The “E” Is for Everything
Richard N. Katz & Diane G. Oshinger, Editors
EDUCAUSE Leadership Strategies Series, Number 2.
Sponsored by PricewaterhouseCoopers

Organizations worldwide have embraced electronic commerce as one of the most important evolving trends. By 2000, transactions totaling an estimated $2.3 trillion will occur across networks. The shift from paper-based commerce is commerce conducted over networks as it transforms the ways mainstream colleges and universities conduct business. This workshop led to fundamental new approaches to supporting and fulfilling institutional missions through e-business and e-learning. Second in the EDUCAUSE Leadership Strategies series, this volume outlines major opportunities and challenges for colleges and universities as they:

- evaluate their readiness to carry out their business online
- build technology infrastructure and expertise to support e-commerce
- rethink campus and national data systems in an e-business and e-learning environment
- establish online business relationships with suppliers, partners, and consumers
- safeguard financial assets and ensuring network security
- navigate the complex policy environment of refereed education

Written for leaders, administrators, and policymakers.
Jossey-Bass Publishers
May 2000
116 pages
EDUCAUSE member price: $17, nonmembers: $20

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Licensing Digital Information: Policy Debates Hit the States
by Rodney J. Petersen

Just when you thought digital technology was going to make distributed learning a reality and net-worked information more ubiquitous, it suddenly got a whole lot more complicated by the passage of a little-known law—the Uniform Computer Information Transactions Act (UCITA). UCITA (pronounced u-see-ta) has passed the Maryland and Virginia state legislatures and will be debated in states across the country in the coming months. UCITA has the potential to radically transform (and threaten) higher educators' ability to acquire, access, and preserve digital information.

Electronic commerce activity is at an all-time high, and states hope to capitalize on the information economy by attracting more high-tech industries. The proponents of UCITA maintain that its passage is an essential ingredient for states to be viewed as “technology friendly.” In Maryland, UCITA was included among the governor's “12-point Information Technology Package,” which included legislation to promote e-government, combat Internet crime, ensure privacy protections for consumers, and recognize the validity of digital signatures for summarizing contracts. Virginia, in an attempt to appease America Online and its other resident Internet companies, quickly passed UCITA with a provision that would delay implementation until July 1, 2001, to allow time for further study of this complex and lengthy bill.

UCITA provides a framework for contracts or transactions in computer information. Since contract law is a matter of state common law (resulting in the potential for different treatment and standards among the various states), the National Conference of Commissioners on Uniform State Laws (NCCUSL) has proposed that states adopt UCITA as a uniform approach to contracts for computer information. The closest parallel to UCITA is the Uniform Commercial Code (UCC) that governs the sale of goods and services. In fact, NCCUSL had been working for more than 10 years with the American Law Institute (ALI) to adapt the UCC to address transactions in computer information (formerly known as the proposed Article 2B). However, the ALI withdrew from the process earlier last year complaining that Article 2B was flawed in both process and substance. Subsequently, NCCUSL transformed the proposed Article 2B into what is now known as UCITA and voted last July to send it to the states for enactment.

Controversial Provisions
There are several controversial provisions in UCITA. The complaints most relevant to higher education and the information technology community include its scope, insufficient attention to consumer protections, use of license terms to replace the balances provided under federal copyright law, legal recognition to “shrink-wrap,” or “click-through” license terms, and use of “self-help” for breach of a license term.

“Computer information” includes computer software programs, library databases, digital books and journals, and access contracts including agreements with Internet service providers. UCITA also provides the means by which facts compiled in databases can be licensed, essentially undermining higher education’s efforts at the federal level to prevent the extension of copyright law protections to databases that contain factual information.

Twenty-six states’ attorneys general have opposed UCITA because of its inadequate consumer protections. The proponents argue that it provides greater protections than exist under common law. However, the attorney general from the Maryland consumer protection division argued vehemently throughout the process that the protections were less...
The shift from buying information to licensing information is dramatic and could tremendously alter the balance of rights between creators and users of intellectual property.

Preparing Your Campus for a Networked Future
Mark Lukaer, Editor
EDUCAU CE Leadership Strategies series, Number 1
Sponsored by PricewaterhouseCoopers

The first volume from the EDUCAU CE Leadership Strategies series, published by Jossey-Bass Publishers, Inc., examines the changes and challenges that advanced networking will bring to higher education campuses everywhere. Featuring the insights of experienced campus leaders and information professionals, this forward-thinking guide provides a roadmap to the extraordinary capabilities of the advanced Internet to come. Far from a technical study, Preparing Your Campus for a Networked Future is a pragmatic exploration of what leaders can do to prepare for continually evolving network technology.

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