

LESI Education Task Force Green Paper

This document is designed to present the preliminary results of the Task Forces' Fact-Finding and Brainstorming on the topic in question and to spur discussion and debate as to how to best address the topic and the measures that are being considered to be taken in this regard, including the processes and timelines involved therewith.

Task Force:

LESI Education Task Force

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CALL FOR COMMENTS:

All individuals, LEES Member Societies, LESS Members, organizations and groups are invited to submit comments. The period for receiving comments opens with the publication of this paper and closes 1 August 2012 at 117 hours Brussels time (Central European Daylight time).

Address all comments to:

LESIPresidentElect@gmail.com or use the on-line system provided below.

Background:

Education has always been a cornerstone of LES.

Presently, LESI offers several effective Education Courses that were originated by different Member Societies. The issues are (A) how to enhance these offerings in content, coherency, delivery and development; and (BB) what organizational structures should be put in place to institutionalize such enhancements in a sustainable manner.

Goal of the Project:

The goal of the project is to study and make recommendations on the following:

- (1) the structure of a consistent and coherent curriculum for both those persons seeking an Education "Pathway" and those persons seeking "one-off" courses for LES Members to follow;
- (2) how the Education courses/programs presently provided by LESI (and its Member Societies) may best fit into the proposed curriculum and how new courses/programs to fill "holes" that may exist in the curriculums;
- (3) how these programs and curriculums are publicized and delivered; and
- (4) how these programs and curriculums are managed and further developed.

Parties Consulted:

LESI Educational Committee, LESI President-Elect

Responding Parties:

LESI Educational Committee, LESI President-Elect

Executive Summary

The Task Force is considering changing the content of its present Educational Offerings to bring them in line with current educational “Best Practices” and to provide them with a measure of coherency and consistency.

The Task Force is considering starting a Program whereby LESI would offer: (1) “Certificates of Completion” for each LESI Course offered; and (2) a “Certificate of Educational Merit” to Candidates who earn a specific number of “credits” by attending, in a period of three (3) consecutive years, the following: (a) LESI IAM100; (b) LESI IAM200; (c) additional courses offered by an LES Member Society which has been approved by LESI for these purposes; (d) Workshops and sessions held at the LESI Annual Conference; and (e) Workshops and sessions held at LES Member Society Conferences and Meetings.

The Task Force is considering recommending the development and institution of a Program for the recruitment, training and active participation of instructors and trainers.

The Task Force is considering recommending the restructuring and rebranding of the Educational Committee into a three-member Administrative Board, each member of which will serve for three years and the terms of which are to be phased in and staggered so that incoming LESI Presidents will always be able to nominate at least one member of the Board during her/his term. The Board would be charged with strategic oversight and management of the further development of the LESI educational programs and curriculum. The Board would further be charged with establishing and maintaining instructor training and development.

Finally, the Task Force is further considering recommending that an “Advisory Board” be established of three non-paid volunteers, external or internal to LES but professionals in the education field to serve as Advisors to the Education Committee’s Board. The purpose of this Advisory Board would be as a resource of professional advice and assistance and NOT oversight.

Discussion

Propositions Concerning Present LESI Course Content

The Task Force has consulted Dr. Kenneth Yates of the University of Southern California, Rossier School of Education to review the content of the existing LESI course material for adherence to current Educational “Best Practices”. Accordingly, Dr. Yates and his team have completed an analysis of the LES100, LES200, and LES300 PowerPoint presentations and provided recommendations for enhancing course design and content, as well as course delivery. This analysis and the subsequent recommendations are available for review by Member Societies by e-mailing Kevin Nachtrab at the contact e-mail address given above. In addition, Dr. Yates and his team have recommended and created a standardized Course Feedback form and Membership Survey for use in identifying how the education program and the individual courses offered should continue to evolve to keep pace with the needs of LESI membership. The Task Force is seeking input on the possible adoption of these recommendations.

Questions on which Consultation/Comments are sought

1 In terms of course design, what problems and/or issues may arise with modifying the *structures* of the current LESI courses so that all the courses offered by LESI follow a consistent format that adheres to current best practices for learning?

