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Testimony on Behalf of:  
NILRC: A Consortium Of Midwest Community Colleges, Colleges, and  
Universities

My name is Jack Weiss and I am Dean of Learning Resources at Elgin Community College in Elgin, IL. I currently serve as the elected president of NILRC, a Consortium of Midwest Community Colleges, Colleges, and Universities.

I appreciate the opportunity to represent NILRC in this public hearing to discuss the impact of the distance education provisions in the Digital Millennium Copyright Act. Our position in this testimony is that Section 110 of the Act needs to be revised so that the language affecting traditional face-to-face instructional settings also applies in a technology neutral, distance learning environment.

In this brief report, I will provide a brief historical background of the NILRC consortium to highlight its 25-year history of responsible leadership with respect to the Copyright Act of 1976. I will also describe an environment in which technological innovation has flourished, helping community colleges meet the changing educational needs of an extremely diverse student population. I will close by explaining that the synchronous and asynchronous systems currently in use (and those envisioned in the future) are, indeed, closed systems and should thus be afforded the same protections as face-to-face instruction.

### **NILRC Stewardship**

NILRC is a not-for-profit corporation with a membership of 60 Midwest community colleges, colleges, and universities. One of its primary goals is to negotiate contracts for the purchase of instructional materials, supplies, and services for its members. An additional goal has been information sharing and staff development. NILRC has taken a very strong leadership position in educating and informing its members and to work with producers to obtain licenses, which serve our

users while protecting the rights of copyright holders. It has done so both as a consumer and as a co-producer of instructional materials.

For over two decades, NILRC has served as a telecourse licensing agent for its members, obtaining contracts which have served hundreds of thousands of students. During the 1996-97 academic year, 38 NILRC colleges utilized contracts 1,062 times serving 34,990 telecourse students. During the 1997-98 academic year, members used contracts 991 times and served 30,629 telecourse students. Last year, NILRC paid over \$160,000 in license and headcount fees to producers with which it had contracts.

During its 25 year history, NILRC has also collaborated with commercial production agencies as a co-producer of telecourses, including such popular courses as: The Business File, Cycles of Life, Government by Consent, It's Strictly Business, Living with Health, The New Literacy, and Understanding Human Behavior. In this capacity, we have identified faculty to serve on advisory committees, providing professional and technical advice. We have also invested over one-half million dollars in the co-production of several telecourses.

In addition to telecourses, NILRC has also negotiated agreements with vendors of databases to be used in member libraries. In the past two years, two of these contracts amounted to over \$280,000. Last year, the organization hosted meetings in Chicago and Springfield to showcase vendor products. Ten database vendors participated and attendees included academic librarians and administrators, public, and school librarians from all parts of Illinois.

### **Technological Innovation in Community Colleges**

Community colleges have been widely recognized for our unique place in American higher education. We are flexible, responsive to local needs, accessible, and innovative - particularly with respect to the use of technology to support instructional programs.

We offer fertile ground for continued innovation in the development of non-traditional delivery systems, provided that the provisions of the Copyright Act allow enough flexibility in the use of copyright protected materials which are distributed via digital transmission systems.

Let's look for a moment at our students and programs. We have a very diverse mix in the students we serve in terms of age, gender, and ethnicity. Nearly two-thirds of our students attend part-time as compared to 40 percent of students at four-year colleges. Forty-six percent of our students work full-time. In addition, many of our college learning resource centers serve as a key information resource for an increasing number of our communities citizens, supplementing local public libraries.

Our instructional programs are as diverse as our students. We offer a broad mix of transfer, occupational, and continuing education programs. We provide basic education, English as a Second Language, and cultural and personal interest courses. During the past decade, most of our colleges have developed business and industry programs to support local economic development initiatives. We see a growing number of our students attending classes to upgrade work skills in order to remain competitive in an increasingly tight job market.

Within this environment, community colleges have been recognized for their innovative use of technology to meet instructional needs. NILRC has served as an important vehicle for information sharing and staff development as its members have explored technology-based delivery systems and developed student support services critical to the success of these new technologies.

Many of today's distance learning systems began over two decades ago with telecourse programs which provided options for students who were unable to take advantage of classes offered in the traditional manner. Literally hundreds of thousands of telecourse students have been served through NILRC colleges. As telecourse producers begin to utilize web-based enhancements, we expect these courses will continue to be popular with our students.

My own college is typical of many other community colleges as we strive to meet the needs of our students who seek a variety of instructional options. During the past academic year, we enrolled over 3,000 students in 137 telecourse classes. Our interactive television program enrolled 370 students in 38 classes. Our newest delivery system uses the Internet and we offered 23 classes with 211 enrolled students. We expect this new delivery medium to expand rapidly, as we cooperate with other colleges in Illinois.

What began over two decades ago as telecourse programs has expanded into newer modes of distance learning. Today, most of our colleges are offering classes via two-way interactive television systems or teaching classes on the Internet. Our faculty members, administrators, and boards of trustees are extremely interested in using distance learning technologies to expand access to our programs. And our experience within the NILRC consortium has demonstrated that flexibility in the copyright law will benefit copyright holders at the same time it promotes innovation.

### **Closed Systems**

There is concern among copyright holders that changes in Section 110 of the Act might lead to large-scale piracy. I have worked with instructional technology in higher education for over 27 years and it is my judgment that such fears are unfounded.

It is certainly true that the technology of distance learning is changing rapidly. Our colleges are confronted by changes in technology almost daily and must constantly assess how these new developments can enhance and improve our ability to serve our students. However rapidly these changes occur, the fact remains that the current methods of distance learning which use digital technology for distribution of instruction are, indeed, closed systems, whether they involve real time synchronous distribution via interactive television or asynchronous distribution via the Internet.

I have already shared our experience with telecourses on my own campus since the inception of the program almost two decades ago. Our more recent experience with interactive television began in 1993 as we partnered with other community colleges in the region to share instructional programs and the special expertise of faculty. Since its inception, this interactive system has undergone several upgrades and just one month ago migrated to an entirely new technical environment, which uses a Windows-based platform.

We began offering Internet classes in 1996 and the program has undergone continual change as we seek to make this a better medium for distance learning. A month ago, we introduced an online registration feature and developed a tutorial to assist students with Internet terminology and techniques.

I make a point of describing these recent changes to emphasize that we are fully aware of the changing nature of the technology we use for distance learning. But the fact remains that all of our distance learning systems are closed systems. They must be if, in fact, we are to maintain accurate student records. In the case of interactive television classes, access to instruction is clearly limited to classrooms which are properly equipped and usually supervised by technical personnel. In the case of our Internet classes, faculty use passwords which limit access and assure student privacy.

Given the responsible history of leadership by our organization and the potential we see in better serving a new generation of students who have grown to expect the flexibility of distribution systems which rely on digital transmission, NILRC strongly supports modernization of section 110 of the Digital Millennium Copyright Act. We believe our history clearly demonstrates that we will maintain an appropriate balance between the rights of copyright holders and the interests of our users.

Thank you.