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FEASIBILITY PROTOCOL

AN INSTRUMENT TO ASSIST INSTITUTIONAL ADOPTION OF OER

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INTRODUCTION

This summary document is written for the senior executives of higher education institutions, mostly Australian institutions. It explores the Feasibility Protocol, which is a key outcome of a research project titled:

"Adoption, use and management of Open Educational Resources to enhance teaching and learning in Australia"

primarily funded by the Office for Learning and Teaching (OLT), together with support from DEHub. Open Educational Resources (OER) and Open Educational Practices (OEP) have been receiving global attention, especially in the last ten years, as the demand for open resources increases in all aspects of education and knowledge sharing and distribution. Despite some important Australian initiatives and policy developments regarding OER and OEP (discussed in detail in the full project report), the lack of explicit educationally-oriented government policies appear to be limiting the process of OER adoption in Australia. To date, there have been few policy levers or enablers to encourage universities and other tertiary providers to pursue OER initiatives to better support current students, attract new ones and compete against other Australian and international institutions.

We believe that the Feasibility Protocol is a valuable instrument to assist senior executives in making decisions regarding institutional adoption of OER and OEP. The Feasibility Protocol is a set of guiding principles that prompts questions and raises issues to be considered by universities and tertiary institutions wishing to

take advantage of OER and OEP. More specifically, the protocol aims to assist senior executives, managers and policy makers to make informed decisions about the adoption of OER and OEP at several levels within their institution. Even though we are aware that the introduction of OER and OEP into mainstream higher education in Australia could have not only a global impact on the sector (e.g. meeting some of the Paris OER Declaration recommendations), but could also impact on small and isolated communities, as well as individuals outside the university sphere, this study is focused primarily on the higher education sector.

Definitions

We begin our presentation of the Feasibility Protocol with some definitional matters. What are OER? Since its inception by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 2002, the term "Open Educational Resources" (UNESCO, 2002) has been re-defined several times to meet the fast evolving pace of the movement and to fit into the diverse range of contexts that it has been applied.

The OER definition that frames this study is the one developed by the OER Foundation:

"Open Educational Resources (OER), 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 can, and do include full courses, textbooks, streaming videos, exams, software, and any other materials or techniques supporting learning"
(OER Foundation, 2011, para 1).

Another important concept to be defined in this study is Open Educational Practices (OEP). According to the Open Educational Quality Initiative (OPAL), "OEP are defined as practices which support the (re)use and production of OER through institutional policies, promote innovative pedagogical models, and respect and empower learners as co-producers on their lifelong learning path" (OPAL, 2011, p. 12).

THE FEASIBILITY PROTOCOL

The Feasibility Protocol was first conceptualised based on the body of knowledge available at the time when the project was developed in early 2010. *Figure 1* represents the last version of the Feasibility Protocol, which was informed by the project's data analysis, mostly by interviews with key stakeholders, and current work in the field. The Feasibility Protocol prompts questions on four aspects:

- the *Opportunities* involved with the adoption of OER and OEP;
- factors related to the *Challenges* associated with the adoption of OER and OEP;
- *Strategic Directions* that need to be considered for an effective adoption of OER and OEP; and
- intellectual property (IP) *Policy Recommendations* for higher education institutions in Australia.

With the exception of *Policy Recommendations*, the aspects of the protocol are subdivided into three levels: the first level is focused on the higher education sector, the second level is related to organisational issues and the third concentrates on individual levels, including staff and students within educational organisations. As for the *Policy Recommendations*, it focuses on organisational, project and individual levels.

