

INTELLECTUAL PROPERTY POLICY FOR THE BLACK BOX SOFTWARE TESTING COURSES

Version 1.0, July 7, 2007

As a condition of your participation in this course, you must agree to this intellectual property policy.

Students whose conduct is inconsistent with this policy are subject to termination by the instructor. It is for the instructor to decide whether or not a student's conduct has violated the policy and whether that violation should result in termination. Given that decisions must be made quickly in short courses, an instructor must often make a decision on limited and uncertain data. In agreeing to this policy, you agree not to bring any type of action against an instructor for terminating your participation in the course. However, this agreement does not shield an instructor who makes false public statements about *why* you were terminated from a course.

Please read this policy carefully and indicate your agreement by clicking "Yes" in the course survey.

- If have any questions, please contact Cem Kaner (kaner@kaner.com) or the lead instructor for your course.
- If you do not agree to the policy, please send Kaner or Fiedler an email message and we will terminate your access to the course.
- We cannot start the interactive parts of the course until all students have agreed to this policy. We will terminate course access for people who do not indicate their agreement to this policy by the time that we have agreed to start the interactive part of the course.

RATIONALE

This policy reflects a difficult compromise as we attempt to deal with three key underlying concerns:

1. **Teachers and teaching-related researchers need to be able to use and publish examples of student work.** The BBST course materials are still evolving. We regularly seek research funding and peer review to help us improve and extend the coverage of the courses.
 - A researcher must study the work submitted by students to learn how well the course progressed and to see whether what things might need improvement and how well some recent improvements are working. To explain what happened in the course to others, the researcher must be able to quote from student work.
 - Genuine examples are extremely valuable to students. To explain how to do a task, many students find it helpful to see how tasks like this have been done and graded before. They learn from their peers. Similarly, to explain a concept that students find confusing, it is helpful to describe several ways that previous students misunderstood it and why those are misunderstandings. The BBST materials don't do enough of this because they were developed without having an intellectual property policy in place that allows teachers to reuse student work.
2. **Students need to feel safe to make mistakes.** Students take courses because they *don't* yet understand the material. A critical part of the learning process is that they participate in discussions--but because they don't yet understand the material, they will make incorrect statements. Similarly, their exams and assignments will be imperfect. People learn from making mistakes and being corrected; they learn from trying new things and seeing what works and what doesn't. They learn from challenging the ideas they are learning, even if, to someone who knows the material, some of the arguments the students use to challenge an idea just aren't very good.
 - Every competent tester keeps learning things that help them test better. But someone could easily destroy the reputation for competence of the best testers by publishing the mistakes these people make while they are learning. Imagine the blog posting: "Glen Myers said X today. Wow, he's an idiot!"
 - In the education research community, ***the generally-accepted way to quote examples of student work is to make them anonymous.*** Saying "one of the students was confused and said X" is a statement about the teaching and the learning, but not about the person who made the mistake.

3. ***Students are entitled to credit for their own work.*** Students sometimes have important, good ideas when they are learning something new. Students sometimes hit a part of the course that they already understand and provide great tutorial help for other students.
 - The general rule in most countries (including the United States, where this course is hosted when it is taught by Cem Kaner or offered by the Association for Software Testing) you have a copyright in anything you write, as soon as you write it. That means that people cannot quote significant amounts of your work without your permission.
 - Copyright law doesn't protect your ideas, just the way that you describe them. This is where the principle of plagiarism comes in. ***Someone plagiarizes your work if they use any part of it in any way that would lead a reasonable reader to believe that they thought up the idea that they learned from you or that they wrote the words that they read from you.*** No one is entitled to plagiarize your work, not other students, not your teachers, not your coworkers, not anyone.

The policy addresses these concerns with some underlying rules:

1. Instructors are allowed to use and publish student work, but they must publish it as anonymous work ("a student said" rather than "Glen Myers said").
2. The lead instructor of a course may allow other instructors or researchers to look at the course data, including discussions, assignments and so on, but those instructors / researchers must agree to this intellectual property policy.
3. A student may ask instructors to attribute a specific piece of her work, for example to say "Shari Pfleeger wrote" whenever they quote this particular document that Dr. Pfleeger wrote. The instructor will honor this request much of the time, but when writing a report that summarizes what multiple students said or did, the instructor can choose to preserve the anonymity of *all* students by choosing not to identify any author of any student work.
4. Students may not use or publish another student's work without the explicit permission of the person who created it.
5. A student may publish his own work, for example on his blog. The student is allowed to provide a context for the work, such as describing the assignment that the work responds to and, if necessary to establish context, summarizing some writings of some other students, but without using their exact words and without saying who wrote what.

