30).

25. A high school video class produces a DVD yearbook that includes the year’s top ten music hits as background music. This is fair use.

True

False

**“False.** This is not fair use. Yearbooks are not generally intended to be instructional. Plus, it’s not permissible to use entire songs. If you’re using pieces of songs and analyzing them as a reflection of the times students lived in, that’s different” (Davidson, 2002, p. 30).

26. Last year, a school’s science fair multimedia CD-ROM was so popular everyone wanted a copy of it. Everything in it was copied under fair use guidelines. It is permissible for the school to sell copies to recover the costs of reproduction.

True

False

**“False.** Fair use allows educational use of copyright material, true, but it does so only if there is no anticipation of wider distribution” (Davidson, 2002, p. 30).

APPENDIX D  
APPROVAL FROM THE MISSISSIPPI STATE UNIVERSITY  
INSTITUTIONAL REVIEW BOARD



MISSISSIPPI STATE  
UNIVERSITY™

Compliance Division  
Administrative Offices  
Animal Care and Use (IACUC)  
Human Research Protection  
Program (IRB)  
1207 Hwy 182 West  
Starkville, MS 39759  
(662) 325-3496 - fax

Safety Division  
Biosafety (IBC)  
Radiation Safety  
Hazardous Waste  
Chemical & Lab Safety  
Fire & Life Safety  
70 Morgan Avenue  
Mississippi State, MS 39762  
(662) 325-8776 - fax

<http://www.orc.msstate.edu>  
[compliance@research.msstate.edu](mailto:compliance@research.msstate.edu)  
(662) 325-3294

July 20, 2009

Jean Alice McDavid  
226 Hiwassee Drive  
Starkville, MS 39759

RE: IRB Study #09-171: Understanding of Digital Copyright Issues among Business Career and Technical Educators in Mississippi

Dear Ms. McDavid:

The above referenced project was reviewed and approved via administrative review on 7/20/2009 in accordance with 45 CFR 46.101(b)(2). Continuing review is not necessary for this project. However, any modification to the project must be reviewed and approved by the IRB prior to implementation. Any failure to adhere to the approved protocol could result in suspension or termination of your project. The IRB reserves the right, at anytime during the project period, to observe you and the additional researchers on this project.

**Please note that the MSU IRB is in the process of seeking accreditation for our human subjects protection program. As a result of these efforts, you will likely notice many changes in the IRB's policies and procedures in the coming months. These changes will be posted online at <http://www.orc.msstate.edu/human/aahrpp.php>. The first of these changes is the implementation of an approval stamp for consent forms. The approval stamp will assist in ensuring the IRB approved version of the consent form is used in the actual conduct of research.**

Please refer to your IRB number (#09-171) when contacting our office regarding this application.

Thank you for your cooperation and good luck to you in conducting this research project. If you have questions or concerns, please contact me at [cwilliams@research.msstate.edu](mailto:cwilliams@research.msstate.edu) or call 662-325-5220.

Sincerely,

[For use with electronic submissions]

Christine Williams  
IRB Compliance Administrator

cc: Connie Forde

Office of Regulatory Compliance • Post Office Box 6223 • Mississippi State, MS 39762

**CONSENT FORM FOR MISSISSIPPI BUSINESS  
CAREER AND TECHNICAL EDUCATORS**

Date: \_\_\_\_\_

You are being invited to participate in a research study being conducted for a doctoral dissertation by Jean Alice McDavid. The purpose of this study is to acquire data from Mississippi business career and technical educators that will show their perception of their knowledge of copyright and their understanding of copyright. Your participation will be adding to the body of knowledge on copyright. Your participation in this study will be limited to completing a survey concerning your state of copyright literacy based on an instrument developed by Hall Davidson and modified for the purposes of this study. It should take approximately 20 minutes to answer the instrument.

Please understand that your participation in this study is strictly voluntary. You may choose to not participate, and you may choose not to answer some of the questions on the survey. You will not be penalized by any person associated with this study for non-participation. Please understand that all information obtained from your responses will be seen only by the researcher, and any documents written about this research including a dissertation, papers, articles, or presentations will be written so that your individual identity will not be revealed. There is no foreseeable risk to you in any way.

For any questions about this survey, contact Jean Alice McDavid at 662-323-6339 or [jamedavid@gmail.com](mailto:jamedavid@gmail.com), or Dr. Connie Forde at 662-325-7258 or [cmf1@colled.msstate.edu](mailto:cmf1@colled.msstate.edu). The Office for Regulatory Compliance may be contacted for any questions about your rights as a research participant at 662-325-3994.

Please keep this consent form for your records.

