

Resolution by the
132nd Senate of the HRK
on 15 March 2016
in Berlin

**Senate Resolution on
Open Educational
Resources (OER)**

HRK German Rectors' Conference

The Voice of the Universities

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Open Education Resources (OER) are freely available teaching materials which can be used, revised, recompiled and distributed by all participants. However, their usage can be limited with a system of graduated licences.¹ The fundamental idea underlying OER is that once teaching materials have been produced, they need not be produced again by someone else, but may be reused. "Open" can refer to the availability of content and to its wider use. Although OER can in principle consist of analogue or digital material, they take a predominantly digital form because this is particularly suitable for bringing the opportunities offered by OER to bear.² Interactive exercises, explanatory videos and simulations are typical examples of OER.

OER as a concept has already been the subject of coalition agreements at federal government³ and federal state level⁴ and receives support accordingly. The Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany (KMK) and the Federal Ministry of Education and Research (BMBF) have emphasised the positive impacts of OER with regard to current stipulations concerning teaching and studying.⁵ The OECD has also described OER as an instrument for innovation in teaching and learning.⁶ The vision of largely unrestricted access to teaching materials is also gaining significance given the copyright issues with digital course materials.

In light of this debate, the HRK's stance on OER is set out in the following:

1. A new culture of collaboration: The ease of communication facilitated by the internet is permitting a new culture of sharing and communal learning and teaching. OER can improve motivation and enhance a feeling of community. For teachers, OER represent cultural change in terms of sharing teaching materials and regarding the visibility of their teaching. Universities as a whole are the relevant

¹ OER and Open Access are two different concepts: OER refers to editable teaching materials produced in various ways; Open Access stands for free access to research publications and results, which are also used in teaching at higher education institutions. In this context OER refers to the methods behind the documents' preparation which allows them to be reused and modified.

² MOOCs can represent a special form of OER. However, their scope in reaching unlimited numbers of participants and constituting whole teaching units distinguishes them from conventional OER. The availability of MOOC content is often restricted to a registration period and cannot be utilised under OER licences.

³ "Access to text books and teaching materials should be as free as possible at higher education institutions as well; the use of free licences and formats should be developed." CDU, CSU & SPD (2013): Deutschlands Zukunft gestalten. Koalitionsvertrag zwischen CDU, CSU & SPD. [Shaping Germany's Future. Coalition Agreement between the CDU, CSU and SPD.] 18th legislative period, pp. 22-23.

⁴ Bündnis für den Norden Neue Horizonte für Schleswig-Holstein: Koalitionsvertrag 2012 bis 2017 [Coalition for the North. New Horizons for Schleswig-Holstein: Coalition Agreement 2012 to 2017], p. 57.

⁵ Report by the working group on Open Education Resources (OER) made up of representatives from the federal government and the federal states, 27.1.2015.

⁶ OECD: Open Educational Resources, A Catalyst for Innovation, Dominic Orr, Michele Rimini, Dirk van Damme, 1.12.2015, http://www.oecd-ilibrary.org/education/open-educational-resources_9789264247543-en.

stakeholders in OER along with students, teachers and libraries. The HRK is therefore urging university management to look into OER.

2. Better teaching: OER have the potential to improve teaching and learning processes. Because they are transparent and can be reworked collectively, OER are highly adaptable and lend themselves easily to differentiation. This favours individualisation of the teaching and learning processes and learning in small groups. OER are a useful approach to threshold courses such as bridging courses and to providing orientation at the start of a degree course. They are also helpful in disseminating the content of courses teaching minor subjects and for teaching units with large numbers of attendees, such as first year lectures. OER can furthermore be integrated in concepts such as "Learning in Depth"⁷ or elaborated learning⁸. The HRK welcomes the impetus that OER give to innovation in higher education teaching.
3. Embedding OER in curricula and in teaching: Standard OER offer learning materials and formats with a more diverse application than MOOCs⁹: these are primarily small modules, films or animations which can be embedded in curricula as a whole. Like other digital teaching formats, OER cannot stand alone, but can only produce a valuable contribution if used with guidance in a didactically meaningful way. The HRK emphasises, therefore, that OER must always be integrated in appropriate teaching concepts.
4. Incentives and support: Up to now, performance and the measurement of performance in teaching have been primarily concerned with individuals. This is contrary to the principle of collaboration inherent in OER. Therefore, the creation of a system with which to provide incentive and support for collaboration is an important requirement in establishing OER. A system of this kind could consist of competitions for performance-related third-party funding or prizes for teaching. Given the shortage of resources and the requirement for sustainability, the HRK is of the view that it would be very challenging to establish incentive and support structures for OER.
5. Services: The introduction and management of OER is dependant on support services. These primarily involve advising teachers and

⁷ "Learning in Depth" focuses on theme-centred and independent learning with the involvement of peers and teachers and combines formal, informal and non-formal learning. <https://www.ph-freiburg.de/hochschule/zentrale-einrichtungen/zentrum-fuer-lehrerfortbildung-freiburg/abruferveranstaltungen-paed-tag/paedagogik-psychologie/vertieftes-lernen-learning-in-depth.html>.

