

OPEN EDUCATIONAL RESOURCES

Policy Number: 212

Categorized: [Academic](#)

Responsible Office: Provosts

Subject: Guidance to faculty and staff in incorporating Open Educational Resources (OER) into their courses and in developing open resources and courses.

Related Policies: Copyright

Procedures: [212P](#)

Additional Information: Appendix A Open Licensing, [OER Checklist](#)

Effective Date: 02/27/2018

Last Reviewed Date: 06/15/2020

1. Scope

This policy applies to all faculty.

2. Policy Statement

Northern Virginia Community College faculty and staff shall make use of Open Educational Resources materials in accordance with the copyright and intellectual property policies of the College and the VCCS; the Creative Commons licensing standards; the Digital Millennium Copyright Act of 1998; applicable state and federal copyright laws; and other college policies and academic standards, including those pertaining to the accessibility of course materials.

In support of lower costs for students and in providing students with high quality, student-centered course materials, NOVA faculty may elect to develop, adopt or adapt individual open resources or to create, adopt, or adapt entire courses using OER.

Faculty must follow appropriate procedures to have a course designated as OER. Faculty who incorporate OER materials into their course sections shall assume all responsibility for maintaining the integrity of the course content as relates to copyright and scholarly merit.

3. Definitions

Copyright: Copyright is a form of protection grounded in the U.S. Constitution and granted by law for original works of authorship fixed in a tangible medium of expression. Copyright covers both published and unpublished work.

<http://www.copyright.gov/help/faq/faq-general.html>

Creative Commons License: Creative Commons licenses manage the copyright terms that attach automatically to all creative material under copyright, and allow that material to be shared and reused under terms that are flexible and legally sound.

[http://wiki.creativecommons.org/FAQ#What are Creative Commons licenses](http://wiki.creativecommons.org/FAQ#What_are_Creative_Commons_licenses)

Open Educational Resource: 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 re-purposing by others. OER include full courses, course materials, modules, textbooks, streaming videos, software, and any other tools, materials, or techniques used to support access to knowledge.

4. Procedures

[See 212P.](#)

5. Authority

VCCS Policy Manual Section 12 Intellectual Property

Open Educational Resources

Appendix A: Open Licensing

Individual open resources include those that “reside in the public domain or have been released under an intellectual property license that permits their free use and re-purposing by others,” such as many of the Creative Commons licenses. Best practice encourages using materials with licenses allowing for the greatest level of accessibility for students and sharing beyond the course’s NOVA’s LMS site and with other colleges.

Some of the least restrictive licenses that allow for materials to be incorporated or copied into NOVA’s LMS and adapted or remixed, and are freely accessible to students are Attribution (CC BY), Noncommercial (CC BY NC), and Sharealike (CC BY SA) Creative Commons licenses, along with materials that have been released into the Public Domain.

Using open materials should not be confused with the Fair Use of materials with restrictive or all-rights-reserved copyright licenses, which involves the very limited use of works for criticism, comment, news reporting, teaching, scholarship, or research. While material may be appropriate for Fair Use in the classroom or even in Blackboard, it may not be an open resource or appropriate for use in OER courses.

Similarly, faculty and staff who develop educational resources or create derivative materials are encouraged to release those materials to the Public Domain or licensed under a CC-BY license to allow for the greatest level of accessibility and sharing.

An entire OER course (Z-Course) seeks to incorporate materials that are open and sharable and does not require the student to purchase a textbook or other course materials, such as lab manuals, courseware, and the like, that might otherwise be available in the Public Domain or under an open license.

Given that some materials essential to course and learning objectives may not be available under a copyright license permitting open and free use or remixing by others (ex. literature from much of the 1900s or films), it may be challenging to create an entirely open course.

Two forms of the use of fully-copyrighted materials have been approved by NOVA for OER courses: (1) providing students with a link out to materials with restrictive or all-rights-reserved copyright licenses (ex. linking out to a video on YouTube licensed with the standard, restrictive, YouTube license), and (2) providing students with a link out to all-rights-reserved library materials (ex. linking out to a journal article available through a NOVA Libraries’ subscription to a database).

However, faculty should be aware that linking out to materials with restrictive or all-rights-reserved copyright licenses may (1) limit accessibility and sharing, and (2) may require more frequent review and updating, as these materials may be removed or moved by the copyright owner or may become inaccessible due to a change in a library subscription or database offering.