



Increase Funding Impact

Recommendations for Organizations that Fund the Production of Open Educational Resources (OER)

What is this document?

All funding organizations want their grantees to achieve the maximum possible impact. We recommend that foundations and other funding organizations who support the production of educational resources should adopt a policy that strongly encourages or requires their grantees to disseminate such resources under Creative Commons licenses in order to maximize their reach and impact.

Who is it for?

Any organization that supports the production and dissemination of OER.



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Open Educational Resources are 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 or repurposing by others¹. Many foundations and other funding organizations have embraced the promise of OER by supporting their production and dissemination. In theory, these OER should serve as the basis for major improvements in educational access and quality worldwide. In practice, there are barriers to achieving this impact. The core recommendation of this document addresses one of those barriers:

*Funders of educational resources should have policies that require grantees to clearly specify the terms of use that will govern those resources. If the resources being funded are Open Educational Resources, the policy **must** call for some form of open licensing. Otherwise, the resources are not open because copyright law's default "all rights reserved" will govern the terms of use. As a result, users will have to ask for permission for a range of uses. They are unlikely to do so, and the educational impact of the resources will be significantly diminished.*

¹ The William and Flora Hewlett Foundation. <http://www.hewlett.org/oer>

Here are illustrations of some of the ways that the open educational resources may not be having the desired impact:

#1 You have spent millions of dollars supporting the production of open and free educational resources. You know that the quality of your grantees and the resources they have produced is top-notch. And yet...

- Would-be users do not seem to understand what they are allowed to do with the resources.
- The resources are not being copied, shared, translated, or improved upon, even though that was one of the primary objectives of making them.
- Due to uncertainty about whether permission would be required, those who do improve the resources keep their creativity in the dark rather than re-posting online.

Therefore: *Funded resources are only used when grantee is directly involved, greatly reducing the access and dissemination advantages inherent to publication on the Internet.*

#2 Well developed communities of teachers and students exist who are eager to combine different educational resources in interesting and instructive ways. The tools are in place. The pool of resources, which your funding dollars helped create, seems to be large enough, and is growing. And yet...

- Copyright uncertainty engenders fear that even self-described open educational resources are not truly safe.
- Teachers are forced to make a choice between becoming copyright experts or risking claims of copyright infringement if they want to use or combine materials, even when available under different “open” licenses.

Therefore: *Teachers conservatively stick with traditional materials and are unable to take advantage of resources you’ve funded.*

#3 Internationally there is excitement about the potential to translate and customize resources so that people have access to high-quality learning materials in their native language and suited to their ways of schooling. Educational platforms and content repositories are built, and it would seem that educational access and opportunity the world over is on the verge of a revolution. And yet...

- Questions and concerns proliferate about confusing terms of use, customized licenses, and other layers of uncertainty attached to many educational resources.
- Difficult or inaccessible technical formats discourage people from re-using and translating materials.





Therefore: *Educators in the developing world find that they cannot benefit from the resources that exist and cannot participate in open education as equals.*

Net Result: **Your investments in your grantees and the educational resources they have created are not achieving their full potential.**






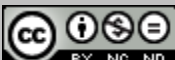
If scenarios like these alarm you, become part of the solution. To maximize the impact of the resources you support, please consider adopting an OER availability policy in your grant agreements that requires or encourages grantees to follow these best practices for copyright licensing. Turn the page for more details.

1. Require all OER to be published and disseminated under a Creative Commons license.

The industry-standard for open content licenses is the family of Creative Commons (CC) licenses. We recommend that you browse the ccLearn FAQ to learn more about these important licensing choices in education. In brief, Creative Commons offers free, public licenses that contain combinations of the following conditions:

-  **Attribution.** You let others copy, distribute, display and perform your copyrighted work – and derivative works based upon it – but only if they give you credit. All CC licenses contain this condition.
-  **Non-Commercial.** You let others copy, distribute, display and perform your work – and derivative works based upon it – but for non-commercial purposes only. If they want to use your work for commercial purposes, they must contact you for permission.
-  **Share Alike.** You allow others to distribute derivative works but only only under the same conditions as you made your work available.
-  **No Derivatives.** You let others copy, distribute, display, and perform only verbatim copies of your work — not make derivative works based on it. If they want to translate, alter, transform, or combine your work with other works, they must contact you for permission.

