OER: Open Educational Resources

Laura F. McKinnon, JD, MLIS
Director of Scholarly Communications
UNT Libraries
CC BY-SA
Purpose of copyright

• “to promote the progress of science and the useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.”
  (Article I, §8 of the U.S. Constitution)

• Copyright is supposed to promote learning and invention

The Copyright Act is located in Title 17 of the United States Code.
What can be copyrighted?

- Literary works;
- Musical works, including any accompanying words;
- Dramatic works, including any accompanying music;
- Pantomimes and choreographic works;
- Pictorial, graphic, and sculptural works;
- Motion pictures and other audiovisual works;
- Sound recordings; and
- Architectural works.

17 U.S.C. § 102
What cannot be copyrighted?

• **Ideas & theories**
  - Copyright protects expression of ideas, but not the ideas themselves

• **Facts & discoveries**
  - Including data

• **U.S. government works (federal level) produced by a government employee in the scope of their duties**

• **Works whose copyrights have expired – enter the *public domain***
  - Works in the public domain can be used freely by anyone for any purpose
When does copyright protection begin?

- **Copyright protection begins automatically** in:
  
  “original works of authorship fixed in any tangible medium of expression…”

  - Only needs a small amount of creativity to be original
  - Writing on paper, painting on canvas, taking pictures (film or digital), building a sandcastle, sound recordings, blog posts, Tweets, etc. – these are all fixed works in tangible mediums
  - Fixed ≠ permanent
  - You do **not** have to publish your work in order to get copyright protection
  - Notes you are taking now are copyrighted
  - **You do not** have to register your work with the Copyright Office in order to get copyright protection
  - Just because a work does not have the © on it does not mean it is free to use or in the public domain
Copyright owners’ exclusive rights

- Reproduction;
  - copies

- Preparation of derivatives;
  - New works based on the original copyrighted work

- Distribution;
  - To the public by sale, rental, lease, or lending

- Public performance of the work;
  - Literary, musical, dramatic, and choreographic works, pantomimes, motion pictures, and other audiovisual works

- Public display of the work;
  - Literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works

- Public performance of the work via digital audio transmission
  - Sound recordings

17 U.S.C. § 106
How long does copyright protection last?

• Works created in 1978 or later:
  • Created by a person = life of the author + 70 years
  • Created by a corporation (works made for hire) = the shorter of 120 years from creation or 90 years from publication

• Works created before 1978:
  • This gets complicated – use this chart [http://copyright.cornell.edu/resources/publicdomain.cfm](http://copyright.cornell.edu/resources/publicdomain.cfm)

• Works created before 1923 are in the public domain

• Foreign works
  • Use this chart [http://copyright.cornell.edu/resources/publicdomain.cfm](http://copyright.cornell.edu/resources/publicdomain.cfm)
Face-to-face teaching exemption

“performance or display of a work by instructors or pupils in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction, unless, in the case of a motion picture or other audiovisual work, the performance, or the display of individual images, is given by means of a copy that was not lawfully made under this title, and that the person responsible for the performance knew or had reason to believe was not lawfully made...”

- Must be in a classroom
- Must be in person
- Must be at a nonprofit educational institution

17 U.S.C. §110(1)
Fair use exemption

- Fair use is detailed in §107 of the Copyright Act and allows things like, “criticism, comment, news reporting, teaching, scholarship, research.”

  17 U.S.C. §107

- It is an exception to the bundle of rights that are reserved to authors of copyrighted works

- It only applies to works that have copyright protection – if the work is in the public domain, you do not need to rely on fair use

- Fair use is a *defense* to an accusation of copyright infringement – it does not actually prevent an accusation in the first place

- Fair use is a balancing test and courts look at four factors when determining whether a use is fair
Fair use is a balancing test

Four factors:

1. **Purpose of use**
   - Nonprofit? Educational? Commercial?

2. **Nature of work used**
   - Published? Unpublished? Nonfiction? Creative?

3. **Amount and substantiality of work used**
   - Just a small amount? Is it the heart of the work?

4. **Effect on market of work**
   - Will it compete with sales of the original?

