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AUTHOR Zemsky, Robert, Ed.
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ABSTRACT

This report discusses the exploration of teaching that occurred in the Knight Collaborative National Roundtable on Teaching held in the summer of 2001. The participants were almost entirely family members from a range of disciplines and institutions. All participants shared a deep commitment to teaching, but the question "who owns teaching?" elicited much discussion. While teaching remains central to the educational mission, it often lacks a strong foundation as a subject of common engagement within the academy. Teaching has many stakeholders. High-stakes testing has become a central feature in the landscape of many states, one of the results when the public decides that it owns teaching. The world of mass entertainment is more definitive of society than what happens in the classroom, at least in part because higher education has not pursued a definition of who owns teaching and learning. The higher education community needs to define in its own terms where both the individual and the shared responsibilities for teaching lie. Recommendations are provided to help bring this about: (1) define clear goals of what teaching seeks to achieve; (2) structure the deals to achieve the ends that institutions seek; (3) create consortial movements among higher education institutions to preserve fair use; and (4) build and sustain a more active and visible community and culture of evidence around good teaching. (SLD)

Who Owns Teaching?

Robert Zemsky, Editor

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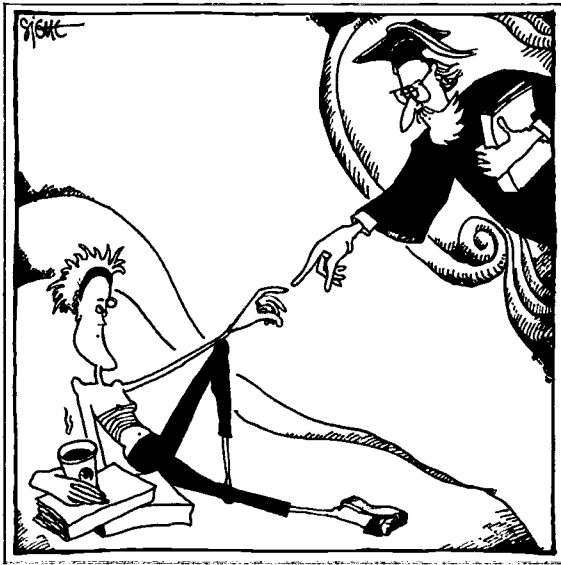
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Who Owns Teaching?

It is a perfectly simple question, almost child-like in its innocence. It is also a question to which there is a host of classic answers. Teaching is an activity that belongs to everyone and to no one. Its origins are as deep as a parent's instinct to provide for a child, and as powerful as a child's desire to learn. It is Mark Hopkins and his student on the log where both are learners

and hence both are owners of the learning that links them. Teaching is perhaps the strongest and most central bond linking one generation to another.

There are, of course, less sentimental answers to our question. Teaching and learning are integral parts of the processes by which the prospects for societal benefit are apportioned: who learns what largely determines who advances and in what degree to a life of economic security and professional fulfillment. In a society that is as competitive as it is complex, the stakeholders of teaching are many, and the question of ownership becomes harder to define in a digital age that offers the means to reproduce and distribute intellectual content or expression of any kind.

Teaching, particularly at the collegiate level, is also big business, with higher education now accounting for some \$225 billion in annual expenditures. More than ever, the badges of successful learning—degrees, certificates, and course credits—have

become the currency of success, transforming teachers and their institutions into suppliers of essential goods and services. If an earlier tendency was to observe that “those who can't do, teach,” today the more apt observation is that “those who teach, empower.” It is both the size of this market and its social transformation—some would say its commodification—that gives one pause to ask again: Who owns teaching?

To consider this and related questions, we convened a Knight Collaborative National Roundtable on Teaching at Princeton University in the summer of 2001. Our roundtable consisted almost entirely of faculty members from a wide range of academic disciplines and collegiate institutions. In the course of their careers some have also taken on academic leadership roles, becoming deans, provosts, and presidents. All participants shared a deep and passionate commitment to teaching, and to the continued vitality of their profession in a time of changing markets, expanding media, and changing ideas about the nature of teaching, as well as who determines and who benefits from its content.

