



# USING OPEN EDUCATIONAL RESOURCES IN HIGHER EDUCATION

## A quick guide

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**Using Open Educational Resources in Higher Education, a quick guide was based on the following work:**

Neil Butcher and Andrew Moore Neil Butcher & Associates Johannesburg SOUTH AFRICA  
<http://www.nba.co.za/>

Edited by Sanjaya Mishra, PhD Education Specialist, eLearning Commonwealth of Learning CANADA The Commonwealth of Learning (COL) is an intergovernmental organisation created by Commonwealth Heads of Government to promote the development and sharing of open learning and distance education knowledge, resources and technologies. Commonwealth of Learning, 2015 © 2015 by the Commonwealth of Learning. Understanding Open Educational Resources is made available under a Creative Commons Attribution-ShareAlike 4.0 Licence (international): <http://creativecommons.org/licences/by-sa/4.0>.

George Siemens and David Wiley - Introduction to Open Education, 2017 EDX course  
<https://www.edx.org/course/introduction-to-open-education>

# 1. Overview of OER

Open education has come a long way over the last two decades in reshaping the effectiveness and economics of education. Open education stems from the open university movement which implied openness and flexibility in terms of access and learning. Yet, central to open education is the use of open educational resources (OER). In essence, OER allow for the use and adaptation of existing resources and the creation of such resources by lecturers and students.

With increased adoption at higher education institutions, open education holds the potential for creating broader systemic changes, including:

- reducing educational costs;
- increasing agency of learners and faculty;
- promoting greater transparency; and
- improving student outcomes.

As more educators share OER, greater collaboration and shared knowledge is possible. This shift can increase access to quality educational possibilities.

For an overview of OER these are two interesting video interviews with George Siemens:

OER part one: <https://youtu.be/l31fedQ9fCI>

OER part two: [https://youtu.be/MBDNVRV2\\_IM](https://youtu.be/MBDNVRV2_IM)

## 1.1 Definition of OER

The William and Flora Hewlett Foundation (2018) defines OER as “teaching, learning and research materials in any medium – digital or otherwise – that reside in the public domain or have been released under an open license that permits no-cost access, use, adaptation and redistribution by others with no or limited restrictions”. Watch the short definition in the video: <https://www.youtube.com/embed/ZFeyCc6we-s?wmode=opaque?wmode=opaque>

OER also cover complete modules, module units, full textbooks, streaming videos, assessments, software and any other tools, material or techniques in support of open access to knowledge.

## 2. OER at North-West University

The North-West University (NWU) has committed itself to the promotion, use and creation of OER through the [OER Declaration](#) which was approved by the NWU's Senate in March 2018. Consequently, NWU staff are allowed to not only use OER themselves but also create OER for wider use.

Furthermore, the NWU is also a partner with the [OERu](#). We are also very proud to have Professor Jako Olivier as our UNESCO Chair on Multimodal Learning & Open Educational Resources. One of the aims of this Chair is to promote the use of OER at the NWU. To get an insight into this exciting chair goals, watch this video: <http://education.nwu.ac.za/UNESCO-chair>

## 2.1 Copyright

When using OER and other resources for learning and teaching copyright and appropriate licensing should be considered in terms of use of published content as well as for sharing own created content. Therefore, NWU staff need to be aware of not only what copyright implies but also how Creative Commons licenses should be interpreted and used.

## 2.2 What is copyrightable and what is not?

According to the South African Copyright Act (1978 as amended), the following are eligible for copyright: literary works, musical works, artistic works, cinematograph films, sound recordings, broadcasts, programme-carrying signals, published editions and computer programs. Furthermore, “[a] work, except a broadcast or programme-carrying signal, shall not be eligible for copyright unless the work has been written down, recorded, represented in digital data or signals or otherwise reduced to a material form”.

## 2.3 The relationship between copyright and other methods of protecting intellectual property

Intellectual property relates to “rights – established by law – that empower creators to restrict others from using their creative works”.

**This also includes:**

Trademark law that “protects the public from being confused about the source of a good, service, or establishment” and Patent law that “gives inventors a time-limited monopoly to their inventions”. (Creative Commons, 2019)

In the South African context such issues are regulated through the Intellectual Property Laws Amendment Act 38 of 1997, Patents Act 57 of 1978 and the TradeMarks Act 194 of 1993 for example.

## 2.4 How a person receives copyright protection for their work

The Copyright Act automatically protects works created by South Africans or in South Africa (Wikipedia, 2019)

## 2.5 Public domain

The terms public domain refers to “creative works that are not subject to copyright” (Creative Commons, 2019).

