



Mobile Learning - The Ethical and Legal Challenges



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Outline of Presentation

- Ethics – Law and Culture
 - Why Ethics
 - Ethics – the Big Issues
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- Concentrating on evaluating and monitoring learner responses to mobile learning trials and pilots

Ethics – Law and Culture

- Ethics
 - from
 - Legally allowable
 - to
 - Socially, (sub)culturally acceptable
 - via
 - Institutional, professional codes and regulations

Ethics – Law and Culture

- Currently,
 - Postmodernism: away from essentialism/realism towards constructionism in how reality viewed
 - changing the nature of informed consent *eg*
 - problem of ethics “not-worth-mentioning”/“taken-for-granted”
 - Codes move towards principles amongst bodies
 - from reactive and pursuing events to pro-active and responsive to context or situation; may then match progress in pedagogy and technology
 - Mobile devices
 - redefining public/private space/discourse

Ethics and Mobile Learning

- Mobile Learning specifics:
 - Ethics of computer-based and remote online research, including evaluation, with participants immature and untested.
 - Online learning, including mobile learning, could take place in several different countries, across different legal jurisdictions
 - Online learning, including mobile learning, might be working with participants whose ages are near the legal age of majority (which may vary from country to country).

Why Ethics

- research which doesn't conform to an ethical framework may
 - be seen as improper or immoral
 - be breaking laws or regulations
 - be rejected by the research community

The Ethics of Online Social Research

- Still Novel and Imprecise
 - Internet research methods : a practical guide for the social and behavioural by Hewson *et al*
 - Internet communication and qualitative research : a handbook for researching by Mann and Stewart
 - Readings in Virtual Research Ethics - Issues and Controversies edited by Buchanan

The Ethics of Mobile Online Social Research

- This paper, perhaps!

Principles of Fair Information Processing Online

- The overarching context - embodied in DPAs *etc*
- Personal Data Should be Collected for One Specific and Legitimate Purpose
- People Should Have Access to the Data Collected About Themselves
- Existence of Data Banks Should be Publicly Known

Principles of Fair Information Processing Online

- Personal Data Should be Reasonably Guarded Against Risks such as Loss, Unauthorised Access Modification or Disclosure

Principles of Fair Information Processing Online

- Data Should be Collected in a Context of Free Speech,
 - *ie* same rights and responsibilities
- Personal Data Should Not be Communicated Externally Without the Consent of the Subject who Supplied The Data

Practical Ethical Guidelines

- Needed because
 - a variety of unresolved legal issues
 - laws are never not enough
 - currently insufficient guidelines
 - to encourage how culture and usage develop
 - Derived from existing appropriate (??) practice
 - Concentrating on “pure” mobile

Informed Consent – the Big Issue

- May be difficult to explain the scope of mobile learning in a succinct and appropriate fashion in a way that is consistent with mobile learning itself.
- Participants may only engage in mobile learning via SMS or VoiceXML - few precedents for gaining and signifying informed consent.
- A mobile learning system may not preserve persistent learner identities across sessions or across devices - confusing the source of consent and the data to which it relates.

Informed Consent – the Big Issue

- In any remote research, it is easier to deceive researchers and evaluators.
 - researchers have no reliable face-to-face cues.
- There may be insufficient means for would-be participants to check their understanding of the research and their part in it.
- Consent can only legally be granted by participants who understand the nature of their participation.
 - In mobile learning, it may be difficult to establish whether this is the case without face-to-face contact.

Informed Consent – the Big Issue

- Expressing consent, especially in a legally significant fashion, usually requires a conventional written signature.
- Informed consent assumes that any explanation upon which the consent rests is expressed in a fashion that is inclusive of varied literacy, linguistic and physical abilities
- Accidental or deliberate personation possible

Informed Consent

- Obtaining Consent
 - » cf Email Interviewing, Conferencing, Participant Observation
- Parental Permission
 - » Not so bad after all legally
- Participant Risk
 - » *eg* race-hate
- Participant Withdrawal
 - » They can only take their data with them
 - » Postmodern research uses process consent
- Financial or In-kind Payment or Compensation
 - » Fairness across differences

Confidentiality

- Confidentiality
 - difficult to ensure in cyberspace - technical systems complex and leaky
- Anonymity
 - problem of fictitious identities
- Privacy
 - System data and location-awareness may undermine privacy

Power, Class, Difference

- Evaluation often works across differentials in:
 - Power
 - Age
 - Class

Netiquette

- Email Netiquette
 - Smileys, informality
- Chat Netiquette
- Conferencing Netiquette
 - Flaming, spamming, lurking, FAQs, on-list/off-list
 - m-moderating
 - » Gilly Salmon
- SMS
 - Txt
- “Metiquette” – how can we shape it?

Thanks

Comments or question?

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