We found that while teaching remains central to the educational mission, it often lacks a strong foundation as a subject of common engagement within the academy. To be sure, there are notable exceptions that emerge primarily in small residential settings that focus on the liberal arts. In higher education generally, however, there is surprisingly little sense of community centered around the act of teaching itself—no collective voice from within that would define what teaching seeks to achieve and how to evaluate and improve its effectiveness. The absence of a sustained purposeful dialogue about teaching in most institutions allows the forces of commercial competition and public accountability to become the main drivers of

educational quality. For-profit enterprises and public agencies have appropriated increasingly powerful roles in defining what teaching is, how to measure its success, and who should benefit from what is taught.

In higher education generally, there is surprisingly little sense of community centered around the act of teaching itself—no collective voice from within that would define what teaching seeks to achieve and how to evaluate and improve its effectiveness.

Accompanying the rise of commercial interests are growing challenges to the traditions of attribution, synthesis, and knowledge development that have informed the environment of open inquiry in college and university classrooms.

Freedom, Community, and Markets

Teaching in one sense resists the boundaries of ownership, if only because it arises from a condition of freedom. One of the most important rewards of a faculty career is the academic freedom it confers, and it is in the context of that freedom that both teaching and scholarly exploration take place. While no faculty member ignores matters of compensation and financial well-being, for many the intrinsic rewards of teaching become equally, if not more, important parts of the equation. In this sense, teaching is something more than a job or even a profession. It is a calling—an activity undertaken from a passionate, often intensely personal commitment to explore knowledge and ideas, and to engage others in this process of discovery.

As an activity built on the foundation of academic freedom, teaching in many higher education institutions can become largely a private matter, left to individual faculty members to define and undertake. In shutting the classroom door a faculty member enters a domain, not just of his or her own choosing, but of his or her own design as well. Having the freedom to teach in one's own style has contributed to the vitality and impact of higher education in this country. Institutional flexibility has allowed different conceptions and styles of teaching to emerge, accom-

panied by the recognition that effective teaching can take a variety of forms, ranging from theatrical performance to the most subdued and low-key interactions with students.

At the same time, the mantle of freedom can easily become a means of averting an engaged dialogue among faculty members about teaching itself. Ideally, teaching is an activity carried out by people with shared commitments who are in conversation with one another as members of an academic community. It is to this community that all higher education teaching refers as the basis of its authority and purpose. The anecdotal sense, however, is that the community of teaching exists more in the ideal than in real life. The absence of a common basis for understanding and evaluating teaching makes it more difficult for members of the academy to agree on what good teaching is. As a result, the teaching dossier is likely to make more of a symbolic than a substantive contribution to the decisions reached by tenure and promotion committees. Even in settings where most faculty care deeply about their own teaching, universities and colleges do not have a strong culture of evidence for discussing good teaching or highly developed communities that are based on teaching itself.

Because the academy for the most part lacks a sustained dialogue about teaching, differing conceptions of teaching have arisen, both inside and outside higher education. As colleges and universities have come to educate a larger share of the population and encompass a broader range of purposes, students have exerted stronger influence on what is taught through their increasingly vocal desire to learn only what is needed for an immediate career goal. In the absence of a strong internal dialogue, it becomes possible for some parts of the academy to accommodate students' pragmatic demands without considering the effect on the institution or on higher education in general. The result is a visible demarcation between two conceptions of teaching, which might otherwise have evolved as points on a continuum.

The older, more traditional conception, based primarily in the arts and sciences, seeks to engage students in a broad range of human thought and achievement, and to foster the habits of inquiry that lead to heightened understanding as well as to the creation and refinement of knowledge. Underlying this approach are two central convictions: that the academy itself is the natural arbiter of knowledge, evaluating

what is known and determining what should be taught; and that the ultimate purpose of teaching is to foster intellectual curiosity for a life of continued learning and engaged citizenship.

In this conception, the individual faculty member serves as an independent broker, if not the sole owner, of his or her teaching. Even as they reserve the power to shape the circumstance and dynamic of learning, most faculty members in the arts and sciences teach from a conviction that knowledge itself is a shared public domain, freely available for consideration by any who would seek to explore.

