

MEMO

Date: 4 December 2012

To: University Faculty Senate

From: University Faculty Committee

Re: Amendment to eCornell agreement

Following the discussion at the 14 November 2012 University Faculty Senate meeting regarding eCornell, the UFC has collated relevant documents for the Senate's information. It has also prepared a revised resolution, presented below.

History: As eCornell was being created in 2000, the scope of new online-based distant learning programs was in rapid flux. At Cornell, faculty expressed strong concerns over the possibility that eCornell itself might mount its own degree programs or award Cornell credit in a manner that did not comport with the rigor and faculty involvement required of courses offered by regular Cornell colleges and units. In response to this concern (the ambiguity about whether eCornell was an administrative or an academic unit), the original agreement between Cornell and eCornell's parent organization, Tower Innovative Learning Solutions, Inc., prohibited eCornell from offering courses carrying Cornell degree credit:

"Tower is not authorized to confer academic credit for participation in Distance Learning Programs." [paragraph 1.c]

That agreement also specifically provides:

"[A]ny expansion of the scope of this Agreement to include degree programs or courses that confer Cornell University academic credit will require a written amendment to this Agreement signed by both Parties." [i.e. Cornell and TILS, paragraph 1.b].

Over its history, eCornell has focused on delivering non-credit-bearing courses that serve the needs of various audiences. In the years since eCornell was created, it has developed extensive expertise in providing support services for online distance learning, including production, hosting, administration, and marketing.

The Current Problem: The "non-credit only" restriction applied only to courses offered by eCornell. It did not prohibit any traditional Cornell college or school from itself offering online courses for degree credit. In such cases, the worry that led to the above restriction did not apply, since the academic unit itself was offering the course and would therefore be able to apply its normal levels of scrutiny over course content and quality.

Accordingly, a number of the units, including ILR, Hotel and Engineering, now offer some online courses that carry degree credit, and this trend is likely to continue. Units that do so are free to purchase support services – i.e. the technical expertise required for the production,

hosting, administration and marketing for such courses – from any number of commercial vendors, *except* eCornell itself, which remains constrained by the “non-credit only” restriction that was intended to deal with an entirely different concern. This has led to the perverse outcome that Cornell expenditures can go to any vendor other than its own, wholly owned operation – an operation that now has great technical expertise and is highly responsive to the needs of Cornell.

The Proposed Solution: Cornell and eCornell wish to amend the original agreement to clarify that eCornell can compete with all other online vendors to provide technical, administrative and marketing services to Cornell colleges and schools that wish to offer some online credit bearing courses. The academic units themselves will continue, as they do now, to have complete authority over and responsibility for course content, curricula, staffing, admissions, grading and all other academic dimensions of these courses, in the same manner and degree as exists for regular courses. The originally intended restriction – that eCornell will not be able to mount its own degree programs or courses – will remain fully in place.

The formal resolution attached accomplishes this goal. In addition, for background, we have attached various resolutions and eCornell/Cornell agreements relevant to the discussion.

We also note that this resolution deals *only* with distance learning courses offered by Cornell. The question of whether Cornell should develop “massively online open courses” (MOOCs) either for credit or as non-credit options, or participate in various MOOC consortia, is not at issue in this resolution.

RESOLUTION

WHEREAS a Faculty Senate Resolution of December 13, 2000, endorsed an agreement (dated 11/14/2000) between Cornell University and Tower Innovative Learning Solutions (TILS), Inc., a New York State business corporation (for which Cornell is the sole shareholder and which is licensed to do business as “eCornell”); and

WHEREAS the aforementioned resolution carried a proviso that “The Senate should be informed of any future change of status...[including] the expansion of the entity’s programs...”; and

WHEREAS the Rationale of the aforementioned resolution also mentions that “The current version of the agreement prevents eCornell from offering courses that could receive Cornell credit”; and

WHEREAS the distinction between “offering courses” and “providing support services” is now clearer than it was in 2000; and

WHEREAS many commercial and educational entities are marketing, producing, and distributing online courses; and

WHEREAS Cornell University and TILS would like to amend the overarching agreement so that eCornell can compete with other vendors of services for online courses; and

WHEREAS the proposed amendment does not authorize eCornell to offer its own for-credit courses or degrees but only allows the provision of its services to existing academic units that are already authorized to offer online course credit;

THEREFORE BE IT RESOLVED that the Faculty Senate supports amending the agreement between Cornell University and Tower Innovative Learning Solutions to allow university academic units to retain eCornell on a non-exclusive basis to provide production, administrative, marketing, and related support services in connection with credit-bearing distance learning courses that such academic units may seek to offer.