



Academic Freedom & IP Rights in an Era of the Automation & Commercialization of Higher Education

A Special Issue

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Introduction to the Special Issue

Globalization, or internationalization as university administrators prefer to call it, necessitates a reconfiguration of research, service and teaching that makes the local intensely political (Shumar, 2004a, 2004b). This reconfiguration manifests in the commercialization and corporatization of curriculum, infrastructure, and the processes and products of inquiry. At the same time, disputes among faculty, students and administration proliferate— as one indicator of this at the University of British Columbia (UBC), in the spring of 2005 faculty and administration agreed to move cases to mediation rather than costly arbitration to settle an increasing number of grievances. Now, academic freedom is tested at nearly every turn of events. There is a growing intolerance toward, and surveillance over, criticism of decisions and policies, civil disobedience, and protests. The interruption of courses and education is no longer the primary fear of labor action, such as strikes. Rather, administrators fear interruptions in flows of Coca-Cola, information, and revenues, business transactions (e.g., Shoppers Drugs, Starbucks), and development in labs. In October, 2005, when faculty, students and campus staff and trades workers were planning to assemble in solidarity to support public school teachers on strike in British Columbia, UBC's administration circulated a memo threatening punitive measures, including the docking of pay for anyone who missed as little as an hour of work to join the protest (Pue, 2005). For the Asia-Pacific Economic Cooperation (APEC) summit in January 1997, UBC's central administration joined the Royal Canadian Mounted Police (RCMP) in curtailing constitutional rights to civil protest and reducing opportunities and

space for free expression (Pue, 1998). As Francine Rochford (2003) notes, the expression of academic freedom, or what administrators increasingly interpret as insubordination, is now met with threats to employment, legal proceedings, retaliation, and limitations placed on privileges or movement throughout the institution. In many ways, the university's role as guardian of the public interest has eroded into protector of commercial and corporate investments.

In this special issue of *Workplace*, we explore Academic Freedom & IP Rights in an Era of the Automation & Commercialization of Higher Education. The authors, four of whom are graduate students or recent graduates, juxtapose the automation, commercialization, corporatization, and cultural imperialism of the university against vigilance in defense of academic freedom and the public interest. Articles were invited for this special issue, drawn from the What Price Freedom? Academic Freedom and the Corporate University conference held at UBC in October 2004, or derived from the Technology, Rights and the Public Interest graduate course taught in the fall of 2004.

David Noble and Claire Polster, scholars of the politics of research and teaching in higher education, provide analyses of recent trends at their institutions, York University and the University of Regina. Noble explains that the most recent phase of the privatization of public universities is a direct, overt disregard for public accountability. He describes the ordeals that transpired as York administrators dodged requests for Freedom of Information (FOI) disclosures of policy related to the \$47 million Ontario SuperBuild Program that funded York's

so-called Technology Enhanced Learning Building. Similar to other universities in Canada and the United States at this point in time, the commercialization and privatization of York has translated into an increasingly arrogant intolerance toward academic freedom. Similarly, Polster argues that administrative maintenance of discourses around university-industry alliances crafts public image *and* academic opinion, and underwrites responses to problems that arise through the commercialism of higher education. Responses to problems, which by nature are political, are reduced to manageable, bureaucratic rules and regulations for participants of university-industry alliances. However, Polster concludes, commercialization and corporatization do not merely provide "particular problems for the university, but rather fundamentally or organically transform its very nature and function."

Aboriginal knowledge and rights scholars, Peter Cole and Patricia O'Riley, shapeshift into Coyote and Raven to scratch below the surface of commercialization and corporatization to explore the cultural appropriation and imperialism of university practice. Coyote and Raven explain that the appropriation and exploitation of Aboriginal culture, genetics, thought, technologies and integrity occur through the mundane work of faculty members eager to secure grants and steps on the career ladder. Their "auction research" into the ebuying of higher education—an auction performed at the UBC Faculty Association's What Price Freedom? conference—is priceless!

The remaining articles derive from autoethnographies, critical discourse analyses, and legal analyses of cases, programs and policies at UBC. UBC Ph.D. candidate Judith Walker charts the rise of U21 Global, a transnational alliance of universities, online course businesses, and the publishing conglomerate, Thomson Learning. Thomson is currently the largest shareholder in the hugely popular WebCT courseware company. She partially attributes the relative failure of U21 Global to faculty and student activism across the 16 universities in the alliance. At this moment, U21 Global is a s/lumbering giant, with evidence of stirring in recent course offerings in the

Faculty of Education at UBC. Similar to York's rejection of Noble's SuperBuild Program FOI requests, UBC has dodged FOI requests for U21 Global contracts for over one and a half years. Stephen Petrina tests Noble's thesis of the automation of higher education and the digital diploma mill against UBC's Master of Educational Technology (MET) program. Experiences in the Bryson v. MET arbitration provide invaluable insights into intellectual property rights (IPRs) and academic freedom within commercialized, corporate universities. Chris Triggs, currently a clerk at the Saskatchewan Court of Appeal, analyzes the legal implications of the Bryson v. Met arbitration award, arguably the most important legal decision made to date, on the academic exception tradition in copyright law. UBC Ph.D. candidate Kaela Jubas provides an insider's analysis of student community within online courses and programs. She explores the ironies and contradictions of virtual community through a feminist conversation with her research participants. Playwright and critic of school commercialism, Sean Cook, and Petrina document the coincidental tampering and removal of water fountains on UBC's campus and pressures to satisfy an exclusivity contract with the Coca-Cola Bottling Company. Hence, commercialization and corporatization is systemic at UBC, extending from trademarked merchandise, sponsorship of infrastructure and research, exclusivity contracts, copyright exploitation, and real estate investments to the licensing of patents and trade secrets. Petrina and Lorraine Weir complete the special issue with an analysis of trends within the University-Industrial Liaison Office at UBC, and the implications of technology transfer and the unstable category of the 'literary' for academic freedom.

Wesley Shumar (2004a, p. 824) suggests that increasingly, the public domain and public institutions are "seen as a drain on the capital that enables the efficient running of a modern economy." In this climate, academic freedom and recalcitrant faculty members and students are nuisances to be disciplined and regulated. This special issue of *Workplace* provides an accurate portrayal of what faculty and students face in this era of the corporate university.

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We are grateful for the support of the Workplace Collective, and especially for help and support from Chris Carter and Wayne Ross.