A second, increasingly pervasive conception of teaching shifts the focus from the pursuit and discovery of knowledge to the acquisition of applied skills and competencies for entry or advancement in specific careers. Over the past three decades, the weight of public attention has centered increasingly on the practical economic benefits that teaching confers on students. Because higher education's internal dialogue on the purposes of teaching has not been strong enough to counter this dominant view, the intellectual control—and in that sense, the ownership—of teaching has migrated away from faculty to a considerable degree as students assert their needs as consumers. Increasingly, the forces of markets are surpassing the power of higher education to define what faculty members teach and how they are evaluated. Here the justification for study in a given field has less to do with the inherent reward of discovery than with the contribution that a course of study can make to students' success in their careers. In this respect, the definitional high ground has shifted from the arts and sciences to the professions.

How much have things changed? Two signs of the times tell much of the story. The first is the increasing presence of alternative, often for-profit educational providers competing with traditional two- and four-year institutions, indicating a pronounced shift in values and focus. The second is the notable shift in students' own educational motivations and goals. Three decades ago, faculty members might reasonably have expected that their very best students would continue their studies beyond their undergraduate majors, earning graduate degrees and becoming faculty members themselves. Today, however, the prospect of attracting the best and brightest into faculty careers has become the exception more than the rule. Many are concerned that the intrinsic rewards of an

academic career now appeal to fewer members of the younger generations.

An Array of Stakeholders

Given the changes in society and institutions through the past three decades, the answers to “Who owns teaching?” become just as multifaceted as the answers to “Who owns intercollegiate athletics?” Both cases demonstrate how institutions can stray from a primary educational purpose in order to pursue other, more achievable and remunerative goals along the way. In fact, the concept of educating students for a life of learning and productive engagement in society has encountered a dilemma very like the goal of producing a scholar-athlete. There is a growing concern that, for large public universities in particular, intercollegiate athletics programs have failed in their goal of enhancing students' education through participation in a team sport. The entertainment value of big-time intercollegiate sports has all but eclipsed its value as an enrichment to students' learning and development. In the utmost candor of presidents' offices, intercollegiate athletics are understood to be

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generators of revenue and tools for marketing to prospective students and donors.

Like intercollegiate sports, teaching is an activity in which a host of vested interests can exert a shaping or even distorting influence on both mission and performance. Within a particular college or university, one could say that the individual faculty member has primary ownership of the course. Individual departments are, in turn, owners of the academic programs students pursue in fulfillment of the major. And the institution itself, through the collective action of its faculty, owns the curriculum. While these circles of ownership overlap, they nonetheless describe what nearly anyone within higher education would agree are the first claims on particular aspects of teaching.

At the same time, an array of forces both inside and outside the academy exert particular kinds of claims on teaching and its purposes. Religious, ethnic, and gender interests can exert a strong influence on the question of what should be taught. As owners and principal funders of public universities and colleges, state governments also have a major interest in higher education. In the political arena, teaching can become a symbol of what the public feels is wrong with higher education. Inflamed public rhetoric can further reduce teaching to a commodity by insisting that the resulting learning should be a measurable product or outcome. Over the past decade, several states have shown a willingness to impose accountability measures on higher education faculty and to calibrate the impact of teaching in the name of achieving tangible results. There have been instances in which a state has implemented testing programs designed to measure student learning progress without any substantial consultation with state higher education institutions and their faculty. While the drive toward standardized testing is almost universally decried within the academy as a caricature of teaching and learning, high-stakes testing has nonetheless become a central fixture in the landscape

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of many states. Testing of this sort is one of the results when the public decides it owns teaching.

Students, too, are owners of teaching, not just as heirs of the knowledge and scholarly traditions they encounter, but as consumers of the services higher education institutions provide. The choices that students make among institutions and programs of study have an unquestionable impact on universities and colleges, their schools and departments, and even on the teaching of individual faculty. The very size and financial power of the student market for post-secondary education give rise to commercial enterprises ranging from for-profit educational providers to the annual published rankings of colleges and

universities. The media rankings exemplify how even an indirect stakeholder can subject teaching and other activities of higher education to distraction, in a sense appropriating some of the ownership of teaching away from higher education institutions and their faculty.

