Guidelines for QUT Open Education Resources

Division of Technology, Information and Learning Support

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Contents

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What are Open Education Resources?

Open Education Resources (OERs) are educational materials which are licensed in ways that provide permissions for individuals and institutions to reuse, adapt and modify the materials for their own use (OER Foundation). OERs may include all materials that support learning and teaching, ranging from whole courses and units to components such as specific activities or assessment items.

QUT supports the promotion and use of OER to widen access to education and to improve the cost-efficiency and quality of the learner experience and learning outcomes. QUT supports the use of open licences for educational resources in appropriate circumstances. Open licensing is usually not appropriate in cases where the materials are to be commercialised, contain confidential information, or where releasing the materials would infringe a legal commitment by the university and/or the author.

Open licences preserve the creator's intellectual property rights whilst giving permission in advance for the material to be used, subject to certain defined conditions. Such licences may provide the user with the right to reproduce, copy, adapt and communicate the materials under specified terms or conditions.

How to use and adapt Open Education Resources?

OERs potentially provide learners with access to richer learning materials that should enhance their overall experience and learning outcomes. They enable staff to incorporate high quality materials into curriculum and to focus their time and effort on more productive endeavours such as adapting or customising OERs or creating OERs for other parts of the curriculum.

QUT strongly encourages staff to actively seek out high quality OERs developed by third parties and purposefully incorporate them into the design of courses and units. Depending on the licencing arrangements, this may include:

- curating existing OERs as integral or optional components of the designed learning environment

- adapting or enhancing OERs to improve learning experiences or outcomes

- teaching learners how to locate, determine quality and use OERs as part of their immediate and future learning.

More information about OERs

OERs are available from many sources. Many professional assoications and international discipline interest groups increasingly create and disseminate OERs. Some useful references are listed below.

- OER Commons
  A digital library and network for open education resources.

- MERLOT
  A curated collection of free and open resources.

- OER Repositories World Map
  Map of OER repositories by country and location.

- Commonwealth of Learning - Open Educational Resources (OER)
  Extensive set of useful resources about OERs produced by the Commonwealth of Learning (COL) to encourage the development and sharing of open learning knowledge, resources and

technologies

- Open Professionals Education Network
  Collection of resources including guides for best practices when marking content, OER management, and for universal design for learning and accessibility.

- WikiEducator

  A collaborative community for planning projects and creating, developing and funding OER materials.

- OER Knowledge Cloud
  Provides access to OER research and information.

- WikiBooks
  Open-content textbooks collection that can be edited.

- Open education practices: a guide
  Practical advice.

- JISC Open Education Resources infoKit.
  A collection of practical supporting resources from the UK.

- The Open Education Licensing Project
  A project led by Swinburne University and the University of Tasmania to investigate and disseminate issues associated with the copyright and licensing issues of open online resources.

Examples of specific institutional sites and OER publications:

- MIT Open Courseware

- The Open University LearningSpace

- University of Tasmania

Respecting open licences

Open licence may provide permission to freely use and adapt materials. Staff using or adapting OERs have an obligation to respect the terms of the licence.

When using learning resources that are released under a Creative Commons licence, staff must provide appropriate attribution for all authors. It is also necessary to comply with other terms. For example, resources released under a 'Share-Alike' or 'copyleft' licence may only be used if QUT agrees to release any modifications to the material under the same licence or a compatible licence. Guidance on using the Creative Commons licences is provided on the Creative Commons Australia website: http://creativecommons.org.au/learn/howto/.

- It is important to recognise and acknowledge the moral rights of all creators. The QUT Copyright Officer can assist in identifying the requirements for use of OER materials produced by third parties.

- Staff must keep accessible records of all licensing information when they use materials provided by third parties. At a minimum, this record keeping includes the exact license under which the resources are released, the names of the authors, and the official URL where the resources are available. Records must be provided to the QUT Copyright Officer for archiving into TRIM.