\_\_\_\_\_  
Jean Alice McDavid, Researcher

MSU IRB  
Approved: 7/20/09  
Expires: 1/1/11

APPENDIX E  
APPROVAL FROM MISSISSIPPI DEPARTMENT OF EDUCATION  
TO CONDUCT THE RESEARCH





## Mississippi Department of Education

Hank M. Bounds, State Superintendent of Education

Kristopher Kaase, Ph.D., Deputy State Superintendent • Instructional Programs and Services  
**Office of Vocational Education and Workforce Development**  
Mike Mulvihill • Interim Associate State Superintendent • 601-359-3088 • Fax: 601-359-3989

226 Hiwassee Drive  
Starkville, MS 39759  
June 8, 2009

Mr. Mike Mulvihill, Interim Director  
Office of Vocational Education and Workforce Development  
Mississippi Department of Education  
P.O. Box 771  
Jackson, MS 39205

Dear Mr. Mulvihill:

This is a request to survey Mississippi's secondary and postsecondary business career and technical educators for a doctoral dissertation concerning fair use of copyrighted material in the classroom. The purpose of the study is three-fold: (1) to determine the knowledge that Mississippi secondary and postsecondary business career and technical educators have about fair use of copyrighted material in their educational settings, (2) to investigate any correlation between the knowledge of Mississippi business career and technical educators about fair use of copyrighted material and their perception of their knowledge, and (3) to study any significant differences, if any, among the four areas of copyright which have been identified by Hall Davidson (2002) as: (a) computers and software, (b) the Internet, (c) video, and (d) multimedia. The Office of Vocational and Technical Education, Mississippi Department of Education, will benefit by having documentation of the knowledge of Mississippi business career and technical educators about copyright issues.

If you need further information concerning this study, please contact me at 662-323-6339 or jamcdavid@gmail.com or at the address noted above.

If you approve of this study, please indicate by signing on the approval line below.

Sincerely,

A handwritten signature in cursive script that reads "Jean Alice McDavid".

Jean Alice McDavid

Approved:

A handwritten signature in cursive script that reads "Mike Mulvihill".

Mike Mulvihill, Interim Director  
Office of Vocational Education and Workforce Development

Central High School Building • 359 North West Street • P.O. Box 771 • Jackson, MS 39205-0771

APPENDIX F  
COMMENTS FROM PARTICIPANTS

## Comments Made by Participants for Specific Items

Participant Number	Item Number	Comment
11	7	Yes, if she made it. No, if it's copyrighted.
	25	If it doesn't include lyrics
12	12	It depends
	15	Unless stated otherwise
15	6	After answering the questions I know I don't know as much as I thought I did!
20	17	Poor taste
22	9	Underlined "site license"
	11	Underlined "fair use"
	20	Underlined "Disney"
23	8	It depends. Is it a network CD? How many licenses do you have?
38	17	?
43	14	Permission!
	15	As long as it is only clips, not whole video!
	20	Home use only!
	23	Not people. Underlined "local streets and businesses"
44	7	Underlined "disks so it never happens again"
	13	Underlined "copyrighted material"
	14	Permission!
	16	Underlined "file-sharing sites"
	17	Underlined "videotapes a rerun of <i>Frontier House</i> "
23	People—yes. Underlined "local streets and businesses"	
54	9	Don't know
55	14	Only at school
	15	Unsure
	16	Underlined "school website"
	18	If it is only that part
	21	Underlined "clips"
	23	With permission
24	Classroom use only. Underlined "in her project"	
56	3	But our district provides a packet explaining copyright laws
	7	Depends on the software company. Some allow a backup copy to be made.
	8	Do they have a network license?
	12	Depends – Does the site allow the copying of media?
15	As long as it is portions and not entire song	

Comments Made by Participants for Specific Items (continued)

Participant Number	Item Number	Comment
	24	Use the teacher's copy
	25	Not unless they got permission
59	7	Underlined "teacher decides"
	8	Underlined "technology coordinator," "Photoshop," "owns on a central server," "a violation of copyright law"
	9	Underlined "site license for version 3.3 of a multimedia program," "teacher buys five copies of version"
	12	Underlined entire item. With permission
	13	Underlined "families and faculty only"
	15	Underlined "audio clips from MP3.com to integrate into a curriculum project"
	16	Circled "file-sharing sites"
	17	Underlined "In class, students edit themselves 'into' the frontier" and "fun of the spoiled family from California." ??
63	25	Not unless purchased
	26	Not sure
65	For 7–26	Some of the questions seemed a bit ambiguous to me. In several cases, I felt that the answer could be "It depends."
	12	Fair use would depend on the length of time that a teacher would be using the material. Is this for one time in a class or will it be used from year to year?
	15	I also am not familiar with MP3.com. If I hadn't looked it up on the Internet, I would've had no idea what it was. Might want to describe the site in the question, because some websites are set up to allow for fair use.
	16	Might need to define "popular file-sharing sites"...some of these are legal for use in any situation. In some instances, copyright is granted by virtue of the media being posted and the site makes this clear. On the other hand, peer-to-peer file sharing sites are generally not legal unless a fee has been paid for the works downloaded.
	21	Compilation of clips—how long are the clips? Sometimes the length of the material taken is a fair use issue. Will these be used from year to year or as a one-time lesson? This is another factor in making a fair use determination.