Pay Per View and Napster

Many of the issues surrounding the question of who owns teaching are as old as the academy itself. What is new, however, is the political and commercial context in which this question must now be answered. Because higher education institutions, both individually and as a whole, have not wanted to engage the question, the scenarios of ownership and definitions of property rights that are now coming into vogue have been cast almost exclusively in the legalese to which the realms of publishing and entertainment are devoted. Higher education is discovering that, because it has not pursued a more forthright definition of the ownership of teaching and learning, what happens in the world of mass entertainment is likely to prove more definitive than what happens in the classroom.

In the world of big media, teaching is a commodity, developed and sold as an article of commerce, rather than as an act of community that draws on and sustains the achievements and discoveries of previous generations for the well-being of future generations. For-profit vendors have approached many higher education institutions with offers to form partnerships for developing instruction in a range of new formats and settings. New markets for teaching have also created opportunities for individual faculty members to offer instruction as free agents outside their home institutions.

In the course of these developments, colleges and universities find themselves confronting a growing number of financial questions concerning the ownership of teaching. If one conceives of teaching as an outgrowth of an academic community, what kind of claim does that community hold on the teaching of individual faculty? If a university or college provides the physical and academic infrastructure that supports a faculty member's teaching—in the form of salary, classroom, laboratory, and office space, as well as opportunities for interaction with other colleagues—

where does the responsibility for and ownership of teaching ultimately lie?

Those with fiduciary responsibility for an institution—principally boards of trustees and executive officers—are more likely than not to believe that what a faculty member produces while being paid by an institution, from classroom teaching to published work, should belong to the institution. It is the university or college that not only pays the salary of its faculty, but also provides the classroom space and infrastructure that support teaching and research. It is the institution that bears legal responsibility and must defend both the faculty member and itself when a disgruntled student files suit for wrongful instruction. While welcoming and even demanding such legal protection, few faculty members champion such a definition of institutional rights and prerogatives. From the faculty's perspective, intellectual property vested in one's teaching and academic freedom are but two sides of the same coin. No institution has pressed to resolve the inherent conflict between these executive and collegial views of who owns teaching.

One result of the academy's own indecisiveness is an erosion of the sense of common purpose that has traditionally informed teaching and academic inquiry. What was once conceived as a common domain of human knowledge and thought is being apportioned by the boundaries of ownership and profitability. Fenced and gated precincts are increasingly common features in the landscape of open access and attribution as individual entrepreneurs rush to commodify knowledge for personal gain. Hence the importance of the legal battles being fought out in the world of publishing and entertainment, where the unit of copyright is becoming smaller and smaller. The drive in those industries is to claim proprietary ownership not just of a particular expression, but increasingly of ideas themselves. The concept of fair use, which is a central component of academic inquiry, is being whittled away in a legal process to which higher education is not a party but likely a victim.

A powerful drive in the worlds of entertainment and publishing is toward a scenario of pay per view—in which a presumptive owner of intellectual property exacts a usage fee for a unit of knowledge, no matter how small and contextual it may be. To the extent that higher education allows this trend in popular culture to define its own future, it can expect a steady reduction of the space available for the open sharing of

knowledge and ideas, even in the once general domains of teaching and learning. Consider what this frame of thinking does to the ability of collegiate faculty to say to students, in effect, "Take these ideas, apply them, and make them your own." In a world of absolute commodification, higher education would likely lose that free-wheeling sense of learning that comes from the often unplanned interaction between professor and student, as well as from the interactions among students themselves.

If pay per view defines one extreme scenario confronting the traditions of adaptation and attribution of knowledge within the academy, the other extreme might be characterized by developments in the realm of digital technology, making it possible for almost anyone to copy and distribute intellectual content or artistic expression through the Internet or other means. In popular culture it is a practice exemplified most notably by the music-swapping service, Napster, before it was constrained by legal action in 2001.

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Napster had attracted some 80 million users who freely exchanged files of copyrighted music through the Internet. If pay per view threatens to make all knowledge proprietary, the Napster phenomenon holds the prospect of rendering all human knowledge and expression absolutely free, thus removing many if not all financial incentives for intellectual or artistic creativity.