Based on the combination of conditions you select, CC gives you a license that clearly indicates how other people may use your creative work. The six different CC licenses are described here:

	Attribution	This license lets others copy, share, modify and build upon your work, even commercially, as long as they credit you for your original creation. This is the most accommodating of licenses offered, and is ccLearn’s recommended license for OER.
	Attribution — Share-Alike	This license lets others copy, share, modify and build upon your work even for commercial purposes, as long as they credit you and license new creations derived from your work under the same conditions.
	Attribution — No Derivatives	This license allows others to copy and share your work, including commercially, as long as it is passed along unchanged and in whole, with credit to you. Your work can be included in compendiums, but may not be translated or modified without your permission.
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	Attribution — Non-Commercial — No Derivatives	This license allows others to copy and share your work non-commercially, as long as they credit you. Your work may not be translated or modified without your permission. This license is the most restrictive of our six main licenses.

In addition to offering these choices, CC licenses are specifically designed to be easy to apply and simple for creators and users to understand. Their *standardized* terms and technical implementation mean that they can be used all over the world. OER published under CC licenses can become part of a large and growing pool of resources that collectively have a reach and impact that would not be possible if many different licenses were used.

This standardization means that people need only familiarize themselves with our small family of licenses. These permissions have been usefully condensed into *simplified and accessible deeds* with *universally recognized icons* that give quick reference to the rights and conditions associated with any resource. In addition, CC licenses are *machine-readable*, which means that CC licensed resources can be searched for and aggregated using standard web-browsing tools (such as Google, Yahoo!, or CC’s own search tools) that make discovery and dissemination of OER simple and effective.

2. Encourage use of the Creative Commons Attribution-only (CC BY) license whenever possible.

The CC BY license is the easiest way to ensure that the OER your organization funds will have the maximum impact possible in terms of dissemination and reuse. Works licensed with CC BY can be redistributed and adapted without restriction other than attribution. This means the works can be translated, localized, incorporated into commercial products, and combined with other educational resources. CC BY allows these reuses by anyone for any purpose, all with credit to the original creator, your grantee. In some situations it may seem important for your grantees to be able to restrict what recipients can do with OER you helped fund. In such cases, you should consider carefully whether the consequences of those restrictions are justifiable. Take, for example, a grantee who wants to choose a license that prohibits the creation of derivative works (such as CC's no derivatives (ND) licenses). Although the integrity of the work may be protected under a ND license, in the world of OER that limitation means the OER cannot be translated, adapted or localized, all of which are critically important in an educational setting.

A second example is the non-commercial (NC) term, which prohibits commercial use. That term might be desired by organizations that balk at the idea that their commercial competitors are able to freely incorporate their materials into their own works and make money off of your grantee's work. However, it is difficult to clearly define commercial activity, which means that people may avoid resources with the NC term even though they were planning to engage in desirable and legitimate activities using your works.

A third example is the share-alike (SA) term, which requires that any derivative works be distributed under the same conditions as the original work. This term is attractive to organizations that want to use their works to expand the corpus of open materials by requiring that any work based on those materials be open in turn, even at the cost of precluding many potential reuses. However, works with the share-alike condition are difficult or impossible to combine with other openly licensed educational resources, which can pose a barrier to students and educators in many cases.

Although some might look forward to a day when all OER is in the public domain, freely accessible and reusable for any purposes without condition, CC recognizes the importance to many of having some legal restrictions on OER they fund or create. We recommend, however, imposing restrictions beyond attribution only when necessary and only when the cost of doing so can be fairly justified.

3. Ensure that your grantees apply Creative Commons licenses correctly.

When properly applied to online resources, Creative Commons licenses are machine-readable, thereby facilitating their discovery. Improper or incomplete application of the licenses to the OER will lack this crucial feature, virtually guaranteeing that the discoverability and impact of the resources will be reduced.

4. Verify that grantees are disseminating their products in formats that actually enable the behaviors (e.g., access, translation, re-mixing) that they have legally permitted.

If your grant recipients have given permission to users to translate their OER, then you should also be sure they provide the OER in a format that allows users to do that easily. If your grantees are worried about loss of fidelity or formatting issues, encourage them to release the same OER in multiple formats so that any given user is likely to find a suitable version.

Questions?

This is a highly abbreviated document. For more information about these and related topics, visit Creative Commons (creativecommons.org) or send questions directly via email to cclearn-info@creativecommons.org.