Helping to make informed decisions about the adoption of OER and OEP ….
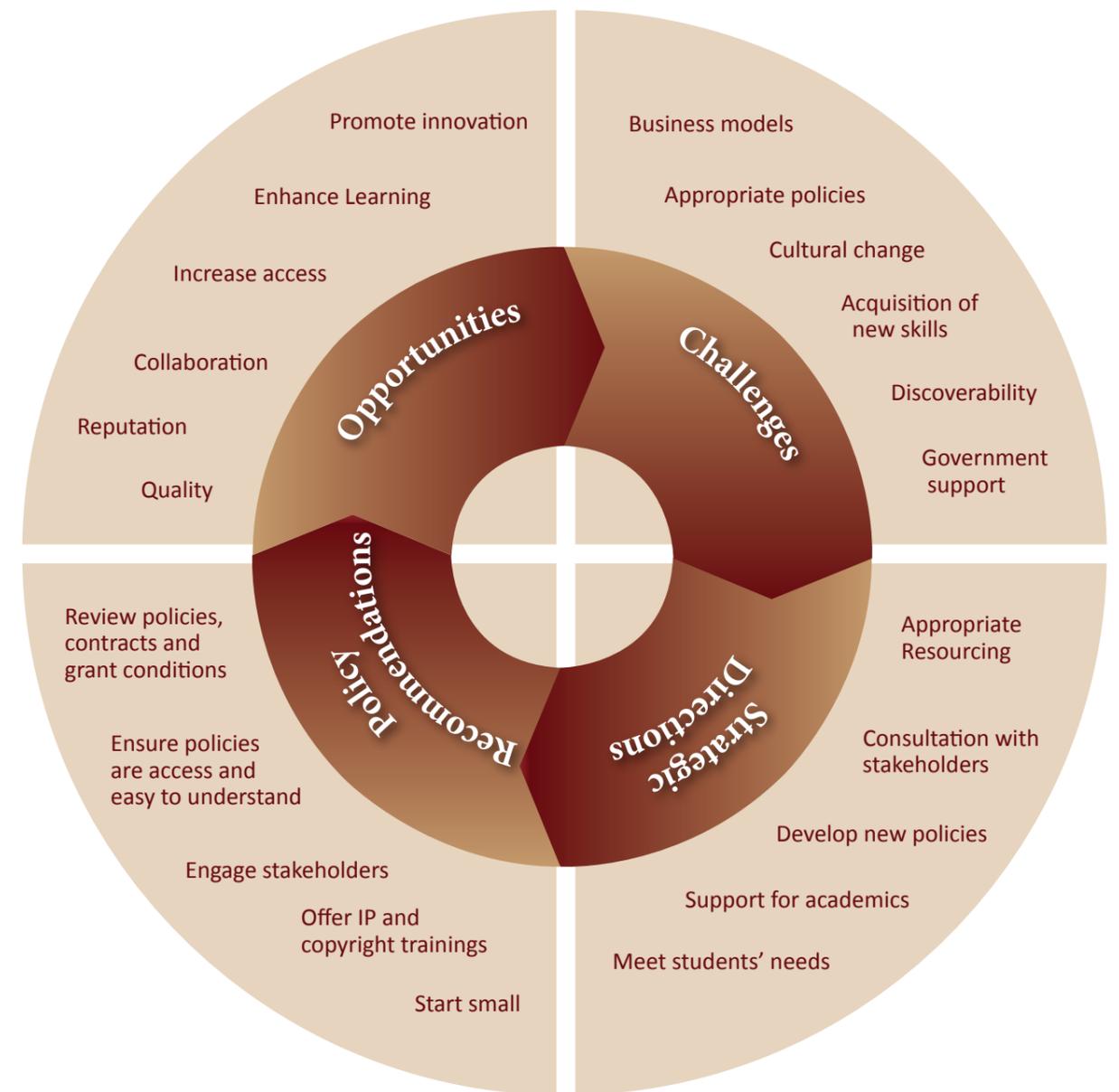

Figure 1

THINKING ABOUT THE OPPORTUNITIES

In keeping with previous research, our research shows that OER and OEP bring many opportunities to educational institutions, educators and traditional and non-traditional learners. At an institutional level, OER and OEP can assist in reducing costs, improving quality and bringing innovation to traditional educational practices (Caswell, Henson, Jensen, & Wiley, 2008; Ehlers, 2011). Here are some questions and issues for stakeholders to consider in order to take full advantage of the opportunities that OER might bring.

For the higher education sector level:

- To what extent could OEP assist to bridge the gap between formal and informal education?
- Would OEP be able to support the diverse student cohort across the higher education sector in Australia for example remote and rural students, adult and distance learners and national, international, refugee and imprisoned students etc.?
- Would OEP play an important role in positioning the Australian higher education sector on the global stage (for example, by adopting the 2012 Paris OER Declaration and other related declarations)?

At an organisational level:

Reputation…

- To what extent can OEP be considered a potential vehicle for the institution to market and showcase its educational content, raise the international profile and attract more students?

Collaboration…

- How could OEP provide an opportunity for national and international collaboration with other universities and cooperation with many different stakeholders?