• Strong emphasis on whether use is transformative

  1. Is the purpose of your use different than the original purpose of the work?
  2. If yes, is the amount used appropriate to your transformative use? (too much, not enough?)
Creative Commons Licenses
About CC Licenses

Standard for Licensing

• Widely Used:
  ▪ Individuals
  ▪ Government agencies
  ▪ Foundations/Institutes
  ▪ Academics
About CC Licenses

Works with Copyright

- Modify reuse terms:
  - Attribution
  - Distribution/sharing
  - Transformative works
  - Commercial use
About CC Licenses

Irrevocable License

• Choose wisely
  ▪ Grants permissions under terms
  ▪ Can change the terms later, but:
    ▪ Not recommended
    ▪ Still be used under original terms
About CC Licenses

Covers Variety of Items

- Individual/one item:
  - Article
  - Report
  - Blog post
  - Photograph
About CC Licenses

Covers Variety of Items

• Group or all items within:
  ▪ Journal
  ▪ Series
  ▪ Website
  ▪ Collection
About CC Licenses

Include License Information on:

• Each individual item
• Each page of a website
Types of CC Licenses
Types of CC Licenses

Six Standard Licenses:

• All contain Attribution
• Credit original work
• Other terms may apply
Types of CC Licenses

Attribution:

- **CC BY**
- Distribute, remix, tweak, build upon
- Commercial use *allowed*
- *Most accommodating*
Types of CC Licenses

Attribution-ShareAlike:

• **CC BY-SA**
  • Distribute, remix, tweak, build upon
  • Commercial use *allowed*
  • License under identical CC terms
Types of CC Licenses

Attribution-NoDerivs:

• **CC BY-ND**
• Distribute
• Commercial use *allowed*
• Unchanged – no derivatives
Types of CC Licenses

Attribution-NonCommercial:
- **CC BY-NC**
- Distribute, remix, tweak, build upon
- *No commercial use allowed*
Types of CC Licenses

Attribution-NonCommercial-ShareAlike:

• **CC BY-NC-SA**
  • Distribute, remix, tweak, build upon
  • *No commercial use allowed*
  • License under identical CC terms
Types of CC Licenses

Attribution-NonCommercial-NoDerivs:

- **CC BY-NC-ND**
- Distribute
- *No commercial use allowed*
- *No changes to original work*
<table>
<thead>
<tr>
<th>License</th>
<th>Attribution</th>
<th>Share-Alike</th>
<th>Commercial Use OK</th>
<th>Derivatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>CC BY</td>
<td>✔</td>
<td></td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>CC BY-SA</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>CC BY-ND</td>
<td>✔</td>
<td></td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>CC BY-NC</td>
<td>✔</td>
<td></td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>CC BY-NC-SA</td>
<td>✔</td>
<td>✔</td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>CC BY-NC-ND</td>
<td>✔</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Public Domain: CCo
Public Domain: CCo

Waive Applicable Rights:

- Free to use for any purpose
- To extent allowed by applicable law
- No attribution or other terms
Public Domain: CCo

“No Rights Reserved”:

- Opt out of copyright protection
- Exclusive rights automatically granted
- Not adapted to particular jurisdictions
What are OER?
What are OER?

"...teaching, learning, and research resources released under an open license that permits free use and repurposing by others“

- Courses
- Course materials
- Lesson plans
- Open textbooks
- Learning objects
- Videos
- Games
- Tests
- Software
- Any other tool, material, or technique that supports access to knowledge

“Open Education” by SPARC is licensed under CC BY 3.0 / excerpted from original
What are OER?

• OERs allow users to:
  
  • Retain: users have the right to make, archive, and “own” copies of the content;
  
  • Reuse: content can be reused in its unaltered form;
  
  • Revise: content can be adapted, adjusted, modified, or altered;
  
  • Remix: the original or revised content can be combined with other content to create something new;
  
  • Redistribute: copies of the content can be shared with others in its original, revise, or remixed form

“Open Education” by SPARC is licensed under CC BY 3.0 / excerpted from original
Why use OER?
Why use OER?