The rest of this Policy puts these rules in more formal language:

DEFINITIONS

- ***Additional invited instructor or researcher:*** An additional invited instructor or researcher is someone who is not the course instructor but is granted instructor-level access to the course data:
 - as a trainee who is learning how to teach the course
 - as a coach who is helping an instructor teach the course better
 - as an evaluator who will analyze the effectiveness or other value of the course
 - as a researcher who will analyze the data of the course with the intent of publishing the results of the analysis to a broader community of scholars
- ***Attribute:*** To attribute a work is to identify who did the work. For example, if you say "Shari Pfleeger said X", you are attributing X to Dr. Pfleeger.
- ***Course data:*** This includes everything created during the running of a course. For example, any stored student discussions are part of the course data. Answers to assignments or exams are course data as are the instructor's notes on how / why they were graded that way.
- ***Course instructor:*** One or more people explicitly identified as the instructor(s) of the course. The instructor is responsible for managing the course. Depending on how the course is taught, common instructor tasks include answering questions, assigning tasks to students and grading the work or seeing that it is graded by someone else, deciding whether a student passes or fails the course, etc.
- ***Course readings:*** This includes all of the readings assigned or suggested by the instructor other than the course slides and assessment materials (such as exams or assignments).
- ***Creative Commons licensing:*** An author can give other people permission to make copies of one of his works. This permission is called a license. The typical [Creative Commons](#) license used for instructional

materials in this course is either an [Attribution](#) license or an [Attribution Share-Alike](#) license. The attribution requirement in a license says that you must say who wrote the work you are using. For example, if Joe publishes course slides on the Web under an attribution license, and Jane makes copies of them (perhaps changing the format or tweaking some words) and gives them to her students or publishes them on her website without acknowledging on the slides that Joe was the author of the original slides used, then (a) Jane is making copies outside of the terms of the attribution license and so she is violating Joe's copyright and (b) Jane is plagiarizing Joe's work. The [Attribution](#) license and the [Attribution Share-Alike](#) license both allow you to modify the work that you are copying and to use the original work or your modified one for commercial purposes. The Share-Alike part of the [Attribution Share-Alike](#) license, however, says that if you modify the work and publish your modification, you must publish your modifications under the same terms as the original ([Attribution Share-Alike](#)). The simple attribution license does not require this--you can merge proprietary information into [Attribution-licensed](#) slides and make the entire set proprietary--as long as that set still preserves the proper credit to the original author(s) of the slides that you used.

- **Instructional materials:** This includes everything used to teach the course (videos, slides, exams, etc.), or everything created to teach the course other than pre-existing course readings.
- **Instructor:** This includes anyone who is a Course Instructor or an Invited Additional Instructor or Researcher.
- **Lead instructor:** If there are multiple course instructors, one of them is responsible for the overall management and quality of the course. That person is the lead instructor.
- **Paraphrase:** If Joe writes something, Jane can use Joe's ideas and convey the same meaning as Joe without using his words. This is called paraphrasing. If Jane "closely paraphrases" Joe's writing, she is preserving the structure of Joe's writing and merely substituting some words that mean basically the same thing and perhaps changing the order of clauses in a sentence or sentences in a paragraph. It is poor form to closely paraphrase someone else's work. If your writing is going to be that similar to theirs, just quote them. Close paraphrasing is no protection against a lawsuit for copyright infringement--the rule against making unauthorized copies applies just as well to copies that are recognizably derived from the original. A better form of paraphrasing reorganizes what Joe wrote so that it gets across Joe's idea(s) but in a way that was clearly not written by Joe. Typically this drops details that were important to Joe but are not relevant to the point you are making while using Joe's work. Often, a good paraphrase summarizes related ideas by several people and explains the underlying essential idea in a way that would be appropriate for all of them but isn't directly derived from any of them.
- **Publish:** You publish a work when you make copies available to several people. Making 10 copies of a document and giving one copy each to your 10 students is "publishing" the document to those students. There is an important distinction between publishing to the world and publishing to a restricted audience. For example, when you write a comment in a discussion in this course, you are publishing the comment to the other students, but they have all agreed not to republish the comment to the rest of the world.
- **Work:** This is an intentionally general term that includes writings (essays, assignments, exams), course videos, slides, comments on a discussion forum. If you wrote something or created something, it is a Work and you are the author of the work.
- **Workproduct:** A work produced in order to satisfy someone else's requirements. For example, your answer to an exam question is your workproduct.