2 In terms of course design, what problems and/or issues may arise with modifying the *content* of the current LESI courses so that they have a consistent design structure that aligns with best practices for learning? If so, what model should serve as the standard for LESI?

3 Should the services of an external graphic designer be sought to develop visuals that convey the concepts presented in LESI courses, as is a present best practice? Are their resources within LESI that can access such services?

4 Are there any other modifications to the design and content of the current LESI courses that should be considered?

Propositions Concerning an LESI Educational Curriculum

Issue #1 : Curriculum Development

The Task Force has been requested to make recommendations on the structure of a consistent and coherent curriculum for both those persons seeking an Education “Pathway” and those persons seeking “one-off” courses for LES Members to follow.

To make such recommendations, the Task Force first addressed the threshold issue of what the goal of such an Education “Pathway” would be. That is to say: Would the goal be a certificate offered to persons successfully completing such a curriculum to show/verify their competency or something less?

In this regard, the Task Force took notice of the Certified Licensing Professionals, Inc., certification program which administers a certification examination, as well as a more ambitious Arab Certified Intellectual Property Licensing Professional (ACIPLP) program referred to on the LES Arab Countries Website, which not only has a full curriculum but also enrollment requirements and examinations. The Task Force also noted the issuance of certifications of completion by LES Germany for completion of its 8 Module course on IP and licensing. Finally, the Task Force took notice of the approach of LES France which appears to merely endorse certain existing curriculums offered by traditional University and schools.

The Task Force takes note of the necessity for any such certification program of LESI to complement and not compete with established LES and CLP Programs and that, wherever possible, it should help bring value to such Programs.

The Task Force believes that the foregoing Programs demonstrate a real desire from the market for certification programs that can bring value to participants and institutions, such as companies, that employ them. However, this desire is primarily emerging from those countries where no real certification programs are being offered, such as Asia and Eastern Europe. Indeed, LES Chapters, such as LES USA/Canada, have historically indicated that any such certification program offered in their country would merely compete with and detract from their domestic courses and programs.

Accordingly, the Task Force is considering recommending: (1) consistently issuing certificates (“Certificates of Completion”) for the completion of individual LES/LESI courses; and/or (2) to establish a Curriculum, the completion of which would earn an individual a “Certificate of Educational Merit”. In this respect, by not having a certification exam, the Task Force believes that LESI will be able to fill a niche (providing some sort of professional certification for those who are not in countries where one is available) without competing with certification programs like the CLP.

Further, and as will be discussed at greater length below in the section entitled “Curriculum”, it is believed that the curriculum needed to qualify for the “Certificate of Educational Merit” would need to have some value to individuals in order to encourage them to achieve it. In such an event, it could be a useful drive for people to also take courses and attend Educational offerings (such as Conferences, Meetings and courses) taught by LESI and LESI Member Societies.

Questions on which Consultation/Comments are sought

- 1 Should LESI offer a Certificate for the completion of its individual courses
- 2 If so, what should it be called?
- 3 Should LESI offer a Certificate or some other symbol recognition that demonstrates/verifies professional competency obtained by taking a “curriculum” of LESI and LES courses and educational offerings?
- 4 If so, what should be offered and what should it be called?

[Kindly note that the issue of what such a certificate should be offered for is addressed in Issue #2]

Issue #2 : Composition of Curriculum

The Task Force has been requested to make recommendations on how the Education offerings (courses/programs/meetings/conferences) presently provided by LESI (and it’s Member Societies) may best fit into the proposed curriculum. In Addition, the Task Force was requested to make recommendations as to new courses/programs to fill “holes” that may exist in the current course offerings of LESI.

To answer that question, the Task Force first addressed the threshold issue of what a certificate or some other symbol of recognition would be awarded for and what value would it bring the person receiving it.

To this end, the Task Force believes that, to have any value whatsoever, to earn the Certificate, an individual would have had to attend at least a minimum of LES educational offerings that would give someone a sound theoretical competency to work in the licensing profession. The Task Force chose to treat these courses as part of the curriculums “Required” courses.