⁸ Using a subject area as a basis, existing knowledge is activated and linked to new knowledge. Mandl, Heinz/Friedrich, Helmut Friedrich, Lernstrategien: Zur Strukturierung des Forschungsfeldes, [Learning strategies: on structuring an area of research] in: Dies. (ed.), Handbuch Lernstrategien [Handbook of Learning Strategies], Göttingen, 2006, pp. 1-23, 2ff.

⁹ Also see HRK: The potential and problems of MOOCs. MOOCs in the context of digital teaching, Beiträge zur Hochschulpolitik 2/2014, http://www.hrk.de/uploads/media/MOOCs_EN.pdf.

students on educational, legal and media issues. Furthermore, there should be plans to train a number of experts to act as points of contact and advocates. Facilities within the higher education institutions, particularly media centres, libraries and computer centres, should be enabled to offer these services. This should include an investigation of the extent to which networks can be set up and used. In this regard the HRK refers to its recommendations concerning the development of information competence.

6. Quality assurance: Because OER are dynamic but therefore also fragile in terms of its content and legal ramifications, quality assurance is particularly important. In principle, there is a risk of content errors, tendentious statements and copyright violations in any form of teaching material. However, should these arise in OER, it is difficult to identify their origin and who should take responsibility for them. In the medium term, the establishment of standards can provide quality assurance. However, the development of competences would have an immediate effect in that it would allow the information and sources pertaining to OER to be subjected to critical evaluation. The HRK is therefore prioritising thorough familiarisation with this media competence.
7. Costs: There are development and adaptation costs and costs for platforms and ongoing training associated with OER. As there are as yet no business models which guarantee that OER will be refinanced, there are extra costs associated with the sustainable and quality-assured introduction of OER. Financing such as external or central higher education funding is required. Priority should not be given to temporary third-party funding for teaching or flagship projects but to permanently establishing OER. The HRK emphasises that it would not be appropriate to use OER as instruments for cost-cutting.
8. Diversity and academic freedom: The decision on whether to use OER is one to be taken by teachers in accordance with the principle of academic freedom. This does not exclude training teachers on the potential and challenges of OER nor does it exclude a corresponding higher education policy. As long as OER do not replace complete teaching units, but are integrated in them, there is no risk to academic freedom. The HRK therefore sees OER as a possible supplement to and enrichment of conventional teaching.
9. Copyright law: There are copyright issues associated with the use of OER not only in terms of the rights of the producer but also the rights of third parties. In the face of a number of different problems, establishing a minimum level of legal protection for teachers and students is an essential objective. Existing models such as the Creative Commons licence system can make a valuable contribution in this respect. The introduction of national OER licences could cause compartmentalisation which would be counter to the principle of

openness. The HRK therefore continues to call for a science-friendly copyright law to apply throughout Europe.

10. Publishing houses: Higher education teaching will continue to be contingent on working with publishing houses in the future. OER can be integrated by existing publishing houses in their established output and also offer new opportunities for smaller and newer companies. In the future, the role of publishing houses could consist less of marketing than of the structural guarantee of quality assurance. Regarding OER, the HRK advocates a fair partnership with the publishing houses, possibly in a new distribution of roles.
11. Profile building and cooperation: OER offer higher education institutions opportunities to supplement the profiles they have hitherto constructed. Relevant higher education strategies should be reviewed in order to determine to what extent OER infrastructures can be set up and operated jointly across institution, country and education system boundaries. These infrastructures could serve communication and standardisation and improve the reliability of materials so that ideally they can be refined. Account should be taken of the systems in different disciplines and cultures. The HRK advocates the construction of cooperative infrastructures for OER.
12. Pilot activities: A feasibility study¹⁰ to clarify the necessity and the prerequisites for public funding of OER infrastructures is currently underway. There is a project to map¹¹ the OER landscape in Germany and develop approaches for more projects and initiatives on OER. The current project tender process¹² is intended to make the potential of OER visible and to build up competences in the use, creation and distribution of OER. The HRK welcomes these pilot activities and other research projects in the hope that they will deliver more findings on the future development of OER.

¹⁰ http://www.dipf.de/en/research/projects/feasibility-study-concerning-the-setup-and-operation-of-oer-infrastructures-in-education?set_language=en.

¹¹ <http://blog.wikimedia.de/2015/04/23/open-educational-resources-fuer-deutschland-voranbringen-zum-projektstart-von-mapping-oer-bildungsmaterialien-gemeinsam-gestalten/>

¹² <https://www.bmbf.de/foerderungen/bekanntmachung.php?B=1132>.