In many ways the more fitting analogy to the question of who owns a faculty member's intellectual and creative expression can be seen in the aftermath of Napster's injunction for copyright infringement. The current legal and financial debates focus on how revenues from the sale of music through the Internet will be divided among record companies, recording artists, and the Internet providers that make recordings available to the public for a fee. These discussions thus far have left recording artists feeling alienated from, and even victimized by, the recording industry. Most observers agree that the record companies have

positioned themselves to reap a far greater share of the profits from Internet distribution of music than the recording artists themselves will receive. As such, the deals being struck differ very little from the earlier Napster scenario of widespread copying and distribution of music files, which yielded no financial benefit to the recording artists.

In education as in entertainment, a new medium creates new opportunities, in turn raising new questions about the ownership of and rewards for creative and productive activity. A policy in which an institution claims ownership of all or even most aspects of teaching and intellectual property is very much like a conception of teaching and knowledge creation as essentially free. In either case, the effect is to remove some important incentives for faculty to achieve excellence, not just in teaching but also in other forms of scholarly activity.

In order to preserve the conditions that have allowed teaching and learning to take place in an environment of vital and open inquiry, colleges and universities must squarely address the emerging questions concerning the ownership of teaching. Nearly all such questions raise the issue of where the lines of

The challenge that colleges and universities face is not to impose a single fixed model on the act of teaching or the concept of intellectual property. It is to define in its own terms where both the individual and the shared responsibilities for teaching lie.

ownership overlap between an individual faculty member and the institution of which he or she is part. For example: Do the teaching materials that a faculty member posts to a Web site on the institution's server belong to the faculty member exclusively? Does a faculty member's home institution have the right to make use of recorded lectures in contexts other than his or her own course? Does a full-time, tenure-line faculty member who "moonlights" by providing educational services to a for-profit proprietary institution violate the terms—or the spirit—of the faculty appointment at his or her home institution?

None of these questions has a simple answer. Even the most preliminary attempts to sketch answers

make clear, however, that a policy requiring faculty members to relinquish all claims to financial gain from teaching, research, or creative expression would effectively remove some important drivers of faculty achievement. Such a step could effectively eliminate all but the intrinsic motivations that faculty have to teach well, to conduct research and scholarship, and to write articles and books that contribute to the state of knowledge.

Structuring the Deals

The challenge that colleges and universities face is not to impose a single fixed model on the act of teaching or the concept of intellectual property. It is to define in its own terms where both the individual and the shared responsibilities for teaching lie. In the course of doing so, higher education institutions must build communities that center on teaching itself—its goals, its methods and outcomes, and the conventions of fair use that make knowledge openly accessible to present and future generations. One important result of creating more active and purposeful communities around teaching would be a strengthened understanding that teaching is in fact a shared undertaking—and that, as such, the responsibility for and ownership of teaching is widely distributed among all members of an academic community.

Ultimately it does not matter who owns teaching in a strict proprietary sense. The important thing is how a college or university structures the deals to get the outcomes it wants. The goal must be to preserve the conditions that lead to a vital environment of inquiry and discovery—in classrooms, libraries, laboratories, dormitories, and other settings where learning can occur. Higher education institutions must act concertedly to preserve that environment in an age when commercial and regulatory forces are beginning to erode not just the edges but the very foundations of knowledge as a common domain and heritage of humanity.

An example of an effective deal can be found in the policies of universities and colleges regarding faculty publication of textbooks. Unlike the rules governing the scientific and medical fields, in which a university is generally entitled to a share of financial returns from patented research products developed in its labs, faculty members in the humanities and social

sciences enjoy full royalties from textbooks and other scholarly publications. Some believe that in giving over their claim to the royalties from books and other forms of scholarship that confer a financial return, higher education institutions missed an important opportunity to benefit from the scholarly productivity of their faculty. But this arrangement has created powerful incentives for faculty, particularly in the non-scientific disciplines, to write textbooks and, more generally, to contribute actively to the state of knowledge within their fields. What colleges and universities may have lost in giving over their claim to a share of royalty income, they have more than regained in the vitality of scholarship that faculty members produce. In this instance, as in the more general matters of teaching, higher education institutions need to work out the rules of conduct and the incentives that help achieve higher education's mission to create and perpetuate knowledge.