Within the context of those courses that are offered by LESI the consensus within the Task Force was that, at a minimum, taking the IAM100 and the IAM200 courses should be required. Consideration was given to also requiring that the IAM300 also be taken but, due to the infrequency which that course is offered, consensus was that consideration should only be given to making it a required course when it is, or able to be, offered more often in order to give candidates a reasonable opportunity to take it. In addition, consideration ought to be given to adding to that list both the LESI Branding course and the LESI Tech Transfer course when they are finally developed. Accordingly, it was believed that the LESI IAM100 and IAM200 courses offered should form the curriculums “Required” courses.

As to new courses/programs to fill “holes” that may exist in the curriculum, the Task Force believes that what holes do exist may be able to be adequately filled (in the short term at least) by resorting to courses that are presently offered by various Member Societies and which Member Societies would like to nominate to be considered in the curriculum.

In this regard, the Task Force is considering requiring candidates to also complete a certain number of courses taught by various LES Member Societies which they can elect from a longer list of possibilities. The Task Force considered these courses to be somewhat akin to “Electives” in traditional University programs. For example (and totally hypothetically), candidates would need to elect to take four courses, among a list of ten possibilities, that are offered by different LES Member Societies.

In addition to filling the gaps, this would also help bring value to member societies by helping to direct people to take their flagship courses. However, how a particular course may qualify to be on the “Electives” course list would need to be considered.

In the longer term, it is believed that the Branding and Tech Transfer courses may be useful to help fill holes but that a strategic long term review would need to be provided by an Organizational Structure dedicated to that task, which would be described below.

The Task Force is considering the possibility of including attendance at least one LESI Conference and/or at least one LES Member Society national or regional meeting as (an) additional requirement(s) to secure the certificate. This would be somewhat akin to the Seminars that last year students are required to attend in traditional University Programs. In this regard, the Task Force believes that the Candidate would receive credit for the number of workshops they attend, as demonstrated by, for example securing signed proof of attendance from the workshop organizer attesting to the Candidate’s attendance at the workshop.

The Task Force has also taken notice of the fact that not all courses should carry the same weight. For example, a candidate should not receive the same credit for attending a two-day course as she/he would receive for attending a one-day course. Accordingly, the Task Force is considering a system, not unlike that which is present in Universities, where a certain number of credits or educational points are given to each particular class. For ease, it was judged that probably, the most logical system would be to attribute one credit for each day (being six hours) that a course lasts. Hence, a Candidate would earn one credit for attending a one-day course, two credits for a two-day course and so on. Half-day courses (for example morning or afternoon courses) would earn the taker one-half credit.

Such a system would also allow for the orderly attribution of credits/points to be earned from attending Workshops at Conferences or meetings. Most Workshops are 90 minutes in duration and so would earn the attendee one-quarter credit/point. Attending four workshops at a conference would earn the attendee one full credit. A person attending the 3-day LESI Annual Conference could then easily earn 3 full credits for their attendance.

In this regard, the issuing of credits would be somewhat similar Continuing Legal Education (CLE) programs presently existing in the United States.

Finally, the Task Force addressed the issue of the number of credits that should be required for earning the award/certificate should be such as to demonstrate that, in theory at least, the candidate has secured a certain minimum education which shows/verifies their professional competency. In this regard, the Task Force is considering that having earned 15 credits/educational points in the course of a period of three consecutive calendar years (that is to say, the equivalent of five “continuing education credits” per year) should be sufficient.

Questions on which Consultation/Comments are sought

- 1 What LESI courses should be required to be attended to secure a Certificate of Educational Merit and over what period of time?
- 2 Should candidates for the Certificate also be required to attend a certain number of “Elective” courses offered by Member Societies to earn the certificate?
- 3 If so, what should be the mix of “Required” courses to “Elective” courses? 50/50?
- 4 If so, how long should the “Electives” list be?
- 5 What courses taught by LES Member Societies should be considered for inclusion on the “Electives” list?
- 6 Should attendance at an LESI Conference also be required/permitted to obtain the Certificate?
- 7 What about attendance at meetings/conferences of LES Member Societies?
- 8 If so, would the candidate simply obtain credit for what he/she does or should he/she be required to attend a minimum number of workshops and, if so, how many?
- 9 How would proof of attendance be assured?

