Open Educational Resources Policy

*English Martyrs, as a community centred in Christ,*

*strives to develop the talents of each person.*

*May they all be one.'*

# Introduction

Leicester City Council provided a model policy, on which this policy is based, to support city voluntary aided and foundation schools, and academies, in discussing, developing and adopting a local Open Educational Resources (OER) Policy.

Any OER policy school communities put in place will be determined by their status as employer. In England, the employer for staff working at community schools and voluntary controlled schools is the Local Education Authority (LEA). In Leicester, the LEA is Leicester City Council. For other types of school, including voluntary aided schools, such as English Martyrs’ Catholic School, foundation schools (sometimes called trusts), and academies, the school governing body will usually be the employer.

Leicester City Council has provided permission for city community and voluntary controlled school staff to share the educational resources they create under an open licence. In the UK, school staff should be aware of the [recent amendments to Copyright laws, which impact on school use of materials](http://www.copyrightsandwrongs.nen.gov.uk/ipr-and-copyright?layout=item). These amendments don’t affect the law as it relates to ownership of copyright. The permission provided by Leicester City Council addresses the position of the Council as the copyright owner of resources made by employees in the course of their employment.

The model policy, on which this policy is based, was provided for governing bodies of voluntary aided, foundation and academy schools, who are considering providing school staff with an equivalent permission to openly license the educational resources they produce in the line of their employment.

This permission recognises the value of school staff sharing resources and encourages and increases sharing through open licensing, making sure that school staff and schools get recognition for their work. English Martyrs’ Catholic School will help raise awareness about copyright and embed a culture of sharing through the process of discussion and adoption of a local Open Licensing Policy.

English Martyrs’ Catholic School’s governing body has reviewed the permission given by Leicester City Council to community and voluntary controlled schools in Leicester to openly license their educational resources. English Martyrs’ Catholic School recognises the benefit such a policy can have on the wider educational community, both here in Leicester, the UK, and further afield. As such, English Martyrs’ Catholic School promotes the open sharing of educational resources produced by its staff as a means of spreading good practice. Outlined in this policy document are the School’s conditions for this open sharing of resources using the CC-BY creative commons licence.

## Openly Licensing Educational Resources

English Martyrs’ Catholic School wishes to encourage the open and free exchange of educational information, knowledge and resources, and support the use, development and production of intellectual property that is freely available to all. This policy does not cover the use of third party copyright protected materials, normally covered by the educational “fair use” guidelines, published by the Intellectual Property Office. For these resources the usual due diligence on the part of staff members needs to be applied for copyrighted material, and authorisation must be sought from any copyright holder before its inclusion in work covered by a creative commons licence.

* 1. As employer, English Martyrs’ Catholic School Governing Body asserts its ownership of copyright arising from resources any staff member creates in their line of employment.
	2. English Martyrs’ Catholic School Governing Body gives permission for employees of the school to openly license educational resources produced in the line of employment according to the terms detailed in this policy. This policy seeks to support the school and staff in benefiting from that permission.
	3. English Martyrs’ Catholic School applies by default a Creative Commons Attribution (CC-BY) licence[[1]](#footnote-1) to all externally shared educational resources created by staff in their line of employment, unless otherwise stated.
	4. Where educational resources incorporate or build upon existing openly licensed works which require adaptive works to be wholly or partially released under a specific open licence (for example, a Creative Commons Attribution-Share Alike Licence - CC-BY-SA), a licence appropriate to the permission given will be applied, along with proper attribution.
	5. Intellectual property in relation to work other than educational resources created in the line of employment is protected by default, and may only be waived or altered with the express agreement of English Martyrs’ Catholic School Governing Body.
	6. English Martyrs’ Catholic School encourages all staff and students to support free and open access to intellectual property and to openly license work created in their capacity as an individual.
	7. English Martyrs’ Catholic School does not make any claim over the ownership of outputs or outcomes of students’ work. These belong to the creator.
	8. English Martyrs’ Catholic School reminds staff members:
		1. To not openly publish documents containing sensitive data such as students’ names and addresses.
		2. Of the need for good spelling, punctuation and grammar in any resources shared in the public domain.
		3. That any resources placed in the public domain should support the ethos and policies of English Martyrs’ Catholic School.

1.9 English Martyrs’ Catholic School Governing Body reserve the right to require staff to withdraw or amend resources at the discretion of the Principal. In the case of uncertainty as to the sharing of a resource, guidance must be sought from the Principal.

## Definitions

* 1. “Externally shared” means made available to people other than employees or students of English Martyrs’ Catholic School.
	2. “Educational resources” as referred to in this policy includes all resources created in the line of employment by employees to support, or as a result of, learning, teaching, and learning community development and management. This includes (but is not limited to) course materials, lesson plans, presentations, multimedia resources, study and revision materials, as well as staff development materials and model school policy documents.

## Clarity of Licensing

* 1. All published works should be clearly labelled using the appropriate symbol from the Creative Commons licence set, or labelled as appropriate in instances where it is not practical to include the icon symbol (for example, the licence name could be spoken on an audio file, and/or included in the file name).
	2. Members of staff who have created resources will be credited by name, except in cases where the author declines to have work attributed to them.
	3. Example English Martyrs’ Catholic School default licence[[2]](#footnote-2):



[Name of resource] (2015) by [name of author/s], English Martyrs’ Catholic School shared under a [CC-BY 4.0](http://creativecommons.org/licenses/by/4.0/)  licence

## Disputes

Intellectual property in relation to work other than educational resources released under open licence is protected by default and may only be waived or altered with the express agreement of English Martyrs’ Catholic School Governing Body.