TERMS THAT APPLY TO EVERYONE

1. You must not use a student's work in a way that disparages the student. It is acceptable to disagree with someone's statement and to explain your disagreement, but it is not acceptable to deliberately make that person look stupid or foolish.
2. You must not plagiarize any works from this course. For example, if you quote from a student discussion but cannot identify the author for privacy reasons, you must still indicate that the quote comes from an unnamed student and not originally from you. Similarly, if you summarize or paraphrase an idea described by someone else, you must indicate that it is from someone else (even if you only say that it is from an unnamed student).
3. When you quote from a student's work, you must not identify the author of the words or the idea unless that student has specifically given you permission for this specific work / idea. If you want to identify someone as the source of an idea, find a work that they published without restriction (look at their blog or

- their magazine articles, for example) or get their permission.
4. Most of the instructional materials are published under a Creative Commons license. You may use them and reproduce them under the terms of their license--typically, this means you can republish them, modify them, use them in commercial courses that you teach, all without further permission from the author, but subject to some restrictions. Check the license of the works to determine the restrictions.
 5. Most of the course readings are published under traditional copyright that restricts further publication. Unless you get permission from the author of a course reading or can make copies under the equivalent of the [American Fair Use Doctrine](#) in your jurisdiction, you may not republish most of the course readings.

TERMS THAT APPLY TO STUDENTS

- You may not publish another student's workproduct (or an instructor's workproduct) or significantly quote from it without the permission of the author.
- You may paraphrase a discussion that takes place in the course, but you must do so in a way that does not rely heavily on the author's words and in a way that does not identify the author to readers who are not students or instructors in the course.
- You grant a license to instructors to quote from your materials without asking for your permission, so long as they do so for instructional or research-related purposes and they do not plagiarize your work.
- You may ask instructors to attribute some of your workproducts to you.
 - The best way to assert this request is to include a specific request / permission in your workproduct, for example writing at the start or end of a discussion posting or an assignment, "Please identify me as the author of this work if you quote from it."
 - The instructor will honor this request much of the time, but when writing a report that summarizes what multiple students said or did, the instructor can choose to preserve the anonymity of *all* students by choosing not to identify any author of any student work.
 - The most effective way to make a public claim to your ideas and words is to publish them to the general public. For example, write an article in your blog--paraphrasing some of the other discussion as necessary to provide the context for your work.

TERMS THAT APPLY TO THE INSTRUCTORS FOR THIS COURSE

- You may publish student workproducts, or any parts of them, for instructional or research purposes. You must not plagiarize them. You must not attribute them to a particular student without that student's explicit permission. You may combine student workproducts in order to produce a new work that illustrates student work in this course. For example, you might create a sample answer to an exam question that is the "typical" B-quality (2nd class honors) level answer. This answer might draw on several B-quality papers and the result might not closely match any one of them.
- Only the lead instructor or Cem Kaner may admit additional instructors or researchers to this course.
- If you are teaching this course as part of an Association for Software Testing project or as part of a research project associated with Cem Kaner's research, you must grant Cem Kaner access to your course and must allow him to grant access to additional researchers and instructors.
- You may not grant anyone access to this course unless they agree to this policy.
- If a student identifies a particular statement or workproduct of theirs as one they want credited to them, you will attribute it to them when you use it unless you decide that attribution is inappropriate under the circumstances. If you forget to attribute and later realize that you forgot (or it is pointed out to you), you will create a public record (e.g. at your blog) that identifies quotes that should be attributed and attribute them.
- After the course is complete, you can sanitize the course data by eliminating all identifying information, for example by assigning code numbers instead of names and by purging references to individuals' personal history. You may make sanitized data available to other researchers without obtaining permission of the lead instructor or Cem Kaner.

TERMS THAT APPLY TO ADDITIONAL INVITED INSTRUCTORS OR RESEARCHERS

- You accept the responsibilities and restrictions of an instructor in this course.

- You have no right to grant access to this course or to the original course data. Only the lead instructor (and perhaps Cem Kaner) can grant access to others.

Please click to indicate your acceptance of the terms of this policy.