Hello and welcome to OER 101: A Crash Course in Open Educational Resources or O-E-R for short. Part I of II What is OER, Copyright, and Open Licensing.

The Open Educational Resources movement in the United States and internationally is growing dramatically, as many government entities and educational institutions recognize the growing need and benefit of OERs. They are dynamic and evolving resources with the ability to reflect the nature of both teaching and learning. The field of OER research is also a growing field with studies exploring such things as cost savings, equitability of access, and student success using OER.
At SHU, I work with a University-wide taskforce, championed by the Provost. The project is planned, coordinated and implemented by the Office of Digital Learning and SHU library, in collaboration with faculty to advance SHU’s open textbook initiative and taskforce.

The taskforce is strategically focusing on the exploration of open textbooks, using a horizontal scaling model; this means we are looking at high impact general education courses across disciplines to have the broadest reach possible.

In alignment with the national OER movement in higher education, Sacred Heart has launched a University-wide Open Educational Resources (OER) initiative with three goals in mind – reduce the cost of textbooks for students, increase access to course materials, and strengthen pedagogical effectiveness.
With these goals in mind, we continually strive to expand our reach to more departments and individuals. Through the creation of a self-directed module, we hope to give those interested in learning about OER better access to information.

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The term “OER” may in fact be new for many in education, however, it is likely that some are already utilizing OER. Additionally, beyond OER, there are other ways to increase pedagogy and reduce students’ cost. For example, using library materials, such as journals and eBooks, as well as taking advantage of the vast amount of works in the public domain. More will be discussed on these ideas later.
To introduce you to Open Educational Resources and open textbooks, let’s discuss what open educational resources, or OER, actually are.

The **William and Flora Hewlett Foundation** defines OER as:

> …teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that permits their free use and repurposing by others. OER include full courses, course materials, modules, textbooks, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge.

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It is important to highlight the diversity of the OER movement. It goes beyond the United States. OER is seen as a really important way to share quality, free resources globally. Imagine the potential impact of this in rural areas and developing nations, where the financial emphasis may not be on education.

**UNESCO** (United Nations Educational, Scientific and Cultural Organization) further defines OER as:

> …any type of educational materials that are in the public domain or introduced with an open license. The nature of these open materials means that anyone can legally and freely copy, use, adapt and re-share them. OERs range from textbooks to curricula, syllabi, lecture notes, assignments, tests, projects, audio, video and animation.
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To better understand these definitions, you need to know a few things about COPYRIGHT.

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The first thing to understand is that all materials are automatically copyrighted when they are created.

The Copyright Act of 1976 states that “a work is created when it is “fixed” in a copy or phono record for the first time.”
The duration of this copyright, as described in §302 of the Copyright Law of the United States, amended January 1, 1978, states:

**IN GENERAL.**— Copyright in a work created on or after January 1, 1978, subsists from its creation and, except as provided by the following subsections, endures for a term consisting of the life of the author and 70 years after the author’s death.

SO, once created, works are covered under copyright while the author is alive and for 70 years after the author’s death. At the completion of this time period, works enter the public domain.
PUBLIC DOMAIN refers to materials that are no longer under the protection of intellectual property laws.

Works in the public domain are owned by the public. Anyone can use them without permission, because no one owns them. The inventions of Archimedes, the bible, works of Mark Twain and Jane Austen are all in the public domain. Public domain also includes government publications like bills and laws, government reports, some federally funded research, and even satellite images from NASA.

Copyright law is complicated and full of exceptions. For example, different materials are subject to different laws, not all amendments are retroactive AND there are state specific laws. Therefore it is necessary to take into account different versions of the same law based on the dates of amendments, and where works were created and/or published.
Fair use is a perfect example of an exception in copyright law that makes it possible to use copyrighted materials for educational purposes. According to the U.S. Copyright office §107, fair use “provides the statutory framework for determining whether something is a fair use and identifies certain types of uses—such as criticism, comment, news reporting, teaching, scholarship, and research—as examples of activities that may qualify as fair use.” There are four factors to consider outlined in §107 for considering fair use:

- Purpose and character of the use, including whether the use is of a commercial nature or is for nonprofit educational purposes
- Nature of the copyrighted work
- Amount and substantiality of the portion used in relation to the copyrighted work as a whole
- Effect of the use upon the potential market for or value of the copyrighted work

For help determining fair use, visit copyright.gov, use a fair use checklist, or contact your library.
It is also important to understand the difference between copyrights, patents and trademarks. As stated earlier, copyright is automatic, therefore creators no longer need to apply for copyright.

According to the United States Patent and Trademark office:

A trademark is a word, phrase, symbol, and/or design that identifies and distinguishes the source of the goods of one party from those of others. Some examples include: brand names, slogans, and logos. Unlike patents and copyrights, trademarks do not expire after a set term of years. Trademark rights come from actual “use.” A trademark registration requires you file specific documents and pay fees at regular intervals.

A patent is a limited duration property right relating to an invention, granted by the United States Patent and Trademark Office in exchange for public disclosure of the invention. Patentable materials include machines, manufactured articles, industrial processes, and chemical compositions. The duration of patent protection depends on the type of patent granted.

Another element of OER is that of LICENSING.
Since OERs are part of the Open Access movement, “open” typically refers to a resource that is freely available for use by someone other than the creator. As there are different types of “use,” David Wiley, the Chief Academic Officer of Lumen Learning, discusses OER in term of the **five rights or five Rs**. They are “retain, revise, remix, redistribute and reuse.” These Rs represent the different ways in which open materials can be utilized. In Wiley’s opinion, a resource is not truly “open” unless it is free AND gives you permission to engage in the 5Rs.

In order to facilitate this balance of openness and legality, creators can obtain public copyright licenses. The most commonly used public copyright licenses are **CREATIVE COMMONS** licenses.
Created works automatically have “all rights reserved,” meaning no one needs to apply for copyright after the Copyright Act of 1976 went into effect in 1978. However, despite the purpose of copyright being “To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries,” as stated in Article 1 §8 (Section 8, Clause 8) of the United States Constitution, the reality is that sometimes copyright can be restricting to the proposed idea of “promoting the progress of science and useful arts.”

Creative Commons licenses allow creators or licensors to retain copyright, while granting others copyright permissions to their creative works within copyright law. Every CC license requires that creators are given credit for their work through attribution. These licenses work internationally and have the same duration of time as normal copyright for a given material. There are many different ways that
licensors can choose to allow their works to be used depending on the type of Creative Commons, or CC, license that they choose.

For example, the most restrictive license is Attribution-NonCommercial-NoDerivs OR CC BY-NC-ND, which only allows others to download works and share them with others if they credit you, but they are not allowed to change them or use them commercially.

And the most open creative commons license is Attribution only or CC BY. According to the Creative Common’s site, “this license lets others distribute, remix, tweak, and build upon your work, even commercially, as long as they credit you for the original creation. This is the most accommodating of licenses offered. (And is) Recommended for maximum dissemination and use of licensed materials.”

CC licenses are a standardized way to share materials with the entire world and significantly reduce worry about potential copyright infringement in the classroom.

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Now that you have a little more knowledge about OER, copyright, and creative commons licensing, you should now begin to see how open licensing within the parameters of copyright promotes the free sharing of resources, specifically for teaching, learning and research.
Thank you for joining me for OER 101: A Crash Course in Open Educational Resources, Part I and I hope you’ll join me for Part II in the near future.

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