- 10 How should credit or points be allocated for courses? What about for conferences/seminars?
- 11 Should candidates be permitted to gain their credits towards the award/certification over a limited or unlimited period of time? If over a limited period of time, what should this period of time be?
- 12 How could the program be shaped for the CLP to benefit from an LESI certificate program?

Propositions Concerning Delivery of the LESI Educational Curriculum

Issue #3 : Delivery of Curriculum

The Task Force has been requested to make recommendations on how to best publicize and deliver the LESI educational offerings.

In terms of publicizing the LESI Educational Programs, the Task Force consensus would be to use the presently-available Education Committee pages on the LESI website as the primary source of information which would be linked to a prominent space on the LESI Homepage publicizing the courses. This could be economical both financially and human-resource wise. To some degree this happens now but seems a bit inconsistent in its approach (the pages have not been used this year). The Education Committee Web Pages could also be used to announce Educational Program updates and changes to members, list scheduled education events, provide individual LESI course descriptions, and allow for course registration and even payment for LESI Educational Programs. Through the use of special log-ins, the Website also could be used to house Instructor PowerPoint Presentations and course-related materials for trainers as a central repository where current versions are kept up-to-date and stored.

In terms of delivery, the Task Force took note of the long-term desire to eventually move to provide more and more content “to the desktop” so to speak – in other words by Webinair, CD Roms and the like.

Understanding that there are several different initiatives ongoing at LESI in this regard, the Task Force only states its belief that eventually LESI will wish to go to a Learning Management System (LMS), such as those that are presently used at many Universities, that allow individuals to pay for and immediately access LESI courses (via online or download to a CD rom), network /collaborate with other members on course work, track completion of courses, take self-assessments, and review their progress—online, at will, anytime. Accordingly, the Task Force would urge LESI to consider looking into investing in an appropriate system with the realization that this would require current courses be reformatted for online delivery, which would likely require a financial investment that may delay its adoption.

In view of the foregoing, and until the LESI decides the precise Educational Platform that it will wish to use in this effort, the Task Force concentrated its efforts on ways of improving the traditional method of delivering its content in an “in-person” setting.

To this end, the Task force recognizes that, even though numerous individuals have been trained to teach the various courses, volunteers (especially good volunteers) remain difficult to find and retain. The Education Committee has pointed out that there is a pool of trainers internationally that travel and teach but that it is not as large as they would like due, in their opinion, more to local member societies not being willing to train and deliver trainers as needed. Accordingly, in the short term the Task Force is considering recommendations to increase volunteer numbers and retention by better interactions with local member societies concerning trainer training and recruitment.

In the longer term, the Task Force is considering recommending the adoption of a Social Collaboration Approach to recruiting and retaining trainers along the lines that has been very successfully employed at Microsoft.

Questions on which Consultation/Comments are sought

- 1 Should ways, other than using the LESI Website, be employed for publicizing the LESI educational offerings and, if so, what would those be?
- 2 Should consideration be given to investing in a LMS that could give individuals access to LESI Education Program courses from their desk/lap-tops? If so, what types of LMS should be considered and what features (such as online payment and course tracking capabilities) would be essential?

Propositions Concerning LESI Curriculum Management and Development

Issue #4 : Curriculum Management and Development

The Task Force has been requested to make recommendations on how to best manage and further develop the courses and curriculum.

Upfront, the Task Force emphasizes that it recognizes and appreciates the almost herculean effort that the Education Committee has put into both trying to teach the courses and strategically plan the Committee. However, for the Task Force, the issue is not does the Education Committee do a good job. The real issue is: can the structure be improved and, if so, how.