How to share materials produced by QUT

Examples of QUT produced learning and teaching materials that may become OERs within the scope of these guidelines include courses, units, modules, study guides, course outlines, course reading lists, open textbooks, notes, slides, presentations, assessment items, examination papers, answer guidelines, tutorial questions, handbooks, spreadsheets, computer programs solely used for teaching purposes, simulations, online tools, drawings and diagrams, maps, photographs, broadcasts, films, videos and podcasts solely created by QUT staff for learning and teaching purposes. Note that MOOCs can be designed or offered in different ways and are outside the scope of the guidelines. Contact eLearning Services for advice regarding MOOCs.

QUT examines the suitability of learning and teaching materials to be made available as OERs on a case-by-case basis. Below are a series of critical questions that need to be worked through by staff and their supervisor before considering whether materials should be released as an OER:

1. Do the materials have the potential for commercial restrictions or returns (whole or in part), offer QUT and its students a competitive advantage in the marketplace or contain confidential elements (e.g. from students, employers, external development partners/contributors or professional bodies)? As an example of the latter, cases, examples, or contacts may be included in award programs that specific organisations or individuals are comfortable to share within the QUT context but not wider.

   Heads of Schools (or Directors of Divisional areas) in consultation with the Office of Commercial Services (if required) are responsible for informing this determination.

2. Are the materials worth sharing? OERs should benefit learners and help them to achieve learning outcomes, add value to the existing body of resources and be reputation building for the creator(s) and QUT. Many learning and teaching materials produced within a university are possibly already available at a similar quality or once they are stripped of third party materials do not provide learners with quality experiences.

   Colleagues, students and eLearning Services can help inform the quality of the materials.

3. Are there demonstrable benefits to learners or teachers? Evidence of the benefit can be gained from extensive field testing with QUT students, reviews from peers or experts or through formal research, projects and publication activities.

4. Can the materials be disaggregated or adapted? If so, what is the level of comfort with this potential?

Managing intellectual property and copyright ownership

In order to publish materials as OERs, QUT must first own all the intellectual property or have appropriate permission to include all third party sources that make up the materials. This is a fundamental requirement. It is also quite different to the automatic permissions university staff have for the design and delivery of QUT's undergraduate and postgraduate programs where third party source materials are commonly incorporated into units to benefit students formally enrolled in those programs. For enrolled students, unit materials may legitimately include substantial portions of material owned by a third party if they do not breach the terms of any commercial licence (e.g. journal article in a library subscription database) and if they can be copied and communicated under the Part VA or Part VB statutory licences of the *Copyright Act 1968*. However, such materials **cannot** be made available under an OER licence.

As part of QUT's process of determining whether the material is appropriate to be available as an OER, QUT will need to consider if there is a risk that the material will infringe copyright. Any third party materials used in OER materials must be available under an appropriate open licence or be

included under an exception to copyright.

The risk of copyright infringement can be managed by following QUT's institutional position on the inclusion of substantial portions of third party copyright:

- When re-purposing existing teaching materials for OERs, third party copyright which is not licensed under terms compatible with open access should be replaced with alternative suitably licensed materials.

- When creating new OERs, only use QUT copyright or material which is licensed under an appropriate open licence that permits re-use.

- When releasing materials under an OER licence, care should be taken to ensure that all authors are correctly attributed. Appropriate attribution to the author(s) should be provided for all source material. The *Copyright Act 1968 (Cth)* outlines that the moral rights of the creator works are:
    - the right of attribution of authorship in respect of the work;
    - the right not to have authorship of the work falsely attributed; and
    - the right of integrity of authorship in respect of the work.

    For more information on moral rights, please refer to 3.1.8 of the Intellectual Property Policy.

- Any licence conditions imposed on the source material by third-parties should be followed, and the OER resource should be released under a licence that is compatible with all source material used.

- Materials that are licensed under a non-commercial term (for example, Creative Commons Non-Commercial licences) can be used only in activities that are not primarily directed towards commercial advantage or monetary compensation (e.g. only in regular teaching activities and not in for-profit professional courses).