This also relates to the term of copyright which in the South African context - from the South African Copyright Act (1978 as amended) - is as follows:

**The term of copyright conferred by this section shall be, in the case of:**

- a. literary or musical works or artistic works, other than photographs, the life of the author and fifty years from the end of the year in which the author dies: Provided that if before the death of the author none of the following acts had been done in respect of such works or an adaptation thereof, namely-
  - i. the publication thereof;
  - ii. the performance thereof in public;
  - iii. the offer for sale to the public of records thereof;
  - iv. the broadcasting thereof; the term of copyright shall continue to subsist for a period of fifty years from the end of the year in which the first of the said acts is done;
- b. cinematograph films, photographs and computer programs, fifty years from the end of the year in which the work -
  - i. is made available to the public with the consent of the owner of the copyright; or
  - ii. is first published, whichever term is the longer, or failing such an event within fifty years of the making of the work, fifty years from the end of the year in which the work is made;
- c. sound recordings, fifty years from the end of the year in which the recording is first published;
- d. broadcasts, fifty years from the end of the year in which the broadcast first takes place;
- e. programme -carrying signals, fifty years from the end of the year in which the signals are emitted to a satellite;
- f. published editions, fifty years from the end of the year in which the edition is first published.

## **2.6 Exemptions to copyright like fair use or fair dealing**

In this regard “[t]he limitations and exceptions built into copyright, including “fair use” and “fair dealing” in some parts of the world, were designed to ensure that the rights of the public were not unduly restricted by copyright” (Creative Commons, 2019).

Current South African legislation only relates to fair dealing, however, with the proposed amendment act “fair use” is now included (Copyright Amendment Bill, 2017).

Also see: <https://theconversation.com/why-fair-use-is-so-important-for-south-african-copyright-law-107098>

## **2.7 What is Creative Commons?**

The Creative Commons is “a set of free, public licenses that would allow creators to keep their copyrights while sharing their works on more flexible terms than the default ‘all rights reserved’ allows for creators of content “to share their works in ways that were consistent with copyright law” (Creative Commons, 2019).

For staff this implies checking licenses when using OER or other resources in order to determine whether it can be used, shared and to what extent it can be changed or adapted. While when any OER is created by staff appropriate licensing should be added for users to know how the created resource can be used.



# Anatomy of a Creative Commons licence

## Three layers of the CC licenses



## Four license elements

- Attribution or "BY". All licenses include this condition.
- NonCommercial or "NC". The work is only available to be used for non-commercial purposes.
- ShareAlike or "SA". Adaptations based on this work must be licensed under the same license.
- NoDerivatives or "ND". Re-users cannot share adaptations of the work.

## Six Creative Commons licenses

Attribution license or "CC BY" allows people to use the work for any purpose (even commercially and even in modified form) as long as they give attribution to the creator.

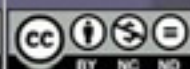
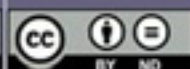
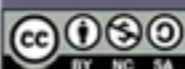
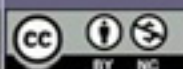
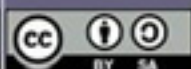
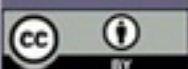
Attribution-ShareAlike license or "BY-SA" allows people to use the work for any purpose (even commercially and even in modified form), as long as they give attribution to the creator and make any adaptations they share with others available under the same or a compatible license.

Attribution-NonCommercial license or "BY-NC" allows people to use the work for non-commercial purposes only, and only as long as they give attribution to the creator.

Attribution-NonCommercial-ShareAlike license or "BY-NC-SA" allows people to use the work for non-commercial purposes only, and only as long as they give attribution to the creator and make any adaptations they share with others available under the same or a compatible license.

Attribution-NoDerivatives license or "BY-ND" allows people to use the unadapted work for any purpose (even commercially), as long as they give attribution to the creator.

Attribution-NonCommercial-NoDerivatives license or "BY-NC-ND" is the most restrictive license offered by CC. It allows people to use the unadapted work for non-commercial purposes only, and only as long as they give attribution to the licensor.



## How CC licenses affect exceptions and limitations to copyright

CC licences do not "reduce, limit, or restrict any rights under exceptions and limitations to copyright, such as fair use or fair dealing" (Creative Commons, 2019c).

Material under fair use or another exception or limitation must be identified as such and is not covered by an author's CC licence.

## How CC licenses affect works in the public domain

According to Creative Commons (2019c) "CC licenses should not be applied to works in the worldwide public domain" and in such a case the "legally robust public domain dedication" can be used.