There are many ideas in this regard ranging from leaving the current structure in place to spinning the Education Programs out into a separate, independent entity like the CLP. These include the concept of the creation of a quasi-independent "LESI Academy" run by a Board of Administrators. Instead of trying to address all possibilities, the Task Force decided to concentrate its attention and present its views on these three different suggestions in order to receive comments and viewpoints.

Further, the Task Force identified two essential needs for whatever entity runs the LESI Educational Programs:

- 1 Resources, both human and financial; and
- 2 Good strategic direction (from the LESI Board or elsewhere).

Whatever entity that is charged with the task of developing and running the LESI Educational Programs should be the one best placed to address those two needs.

Resource Needs: Human Resources The Education Committee has emphasized that its primary resource constraint are human resources for course development and content delivery.

On the face of it, none of the three models would overtly appear to offer any advantage over the others. If people are not going to work, they are not going to work, regardless if it is for the Educational Committee the LESI Academy or an independent spin-out. Further, the Task Force has taken note of the fact that it is often difficult to find sufficient manpower to properly man the Education Committee as it exists today.

However, the Task Force believes that there may be one factor weighing in the advantage of the LESI Academy and Spin-Out models over the Educational Committee: prestige. People are more likely to be motivated to work as a Board Member of the LESI Academy than as a "mere" Vice-Chair of the Education Committee. The additional prestige that would come from being an Administrator or "Governor" of the LESI Academy may very well attract talent and expertise that would otherwise be unlikely to volunteer to serve.

It is to be noted that the Task Force was not unanimous in this view. The opinion was expressed that the same result could be achieved with the present Committee structure by having more defined roles within the Committee. Further, it was expressed that course development could be done with internal LESI human resources by, for example, increasing liaisons with other LESI IPR Committees to develop new content. However, if that is the case, then why no Chair has done that to date is not clear.

Further, the Task Force believes that if Board Members are appointed for extended terms (of, for example 2 or 3 years) instead of the year-to-year tenure of Educational Committee Members, then they are more likely to invest themselves in the role. In this regard, it is noted that, while traditionally, LESI Presidents have adhered to an unwritten rule that Education Members would serve two-year terms, this is not guaranteed.

Resource Needs: Financial Resources The Education Committee has emphasized that it has never had a budget proposal rejected and so cannot say that it has financial restraints.

However, the Task Force notes that further development of the Educational curriculum as recommended by external educational experts consulted by the Task Force, would require financial resources that would be difficult for LESI to provide and maintain, especially with present budgetary constraints.

Again, on the face of it, none of the three models would appear to offer any advantage over the others in generating additional revenue. Indeed, the easiest way to obtain additional financial resources (permitting at least a part of the revenue generated through activities, such as DVD sales, on-line offerings, webinars, etc., to be retained by the entity for investment into the LESI Educational) is possible for all three models. However, since such retention of finances is not mandated, it simply does not happen.

Where a spin-out or LESI Academy may have an advantage over the present Education Committee model may be in the area of budgeting. Since LESI Budgets are made by the LESI Board for the upcoming year only, the Educational Committee cannot count on what budget it may have available to it for future years to maintain existing and develop new LESI Educational offerings. This makes long-range planning difficult since it cannot count on having monies for capital investment that is needed to engage parties to provide services. In contrast, an independent spin-out or a quasi-independent LESI Academy that can retain at least a part of the revenues it generates would be able to so plan.

Again, the Task Force was not unanimous in this view with the belief being expressed that the Education Committee as presently structured could also do this. While it is agreed that this may be the case, that approach could be easily changed by future LESI Boards. This is something which would be more difficult with a stand-alone entity or an LESI Academy both of whom would, presumably, have their own charters.

Strategic Direction Relative to the second point, the LESI Board appears to take a reactive, rather than a proactive, approach to the Educational Committee. Further, a clear objective regarding the roles and responsibilities related to strategic goal of the Education Committee is often missing. If the goals, broad and specific, are not clearly defined, one cannot expect specific actions to be pursued. This diverts the Committee from its other tasks and gives it more of a short-term approach than a long-term one.