Where there is a dispute over ownership, including ownership or co-ownership of intellectual property relating to resources, and/or requests relating to the selling or patenting of any intellectual property relating to works produced in the line of employment, the following process will apply:

1. In the first instance the dispute should be documented and presented to the Principal.
2. If the dispute is still not resolved then the documentation should be presented to the Chair of Governors.
3. If the dispute cannot be resolved by the Principal and/or the Chair of Governors then the documentation should be presented to the Appeal Panel of Governors.
4. In the case of requests to commercially release or exploit educational resources created in the line of work, permission will still need to be sought from English Martyrs’ Catholic School Governing Body, through the Principal.

**Approved by Governors: 11 November 2015**

**Date of Review: November 2016**


English Martyrs’ Catholic School Open Educational Resources Policy (2015) by Christine Turner/English Martyrs’ Catholic School, shared under a [CC-BY 4.0](http://creativecommons.org/licenses/by/4.0/)  licence

### Acknowledgement:

This model policy builds upon and adapts the work of  [Model School OER Policy](http://schools.leicester.gov.uk/openeducation) (LEA) (2014) [Leicester City Council](http://www.leicester.gov.uk/education-learning.aspx) shared under a [CC-BY 4.0](http://creativecommons.org/licenses/by/4.0/)  licence.

### Disclaimer: This information and model policy does not constitute legal advice. Schools seeking legal advice in relation to the implementation of policies and permissions relating to copyright and work produced by school employees in the line of their employment should seek advice from a suitably legally qualified professional.

**Appendix:**

Below is a list of the different Creative Commons Licences, and an explanation of their use, limitations and attributes. Below are links to both each Licences deed and Legal Code. This information is taken from [About the Licences](https://creativecommons.org/licenses/), by [Creative Commons](https://creativecommons.org), shared under a [Creative Commons Attribution 4.0 International license](https://creativecommons.org/licenses/by/4.0/).



**Attribution  CC BY**

This license lets others distribute, remix, tweak, and build upon your work, even commercially, as long as they credit you for the original creation. This is the most accommodating of licenses offered. Recommended for maximum dissemination and use of licensed materials.

[View Licence Deed](https://creativecommons.org/licenses/by/4.0) | [View Legal Code](https://creativecommons.org/licenses/by/4.0/legalcode)



**Attribution-ShareAlike  CC BY-SA**

This license lets others remix, tweak, and build upon your work even for commercial purposes, as long as they credit you and license their new creations under the identical terms. This license is often compared to “copyleft” free and open source software licenses. All new works based on yours will carry the same license, so any derivatives will also allow commercial use. This is the license used by Wikipedia, and is recommended for materials that would benefit from incorporating content from Wikipedia and similarly licensed projects.

[View Licence Deed](https://creativecommons.org/licenses/by-sa/4.0) | [View Legal Code](https://creativecommons.org/licenses/by-sa/4.0/legalcode)



**Attribution-NoDerivs  CC BY-ND**

This license allows for redistribution, commercial and non-commercial, as long as it is passed along unchanged and in whole, with credit to you.

[View Licence Deed](https://creativecommons.org/licenses/by-nd/4.0) | [View Legal Code](https://creativecommons.org/licenses/by-nd/4.0/legalcode)



**Attribution-NonCommercial  CC BY-NC**

This license lets others remix, tweak, and build upon your work non-commercially, and although their new works must also acknowledge you and be non-commercial, they don’t have to license their derivative works on the same terms.

[View Licence Deed](https://creativecommons.org/licenses/by-nc/4.0) | [View Legal Code](https://creativecommons.org/licenses/by-nc/4.0/legalcode)



**Attribution-NonCommercial-ShareAlike  CC BY-NC-SA**

This license lets others remix, tweak, and build upon your work non-commercially, as long as they credit you and license their new creations under the identical terms.

[View Licence Deed](https://creativecommons.org/licenses/by-nc-sa/4.0) | [View Legal Code](https://creativecommons.org/licenses/by-nc-sa/4.0/legalcode)



**Attribution-NonCommercial-NoDerivs
CC BY-NC-ND**

This license is the most restrictive of the six main licenses, only allowing others to download your works and share them with others as long as they credit you, but they can’t change them in any way or use them commercially.

[View Licence Deed](https://creativecommons.org/licenses/by-nc-nd/4.0) | [View Legal Code](https://creativecommons.org/licenses/by-nc-nd/4.0/legalcode)

1. Leicester City Council recommends the use of the CC-BY licence, and asks schools to consider the benefits of applying the least restrictions possible to the Creative Commons licence they decide to adopt. [↑](#footnote-ref-1)
2. This example is provided for illustrative purposes only. In the example above the name of resource field is left blank. The name should be provided, and preferably hyperlinked to the webpage address that the resource is accessible from. English Martyrs’ Catholic School reserves the right to hyperlink its name to the school website. [↑](#footnote-ref-2)