### Sources

Creative Commons. 2019a. Creative Commons Certificate for Educators. <https://learn.canvas.net/courses/2580>.  
 Creative Commons. 2019b. Downloads. <https://creativecommons.org/about/downloads/>  
 Creative Commons. 2019c. Frequently Asked Questions. <https://creativecommons.org/faq/>



## Important links

- Creative Commons - <https://creativecommons.org/>
- Creative Commons South African chapter - <https://network.creativecommons.org/chapters/cc-south-africa/>

## 3. Five steps to using and re-mixing OER

OER are a fantastic way to find applicable material for your modules. Sometimes this material is not 100% correct according to your standards and needs to be remixed and elaborated on. An essential advantage of using OER is being able to localize, in other words translate and adapt, content for a specific context.

Sometimes lecturers are reluctant to use OER because they feel it was not invented by themselves, however, it could be a great way to help students grasp important learning outcomes. In addition, research has shown that involving students in the adaptation and creation of OER supports a student-centred approach and can in itself become a learning opportunity.

## 4. Step one: Establish your purpose to use OER

The availability of OER can feel a little bit overwhelming at first. It is therefore important to establish early on your specific purpose of using OER. This assists you to find specific resources with a clear objective and purpose in mind. This will ensure that you identify quality, sustainability and reputable sources that align with your educational purpose.

## 5. Step two: Find OER material

Here are some of the leading OER websites for searching OER:

**Openly Available Sources Integrated Search (OASIS) is a search tool that aims to make the discovery of open content easier**



### [Oasis](#)

Commons Open educational resources (OER Commons) to Explore, create and collaborate with educators around the world to improve your curriculum.



### [OER Commons](#)

The MERLOT system provides access to curated online learning and support materials and content creation tools, led by an international community of educators, learners and researchers.



### [Merlot Smart Search](#)

Suggestion: How many links? OER Africa, Open knowledge Foundation etc?

**The following OER repositories can also be consulted:**

- OER Commons- <http://www.oercommons.org/>
- AMSER- <http://amser.org/>
- Open Course Library - <http://opencourselibrary.org/>
- The Orange Grove - <http://florida.theorange grove.org/og/home.do>
- Skills Commons - <http://www.skillscommons.org/>
- Curriki - <http://www.curriki.org/>
- Open Stax CNX - <http://cnx.org/>
- Open Learning Initiative - <http://oli.cmu.edu/>
- Teaching Commons - <http://teachingcommons.us/>
- Wikiversity - <http://en.wikiversity.org/>
- HippoCampus - <http://www.hippocampus.org/>
- Open Washington - <http://www.openwa.org/>
- SOL\*R - <http://solr.bccampus.ca/wp/>
- Slidewiki - <https://slidewiki.org/>

## 6. Step three: Revise the OER material

**Here are some of the reasons why you might consider to revise OER materials:**

- to address a particular teaching method or learning style
- adjust for a different proficiency level
- adapt for a different discipline
- accommodate for a different learning environment
- address diversity needs
- meet a cultural preference or style
- meet a regional or national preference
- address a standardised curriculum or context
- add material contributed or suggested by students
- translate the activity into another language
- update the activity with (current) information
- add more media or links to other resources

This list was remixed and adapted from three [CC BY](#) licensed resources: the [B.C. Open Text-book Adaptation Guide](#) by Lauri Aesoph, [“Adapt” in WikiEducator’s OER Handbook for Educators](#) and [“Why Remix Open Educational Resources?”](#) created by Liam Green-Hughes.



## 7. Step four: Remix the OER

Academic homogeneity in our own specialised fields or discipline can lead us to stagnate. Remixing OER is a way to combat stagnation and encourage collaboration.

**If you found material that you want to remix remember to check:**

- the licence under which the content is published- does it allow you to edit, remix or change its content?
- is the content in such a format that it actually allows you to make the necessary changes? e.g. a pdf document cannot easily be edited.

To remix your content, we recommend that you use simple, user-friendly tools that will make it easy for collaborators or future users to make edits.

## 8. Step five: Share the OER material

Before you share OER it is important to decide what licence you want to add to your content. We recommend that you licence works in such a way that facilitates reuse and collaboration. Also use an open format which would allow wide access or even make editing possible if you want to allow adaptations of the resources.

In **step 2** we have listed different websites to find OER. Many of these repositories and websites are also places to share your material. Almost all sites will also enable you to openly license your content as part of the upload process.

## 9. Conclusion

You are not alone, connect with other enthusiasts at the North-West University OER by joining the eFundi site <http://efundi.nwu.ac.za/x/SEbqD8>

The North-West University have various teams at CTL ready to assist. Teams that can assist you in your journey include instructional designers, multimedia designers, graphic designers and learning technologist: <http://services.nwu.ac.za/centre-teaching-and-learning-ctl/ctl-learning-design>