Would either of the two alternative models (a “Spin-Out” or an LESI Academy) help in permitting those individuals running the LESI Educational programs to be more proactive and strategic in their approach?

The Task Force believes it possible that they may. Volunteers in a long-term position are more likely to invest themselves in the role and are more likely to be thinking ahead several years. Thus, such a role would be more likely to attract committed individuals. Further, it would give the organization a measure of independence from the LESI Board, so that it can develop a proper long-term strategic plan.

Will this definitively work? The Task Force cannot say but it has noted the success of the CLP and believes that it would never have enjoyed such success if it had stayed within LES. Further, it appears that individuals involved with the LES University from LES USA/C (who enjoy similar latitude) appear to believe that the USA/C Educational offerings are the better for it.

Education Committee, Independent Spin-Out or LESI Academy Finally, the Task Force addressed the issue of whether the creation of an independent spin-out entity or a quasi-independent LESI Academy would be better suited for the task of managing the LESI Education Programs.

In this regard, the Task Force favored the LESI Academy concept. While the approach of having a totally independent entity was successful for the CLP, in that case, it was also necessary due to the need for the CLP to remain and be independent of LES. That logic is not applicable here. Further, at this time, the financial viability of such an entity as an independent entity is not clear but would likely initially need substantial financial resources that are not available at this time. Finally, LESI will need to retain a measure of control over its Education Programs due to the licenses it has and under which it operates those Programs.

This leaves the Task Force with the option of retaining the present structure or forming a quasi-independent entity along the lines of the “LESI Academy”. In this regard, we can look to the success of the LES University (an initiative of LES USA/Canada) which has permitted USA/Canada to place the focus and resources on education that it was not able to do in the past. And, while the LESI Academy would not be independent like the CLP is, it could be organized around program operational aspects that may serve as a useful start-up model.

The idea is to have the LESI Academy run by a Board of three Administrators having staggered terms, so that each year the term of one of the Administrators would expire. The Board would be charged with: (1) strategic oversight, management and further development of the LESI educational programs and curriculum; (2) establishing and maintaining a program of instructor training and development; and (3) forming the Academy’s “Faculty”, responsible for delivering and helping to improve content.

The Task Force is further considering recommending the establishment of an “Advisory Board” of (three to five) non-paid volunteers to serve as Advisors to LESI on Education. The purpose of this Advisory Board would be as a resource of professional advice and assistance to the Board of Administrators and NOT oversight. This Board could be composed solely of individuals external to LES but professionals in the education field but also cognizant of our profession and its co-mingling of legal commercial/business, and technology domains, or it could be a mix of such individuals and internal advisors dedicated to education.

Questions on which Consultation/Comments are sought

- 1 What type of structure would be best for managing and developing an LESI Curriculum? An independent body, a quasi-independent body or the present system using the Education Committee?
- 2 Should LESI form a quasi-independent body to oversee its educational programs, curriculum and content?
- 3 If so, what should scope of responsibility or powers should that body possess? What about Budgets and fiscal management?

- 4 If so, what should that body look like and be called?
- 5 Should any special qualifications/requirements be required of persons who serve on such an Administrative Board?
- 6 What should be the terms of persons serving on such a Board of Administrators?
- 7 Would an Advisory Board be useful and, if so, what would its role be?
- 8 Who should sit on such an Advisory Board and for what term?

CALL FOR COMMENTS

The above ideas, thoughts and concepts represent the present thinking of the Task Force on the issues it was asked to consider concerning the LESI Educational courses, programs and offerings. It is emphasized that these are primarily the results of brainstorming and that the Task Force is now entering into a fact-finding and consultation phase for finalize which, if any, of these or other ideas or concepts it would recommend taking initiatives to address.

Accordingly, all individuals, LES Member Societies, LES Members, organizations and groups are invited to submit comments to the individual at the address first mentioned above. The period for receiving comments opens with the publication of this paper and closes 1 August 2012 at 17 hours Brussels time (Central European Daylight time).