Increase access…

- How does the adoption of OEP align with the institution's agendas for social inclusion and widening participation?

Innovation…

- How can OEP help to create economies of scale by more efficient content production in terms of time and money (e.g. avoid "reinventing the wheel" and the replication of content)?
- How can OEP help to promote innovations and quality in teaching and learning?

At individual levels:

Academic staff

- Would the adoption of OEP increase collegial and subject level collaboration?
- Could OEP be a vehicle for a "quality agenda translated into better teaching"?
- Would OEP add value and enrich my teaching experiences?
- Could OER and OEP create efficiency in content development?
- How could OEP create more opportunities for learning?
- To what extent would the adoption of OEP enhance existing pedagogical approaches to learning and provide the basis for new ones?

Students

As for the *Students*, the opportunities from the adoption of OEP could be:
- To enhance learning through networked and collaborative learning;
- To promote richer learning experiences through access to learning resources available outside institutional boundaries;
- To meet students' different needs and learning styles; and
- To promote and enhance lifelong learning.

FACING THE CHALLENGES

Despite the wide range of opportunities that can emerge from the adoption of OEP, educational institutions still face many challenges. They struggle with issues such as resistance to giving away information and knowledge for "free", at no cost and free to use and re-use. Intellectual property and copyright policies for OEP are also matters that remain ambiguous to educational institutions. In a similar fashion, many questions associated with sustainability and quality of OER and OEP continue to be unanswered and insufficiently researched. Here are some challenges, questions and issues that the adoption of OEP raise for stakeholders to consider.

For the higher education sector:

- To what extent could OEP be incorporated into other regulatory frameworks (e.g. TEQSA)?

At an organisational level:

Financial…

- How can business models be developed and/or adapted to ensure the sustainability of OEP initiatives?
- Are government funds and priorities aligned and available to educational institutions to encourage the adoption of OEP?

Governance…

- Are there policy enablers for OEP in Australia?
- Is there the need to revise internal policies and procedures on content materials to support the adoption of OEP?

Cultural…

- To what extent do traditional academic culture and mindset represent barriers for the adoption of OEP?

At individual levels:

Academic Staff

- Are academics reluctant to make their contents available as OER?
- Are academics concerned about the quality of OER available?
- What are the negative perceptions that academics have towards OER (time-consuming activity, hard to find resources, low quality of the resources, etc.)?
- What type of skills and knowledge are required by individuals in order to take advantage of OEP?

Students

Some factors that might pose challenges for Students to adopt OER are:

- Poorly contextualised resources
- Inadequate access to the Internet for remote and rural students
- Lack of computer skills could also be a barrier to the successful use of OER
- OER need to be relevant and meet students' needs

STRATEGIC DIRECTIONS

Below are some questions and issues for senior management levels to consider, as reflected in the data:

For the higher education sector:

- To what extent could OER assist the revitalisation of the higher education sector in Australia?
- How can government incentives and funding encourage the adoption of OER in the sector?
- How can open policies promote the adoption of OER across the higher education sector in Australia?

At an organisational level:

Resourcing…

- What additional investments, such as infrastructure, technology and resources, would be required for the implementation of an OER initiative?
- To what extent would additional support, including financial, technical and training for academic staff, promote the adoption of OER?

Innovation…

- How can the adoption of OER promote institutional "uniqueness and distinctiveness" amongst other institutions across the sector?
- Could OER be used to meet the expectations of academic staff and students in the use of innovative technologies for learning?
- How can OER be incorporated in the institutional processes for recognition of prior learning?

Planning…

- How should institutional consultation with stakeholder groups be undertaken?
- What is the scope of the OER initiative?
- What is the institutional purpose of having an OER project?

At individual levels:

Academic Staff

- Would your institution provide support to academic staff in order to increase awareness and understanding regarding OER?
- Would your institution provide technical support to academic staff, so they can make appropriate use and adoption of OER?
- Would your institution offer financial assistance to academic staff to encourage the adoption of OER?
- Could financial, technical and human resources be a powerful avenue to change academic culture and reluctance towards OER?
- Should your institution recognise and reward those academics who have adopted OER into their teaching (e.g. in promotion)?

