

# OER, IPR AND REUSING MEDICAL LEARNING RESOURCES

## DESCRIPTION

*Megan Quentin-Baxter, Director, MEDEV Subject Centre, Newcastle University, talking about solutions to the licensing issues encountered in OER projects*

<http://tinyurl.com/6u6l8fc>

### Transcription

*Can you describe your OER project?*

Organising Open Educational Resources was a large project involving 18 partners in total. That was 50% of the medical, dental and veterinary schools in the UK. That was a really good opportunity to raise awareness of the possibility of sharing and also get out in the open what the challenges are, almost invariably they came back to IPR and I think they still do. I guess that's one of the reasons you are talking to me. PORCHE was talking to the NHS and the NHS e-learning repository, looking at how we can make best use of simultaneous repositories operating here in the UK, ensuring that students who are in the healthcare services have access to academic resources and also that academic students, can if possible have access to resources which are typically only available under NHS logins and so forth.

ACTOR was an OMAC project, so that was working with staff developers, and I have to say for the bang for buck the OMAC projects have been absolutely brilliant. We had five partners and I am really grateful to Cambridge, Bristol, Hull, York, Newcastle and the London School of Hygiene and Tropical Medicine who were involved in that, and also Plymouth University. They were stars involved in helping new staff who have many, many challenges but who are trying to learn the business of teaching. To get through to them and to be able to share resources with them I think is really important.

Publish OER is a new beast and I think is very challenging because the situation is changing so fast. Publishers are desperate not to be left behind and many of them feel they are absolutely on the edge of being cut out of academic publishing and they are looking for new roles, and those roles.... some of them are very threatening to higher education. So we are looking at that with a very close eye and seeing how we can primarily look at mutually beneficial models for embedding published works in Open Educational Resources. So therefore stuff that people download of legitimate access sites

like Grays Anatomy, Kumar and Clark, electronic tags, they can log in and download images and embed them in teaching. Those teaching materials are either recorded in a video stream by the University or they are uploaded to a, as a PowerPoint file to a VLE. Then the result of that of course could go viral as they can then get digitally copied by students and therefore they are out there, and that is an inclusive mixture of copyright of many, many different sources. It is a real challenge for people as it's the confidence with which we do it, and if we are all sneaking around pretending that we are walking on egg shells then we are not going to get very far. So we are looking to Publish OER to try and promote some more confidence in the sector and look at maybe national licences. It's quite ambitious

*What are the IPR issues and challenges you have faced in your project?*

Particularly with Publish OER, the main issues think are the complexities with which published works are made available. If you look at broadcast licences, if you look at a text book from a different publisher, they will vary in terms of how they are licensed, but even text books from the same publishers can vary with how they are licenced. Publishers don't always have cleared copy right permissions for images and other materials embedded in their works. So all of us are kind of looking over our shoulders and seeing where the next litigation is likely to come from. I think that is part of the confidence issue, I think we need to move into a risk management situation where we say... these risks are reasonable for the outputs and those risks are not. We also need to make it simple for people to be able to know exactly what the rules are and then to follow them. I suppose I have done enough now to realise that we are never going to have a very simple situation where you can say to an academic "do this, don't do that" and it will be alright. It's always going to require some interpretation. The more tools we can give academic staff and teaching staff and students to help them to learn and to help them to observe how materials can be used and reused and remixed I think the better, and then they can make informed choices. But it's not going to stop piracy and plagiarism.

*How have you overcome them? Can you indicate the tools you have used?*

Well in OOER, Organising Open Educational Resources we created the first version of a risk toolkit, which was involving IPR, institutional policy, consent (consent is distinct from and different to copyright and copyright moral rights). So at one end you have patients who are perhaps vulnerable and able to be exploited, and therefore they are covered by legislation to ensure we respect and observe their rights to privacy. So if they become involved in teaching materials by a recording, either a picture of them or a video or an audio stream, then the data protection act give us eight principles with which to understand and recognise their rights to how we should consent them and how we should continue to maintain good practice in an ethical context. If we go to the other end of the extreme we have got artistic and performing rights. We have got people who may have signed model release forms, who are clear about the fact they are doing something which may end up on the internet and so forth. But there is a very large grey area in the middle of ordinary people for whom creative commons licences are being stamped on, but they are people who may find themselves going viral on the internet or some reason, it may get attached to

something that just goes out there. And that may or may not be a situation that they want to be in, but there is nothing they can do about it at the moment. So I think that there are some of the tools that we have created that helping, well maybe exposing, some of the issues about how we need to resolve the tensions between the right of freedom of access and the freedom of reuse with the rights of people.

We have four rules. First is assume it is going to get out there, if its digital it will get copied. Secondly you need to attribute everything you have got in there, if it belongs to someone else attribute it. Thirdly have a takedown policy or a disclaimer that links to a longer policy, so that it's perfectly clear what someone should do if they object to what you have done with their works. Finally, walk confidently, because if we don't walk confidently in this world we will always be wasting an opportunity to use materials that are brilliant teaching opportunities.

### *How did the OER IPR Support Team tools make a difference?*

I have to say the JISC, the Academy and other support agencies have provided some really useful tools that we have been able to access. It's interesting how you access them because the perspective you come at them is different depending on who you are and what the purpose is. Let's say for example the Web2Rights toolbox and toolkit materials. There are a number of sample documents in there which I found very useful. I found them very useful in two ways. One is the content of the tools themselves. So just like, for example, for research institutional contracts I would look at the Lambert Agreement so there is a sample model consortium agreement that I could download and alter. In the case of the Web2Rights tools there are forms and sample documents that I can take and alter for my own purpose. It's also interesting to see the range of tools that are there and the ones that I think could be missing. Because the tools that are there will probably highlight, if there is something there that is something that I haven't thought about, it's probably something that I need to do that I haven't actually factored into my own plan yet. Also just a lack of sophistication on my part, because at the end of the day I come from an academic background and trying just to wade through the mire of trying to encourage institutions to take up Open Educational Resources as a policy. Reflecting actually how academic practice works today, not something that we will be doing in the future. Its remarkable how many people in senior management would tell you that their staff do not plagiarise. Staff do plagiarise unintentionally but it is taking very good source materials and making them available as part of their teaching packages. And that is what they should be doing, they should be using the highest resolution, the highest quality, the highest fidelity teaching resources that they can. Not having to draw their own version of it because they are frightened of copyright. So the tools, things like the model release forms. I think the challenging part about the tools is if you don't know the language it's very hard to get into them to start with. But I don't know how the JISC Legal, or Web2Rights or other teams could actually improve that because it's just a hurdle that I think some people have to get over in order to raise awareness.