- Address privacy issues and consent that is required for use of video/audio/images of QUT personnel, external participants, and students

There is <u>no risk</u> of copyright infringement if:

- teaching materials are the copyright of QUT; or
- copyright has never subsisted or has ceased to subsist in the material; or
- third party copyright material is licensed for re-use.

Notes:

1. The majority of QUT's teaching material is protected by copyright, given automatic protection under the Copyright Act 1968. QUT owns copyright in teaching materials created by staff in the course of their employment. QUT must explicitly state whether materials are OERs and the conditions for use otherwise they retain full copyright protections.

2. QUT does not own the intellectual property of student produced work (unless explicitly agreed).

3. Although QUT owns the Intellectual Property of worked produced by staff in the course of their employment, all QUT contributors should be consulted and acknowledged before considering making OER's available.

For more information, please refer to D/3.1 Intellectual Property Policy. For more information on copyright, please refer to the QUT Copyright Guide and QUT's Copyright Policy. Staff members using OER as part of their QUT duties should seek assistance from the University Copyright Officer.

What is the appropriate licensing framework?

For a resource to meet the definition of an Open Educational Resource, it must be licensed under an 'open' licence. QUT prefers the International Creative Commons Attribution and Attribution-ShareAlike licences for most educational resources. Version 4 of the licences (current at time of writing these Guidelines) is recommended over earlier versions. Creative Commons licences are not suitable for licensing software. For software, either the Massachusetts Institution of Technology (MIT) X11 license or the GNU General Public License is recommended. Lists of other open licences are maintained by the Open Knowledge Project (http://opendefinition.org/) and the Open Source Initiative (http://opensource.org/licenses).

For information about the licences, please refer to the following links:

Creative Commons Australia Website

- Creative Commons Attribution 4.0
- Creative Commons Attribution-ShareAlike 4.0

For Software

http://opensource.org/licenses/MIT :

- MIT X11 software licence

http://www.gnu.org/copyleft/gpl.html :

- GNU GPL v2 or GNU GPL v3 software licence

In some cases, it may be necessary to use a license that does not meet the definition of 'open' resources. The use of these licences is generally discouraged, but they may be used in appropriate cases. Related OER licences include:

- Creative Commons Attribution-NonCommercial 4.0
- Creative Commons Attribution- NoDerivatives 4.0
- Creative Commons Attribution– NonCommercial – No Derivatives 4.0

Student Projects where the material will be made as an OER

In certain circumstances, QUT may conduct student projects where one of the objectives is for the outputs to be made available under an open source licence. Examples include creating an open text book, or student contributions to software that will be released to the open source community.

In accordance with QUT's policy on intellectual property generated by students (D/3.1.7 Intellectual Property Policy), students personally own the intellectual property they generate. Please refer to the C/5.1 Assessment Policy for considerations about the use of student IP. If student IP is to be openly licensed, students must be offered a real choice before participating in the assessment or unit.

Where student contributions are to be released under an OER licence, the best approach is usually for students to grant the licence themselves. This material may then be included within a larger body of work, provided the terms of the licence are respected. In most cases, students should not be asked to assign copyright to QUT for the purposes of releasing content under an open licence.

Distribution

Staff members releasing QUT teaching material as an OER or an OER Related Licence as part of their QUT duties should seek assistance from eLearning services which will assist with the appropriate online distribution of the materials.

Staff should refer to the OER information in the Digital Workplace.

Relevant cross reference links:

eLearning Services http://www.els.qut.edu.au/blendedlearning/usingonlineresources/resources.jsp

Student IP Policy http://www.mopp.qut.edu.au/D/D_03_01.jsp#D_03_01.07.mdoc

Moral rights http://www.mopp.qut.edu.au/D/D_03_01.jsp#D_03_01.07.mdoc

Copyright Policy http://www.mopp.qut.edu.au/F/F_05_01.jsp

QUT Copyright Guide http://www.library.qut.edu.au/copyrightguide/

Assessment Policy http://www.mopp.qut.edu.au/C/C_05_01.jsp