POLICY RECOMMENDATIONS FOR HIGHER EDUCATION INSTITUTIONS IN AUSTRALIA

The issues and questions described below were drawn from a longer report on the analysis of the online publicly available Intellectual Property (IP) policies of Australian universities to determine how these documents address the ownership of course content and educational resources created and developed by their employees. The report evaluates the scope of these policies and assesses the extent to which they currently support universities and university staff to engage in the development and release of Open Educational Resources. As an attempt to initiate discussions and promote solutions, some questions and issues related to university intellectual property and copyright policies will be presented in the following section.

At an organisational level:

Universities wanting to involve employees in developing OER or releasing existing university content under open content licencing.

University considerations:

- Is the university's encouragement of OER reflected in current university policy?
- Do current employment contracts support the development of content for OER?
- Are there non-exclusive or other arrangements with university employees that will need consideration?
- Are checks required to ensure that university content intended for OER release is not already subject to a university commercialisation or other agreement?
- What authorisations, agreements or waivers may need to be secured before the university embarks on a project intended to develop OER?
- Are there university guidelines about the type of licence under which university developed OER should be released? What are the considerations?
- What university guidelines and processes are necessary to ensure issues of quality and copyright compliance are addressed?
- How does the university intend to brand the resources?
- Does the university intend to host OER or will the resources be included in a public repository of OER?

Risk management

- How will the university manage any dispute that may arise about the ownership of the resources?
- How will the university respond if it identifies that the resources are being used inappropriately?
- Who carries liability for copyright infringement in university-generated OER, the individual or the university?
- What training or resources are necessary to ensure employees developing OER are aware of the IP and copyright considerations?

At a project level

University faculty or project teams engaging in the development of OER

University considerations:

- What authorisation will the project need from the university before embarking on a project to develop OER?
- Does the project have the right to release existing content generated by the university as OER or is clearance at a higher university level required?
- How will we know if university content we want to include in our OER project is subject to a university commercialisation agreement?
- Is there a university sign-off process to ensure that, by developing and releasing OER, we are not giving away university IP without authorisation?
- Does the university require to be acknowledged on the OER?
- Are there university guidelines about the type(s) of licence our OER project should use?

Creators' rights

- What agreements or clearances may be required from individuals participating in or developing project OER?
- Are the individuals involved in developing content for the project aware of the open content licence under which the OER will be released?

Using third party content

- How can we be confident that third party copyright content included in project OER is licence compatible or has the necessary clearances?
- Do we need to develop a risk approach to using third party copyright content in OER developed by the project?
- What processes should the project put into place in order to keep track of clearances, permissions and licencing conditions that apply to the use of third party content in project OER?

Training and resources

What training is necessary to ensure that those involved in developing university OER are aware of their responsibilities relating to:

- university copyright and IPR;
- moral rights; and
- use of third party content?

What resources are available to the project so we can learn about:

- OER;
- creative commons and open content licensing; and
- copyright and IPR responsibilities?

At individual levels

University employees wanting to develop OER

Consideration for the university as employer

- Do I have the right to release as an OER, educational resources that I have developed in the course of my employment?
- Can I release as OER, university-generated resources for which I am not the sole creator?
- Do I need to acknowledge my connection with the university in some way on the OER?
- Can I develop OER independently of the university and be confident it does not conflict with my employment contract?

Personal considerations

- What type of open content licence will I apply to my work?
- Can I be sure that releasing my own work as OER does not conflict with any other agreement I have entered into, such as a publisher agreement?

Using third party content

- Will I be using third party content in my OER?
- How can I be confident that any third party copyright content used does not create licensing conflicts by mixing content with different licensing conditions?

Managing risk

- What resources are available to me to ensure that I understand the copyright, licensing and IPR considerations in OER?

CONCLUSION

We believe that the Feasibility Protocol is a valuable instrument that could encourage the Australian higher education sector to further develop OER and OEP, placing Australia on par with developments taking place globally. We also believe that this instrument could assist senior executives to make decisions regarding the adoption of OER and OEP, including the issues and questions that they should consider regarding the opportunities, challenges and strategic directions involving OER. The Feasibility Protocol also prompts questions on the practical issues related to institutional intellectual property and copyright policies while adopting OER. Nevertheless, we would like to highlight that the Feasibility Protocol is not a rigid instrument and can be adapted, changed and further developed to meet individual university needs, as we are well aware that each one has different structures, cultures and strategic plans for future and current activities. Ultimately, the usefulness of the Feasibility Protocol will depend on individual institutions and the ways in which their senior executives make use of it.

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