• 65% of students report not purchasing a textbook because of its high price [1].

• College textbook prices rose 82% between 2003 and 2013, approximately triple the rate of inflation in overall consumer prices (CPI) during the same time (27%) [2].


“Open Education Fact Sheet” by SPARC is licensed under CC BY 3.0
Why use OER?

• Textbooks cost A LOT
  • [http://www.20mm.org/infographics/embracing-the-future-free-college-textbooks/](http://www.20mm.org/infographics/embracing-the-future-free-college-textbooks/)
  • Open resources make learning more accessible to lower income populations

• Open resources allow faculty to adapt materials to each specific course’s needs

• Open resources allow scholars to share information globally and immediately
Facets of OER Movement
OpenCourseWare (OCW)

• OpenCourseWare is the digital publication of high quality educational materials that are freely and openly licensed, and are available online to anyone, anytime.

• They frequently include course planning and evaluation tools along with thematic content.

• OpenCourseWare initiatives range in scope from mirroring traditional classroom sized endeavors, to the emerging MOOC (massive open online courses) model, which enables large-scale participation by anyone with Internet access.

“Open Education” by SPARC is licensed under CC BY 3.0 / excerpted from original
Tidewater Community College

- Z-Degree
  - Zero dollars on textbooks
- Entire degree program taught with OER
- Saves students 1/3 cost of college
Open Textbooks

• Gratis & libre
  • Do not cost anything to use
  • Do not have any restrictions on use

• Open textbooks can be changed to suit the needs of each specific course
Open Textbooks

• For scholars and disciplines:
  • they represent a way to take ownership of textbook content (e.g., through peer review), to match textbook content with lectures and classroom discussion, to keep content current, to provide easy access to needed content, and to do so at very low cost

• For administrators and students:
  • they offer a way to reduce educational costs

• For students accustomed to an increasingly online delivery mechanism:
  • they offer a quick way to get content for their classes

• For libraries:
  • they offer the opportunity to meet a strong need among their clientele

“Handout on OER and Open Textbooks” by Barnett & Collister shared under CC BY-SA / excerpted from original
OER Publishers

• The rapid rise in the cost of textbooks, combined with the high demand for affordable alternatives, has led to the emergence of new open publishing efforts for textbooks and other OER. This category also includes initiatives geared toward developing specific collections of OER, such as Khan Academy and the Saylor Foundation.

“Open Education” by SPARC is licensed under CC BY 3.0 / excerpted from original
OER Repositories

- Digital repositories have evolved into a convenient place to find, share and remix OER from a variety of sources. They range in scope from portals and gateways that provide access to information on OER and aggregated content resources to institutional repositories with source content and tools to develop OER.

“Open Education” by SPARC is licensed under CC BY 3.0 / excerpted from original
Publicly-Funded Initiatives

- Increasingly, policymakers on the local, state and national levels are developing policies that encourage the creation and adoption of OER. Approaches vary from directly funding the creation of OER to conditioning federal or state research dollars to require that any Education Resources produced as a result of that funding be made openly accessible.

“Open Education” by SPARC is licensed under CC BY 3.0 / excerpted from original
Finding & Using OER & CC Materials
OpenStax

- Rice University
- Open-source
- Peer-reviewed
- Openstaxcollege.org
OpenCourseWare

- MIT
- Openly licensed course materials
- Over 2,000 courses
- Ocw.mit.edu
Open Textbook Library

- University of Minnesota
- Searchable catalog of open textbooks
- Faculty reviews
- Open.umn.edu
Open Course Library

- Openly licensed course materials
- Created specifically for community college courses
- Managed by Washington State Board for Community and Technical Colleges
- Opencourselibrary.org
Project Merlot

- Multimedia Educational Resource for Learning and Online Teaching
- Repository for OER
- Peer review based on ratings and comments
- Merlot.org
Open4Us

- Open Professionals Education Network
- Nice guide to finding OER
- Open4us.org/find-oer

CC licensed (BY) Flickr photo shared by David Amsler modified by Paul Stacey

Reusing existing Open Educational Resources (OER) can save significant time and effort. The OPEN partners recommend TAACCCT grantees invest up-front time finding OER to reuse rather than starting development of new educational resources right away. A significant benefit of OER is that they provide source material to build your development efforts around. No need to invest development effort in creating something that already exists.