One promising example of an institutional framework for deciding how the rewards of faculty creativity should be apportioned in a digital age is the work of the Standing Committee on Copyright of the University of California. That Committee recently submitted for University approval its draft policy on the ownership of course materials made tangible in a digital form. The proposed policy vests ownership in the originators of such materials, unless exceptional institutional resources have been used in their creation, in which case a deal must be struck defining the share. The determination of what constitutes "exceptional" at any particular time is proposed to be vested in a committee of faculty peers. The Standing Committee believes that such a group would be best suited to find a balance that maintains the incentives for individual creativity, the values and financial support of the collegial community, and service to society as a whole.

Our recommendations derive from two simple lessons from the experience of those who negotiate agreements among different parties. The first lesson is that the more clearly property rights are defined, the better things work. A second cardinal rule is never to enter negotiations without knowing what you want or understanding the objectives of the other parties.

Define clear goals of what teaching seeks to achieve. Higher education institutions very often don't know what the deal is because they lack a forceful conception of what they want. To a considerable degree, universities and colleges have allowed the

definition—and in that sense the ownership—of teaching to become the province of for-profit interests and public regulatory forces, with the result that the academy lacks a widely shared internal understanding of the purposes and goals of teaching. Colleges and universities must develop policies that clarify both the

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individual and the collective responsibilities of teaching. If higher education does not build a stronger sense of community around teaching, the question of who owns teaching and the knowledge it helps to create and perpetuate will increasingly be decided by others.

Structure the deals to achieve the ends that institutions seek. What is needed is an effort to preserve the middle ground that inhabits the space between the open source movement, on the one hand, and pay per view, on the other. Higher education must guard against removing all financial incentives for innovation and discovery. At the same time, it must work to sustain the public awareness that effective teaching, learning, and discovery requires an environment that allows a common ground for the exchange of knowledge and ideas.

Create consortial movements among higher education institutions to preserve fair use. Higher education institutions must work together to maintain a climate that allows for the open exchange and use of information and ideas. We recognize that there are barriers to be surmounted in creating such coalitions, for colleges and universities have always consisted of both shared and competing interests. But the absence of common resolve and activity will result in higher education's being carried down the same path toward pay per view that is coming to characterize the world of popular culture. Higher education institutions need to create and sustain a cross-institutional fabric for the sharing of information.

Build and sustain a more active and visible community and culture of evidence around good teaching. For all the centrality of teaching to their missions,

higher education institutions continue to lack a compelling language and metric for describing the responsibilities and attributes of successful teaching—to themselves, or to the public in general. The popularity of the media's institutional rankings and the willingness of state policymakers to assert ownership of teaching are signs of a vacuum in higher education's internal dialogue about teaching. While there is widespread agreement about conventions of evidence and modes of discourse within the academic disciplines, there is remarkably little consensus about how to recognize and describe good teaching—to those within the academy or to higher education's external stakeholders. Higher education institutions must work to build communities and cultures of evidence that are centered on teaching and learning.

Strengthening the Fabric

Colleges and universities have always found themselves occupying a middle ground between different conceptions of human productivity and liveliness. On the one hand, higher education institutions are mission centered. Their primary goals have less to do with making money than with the creation of social capital, through the discovery and perpetuation of knowledge as well as the creation of an educated and productive citizenry. At the same time, these institutions cannot afford to ignore the workings of markets combined with other societal and political forces that affect their ability to perform their missions. To recount a message familiar to readers of these pages, higher education institutions need to be mission centered, market smart, and politically savvy.

Teaching is ultimately a fabric of interwoven threads supplied in part by an individual faculty member, in part by students, and in part by the traditions and repositories of knowledge that inform all human inquiry. It is the institutional setting that provides the framework, the weft and warp that allows this interweaving to take place. As such, universities and colleges need to uphold the tenets of academic freedom which define the faculty role and make possible both the tradition of open inquiry and the public expression of thought and ideas. At the same time, these institutions need to foster continued dialogue about the responsibilities that accompany the faculty role—including the shared responsibility for and ownership of teaching

that links together the faculty not just of a single institution, but ultimately of all universities and colleges.

A central question to be resolved in the years ahead is the extent to which postsecondary teaching is an entrepreneurial activity carried out by individuals in search of personal gain, or a community activity carried out by people with shared commitments who are in conversation with one another. In the dialogues and communities they foster around teaching, colleges and universities must seek to remind individual faculty of the primary responsibilities they have to the stu-

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dents enrolled in their home institution, to their faculty colleagues, and to the institution itself.

A scenario in which faculty come to regard themselves as free agents, able to pursue any remunerative opportunity for teaching while retaining full faculty status in their home institutions, will not likely strengthen communities of teaching within institutions. Rather, those practices would accelerate the societal forces that transform teaching, and knowledge itself, into commodities, accessible only through the restrictive transaction of pay per view. At the same time, a scenario in which faculty members are forced to relinquish all personal reward from teaching and scholarly activity—from recognition to monetary reward—would dramatically lessen an important set of incentives for achieving excellence.

Strengthening the fabric of teaching will require that colleges and universities exert a more deliberate effort than ever before. Higher education cannot suppose that the space that allows for open inquiry, the freedom of exploration, and the common domain of knowledge and ideas will be preserved either as a matter of course or a matter of virtue. What is required is a persistence of institutional will and the application of individual leadership—and, in the final analysis, a conscious building of communities devoted to an explicit exploration of what it means to be both teacher and learner in a world forever

changed by technologies, on the one hand, and, on the other, by the passions spawned by institutions themselves. Who owns teaching? We all do, for at least a little while longer.

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Douglas C. Bennett
President
Earlham College

Tricia A. Ferrett
Associate Professor of Chemistry
Carleton College

James L. Hilton
Professor of Psychology
Associate Provost for Academic,
Information, and Instructional
Technology Affairs
University of Michigan

Wyatt R. Hume
Executive Vice Chancellor
University of California, Los
Angeles

Aaron Lemonick
Professor of Physics Emeritus
Dean of the Faculty Emeritus
Princeton University

Nancy Weiss Malkiel
Dean of the College
Princeton University

Martin Meyerson
President Emeritus and University
Professor
University of Pennsylvania

Jonathan Monroe
Professor of Comparative Literature
Associate Dean of Arts and Sciences
Director, John S. Knight Institute for
Writing in the Disciplines
Cornell University

S. Georgia Nugent
Dean of the Harold W. McGraw, Jr.
Center for Teaching and Learning
Princeton University

Charles E. Phelps
Provost
University of Rochester

Ann M. Roberts
Associate Professor of Art History
Lake Forest College

Kim P. Sebaly
Associate Professor of Education
Director, Ohio Public Policy Institute
Kent State University

Lou Anna K. Simon
Provost and Vice President for
Academic Affairs
Michigan State University

Brock Spencer
Kohnstamm Professor of Chemistry
Beloit College

James Swartz
Professor of Chemistry
Vice President for Academic Affairs
and Dean of the College
Grinnell College

M. A. Syverson
Associate Professor of Rhetoric and
Composition
Director, Computer Writing and
Research Lab
University of Texas at Austin

Joseph H. Taylor
Dean of the Faculty
Princeton University

Colleen M. Tremonte
Associate Professor of Writing and
American Culture
James Madison College
Michigan State University

John C. Vaughn
Executive Vice President
Association of American Universities

Charles R. White
Senior Scholar for Higher Education
Policy
Portland State University

Jack M. Wilson
Chief Executive Officer
UMassOnline

From the Knight Collaborative

Ann J. Duffield
Joan S. Girgus
Gilda Paul
Gregory R. Wegner
Robert Zemsky



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Robert Zemsky
Senior Editor

Ann J. Duffield
Program Director,
Knight Collaborative
Senior Consultant,
Marts & Lundy, Inc.

Gregory R. Wegner
Managing Editor

James F. Galbally, Jr.
Contributing Editor

Joan S. Girgus
Contributing Editor

William F. Massy
Contributing Editor

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Rick Morgan
Knight Higher Education Collaborative
4200 Pine Street, 5A
Philadelphia, PA 19104-4090
E-mail: morgan@irhe.upenn.edu
Telephone: (215) 898-9874
Fax: (215) 898-9876



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