OER come in a wide variety of types. Many educators are simply looking for individual media elements to use within their courses, such as photos, graphics, videos, and audio, that are openly licensed in a way that freely permits education use.
Where to find CC licensed works

• Search feature on the CC website
  • http://search.creativecommons.org/
  • Simply enter your search in the box, choose how you want to use the work, and choose where you search
  • Flickr, Google, Open Clip Art Library, YouTube, Wikimedia Commons, Google Images, Sound Cloud, etc.

• Research Guides
  • Harvard Law Library http://guides.library.harvard.edu/content.php?pid=500088&sid=4113929
  • UNT Center for Learning Enhancement, Assessment, and Redesign http://clear.unt.edu/copyright-locate-usable-works
Creative Commons Search

- Media, images, music, videos, web
- Search for specific types of uses on a variety of websites
- Add CC Search to browser
Harvard Law Library

• LibGuide helps users locate public domain and CC licensed images, audio, and videos

• Explains difference between public domain and CC
Locate public domain and CC licensed works

- Multiple formats
- Text (mostly eBooks and some teaching materials)
- Video
- Images
Google Images

- Advanced Google images search
- Not filtered by license
- Free to use or share: CC BY-NC-ND
- Free to use or share, even commercially: CC BY-ND
- Free to use share or modify: CC BY-NC
- Free to use share or modify, even commercially: CC BY
Flickr

- Hundreds of thousands of photos per each license
- Search images by CC license type
- Explains each type of license
Haiku Deck

- Web based presentation software
- Image heavy – limited text
- Search Flickr directly from your presentation for CC licensed images
How can you incorporate CC licenses at work?
(Or, how to make the world a better place!)

• Put them on policies!
• CC license your website or blog!
• Use them on research guides!
• Put them on your presentations and teaching materials!
• Share what you know with the world!
Questions?

Laura McKinnon - laura.mckinnon@unt.edu
References

• Public Domain
  • http://copyright.cornell.edu/resources/publicdomain.cfm

• Creative Commons
  • CC website: http://creativecommons.org/
  • CC search: http://search.creativecommons.org/
  • CLEAR’s guide to locate works: http://clear.unt.edu/copyright-locate-usable-works
  • VCU Creative Commons Media Resources: http://english.vcu.edu/about/creative-commons-image-media-resources/

• Copyright – General
  • CLEAR’s Copyright Guide: http://clear.unt.edu/copyright
  • Scholarly Communications website: http://library.unt.edu/scholarly-communications
  • Copyright Act: http://copyright.gov/title17/
References - OER

• Infographic
  • [http://www.20mm.org/infographics/embracing-the-future-free-college-textbooks/](http://www.20mm.org/infographics/embracing-the-future-free-college-textbooks/)

• SPARC:
  • Issues: [http://www.sparc.arl.org/issues/oer](http://www.sparc.arl.org/issues/oer)
  • Policies: [http://www.sparc.arl.org/resource/list-oer-projects-policies](http://www.sparc.arl.org/resource/list-oer-projects-policies)

• LibGuides on OER
  • Oakland: [http://research.library.oakland.edu/sp/subjects/guide.php?subject=OER](http://research.library.oakland.edu/sp/subjects/guide.php?subject=OER)
  • UMASS: [http://guides.library.umass.edu/oer](http://guides.library.umass.edu/oer)
  • OU: [http://guides.ou.edu/OER](http://guides.ou.edu/OER)
References - OER

• Open4Us: open4us.org
• OpenCourseLibrary: opencourselibrary.org
• OpenCourseWare: Ocw.mit.edu
• OpenStax: openstaxcollege.org
• OpenTextbookLibrary: Open.umn.edu
• Project Merlot: merlot.org
• Tidewater Community College Z-Degree: http://www.tcc.edu/news/press/2014/zdgreeecbn.htm