DRAFT text 18 April 2018 - Recommendation on Open Educational Resources (OER)

Preamble

The General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO), meeting in Paris in 2019, at its 40th session, is

Recognizing the 'central and important role of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in the field of information and communication technologies (ICT) and in the implementation of the relevant decisions in this area adopted by the General Conference of that Organization and of the relevant parts of the Assembly resolutions on the subject",

Recalling that the Preamble to the Constitution of UNESCO affirms, "that the wide diffusion of culture, and the education of humanity for justice and liberty and peace are indispensable to the dignity of man and constitute a sacred duty which all the nations must fulfill in a spirit of mutual assistance and concern",

Further recalling Article I of the UNESCO Constitution, which assigns to UNESCO among other purposes that of recommending "such international agreements as may be necessary to promote the free flow of ideas by word and image":

Affirming the principles embodied in the Universal Declaration of Human Rights, that states all people have rights and fundamental freedoms that include the right to receive and impart information and ideas through any media regardless of frontiers (Article 19), as well as the right to education (Article 26),

Also affirming the 2006 Convention on the Rights of People with Disabilities (Article 24), which recognises the rights of persons with disabilities to education and the principles contained in the Convention against Discrimination in Education (1960),

Referring to the resolutions of the General Conference of UNESCO with regard to the promotion of multilingualism and universal access to information in cyberspace,

Acknowledging the importance of the 2030 Sustainable Development Agenda, Goal 4 (SDG 4) which calls for the International community to "ensure inclusive and equitable quality education and promote lifelong opportunities for all", the UNESCO Framework for Action calls for increasing access to "books, other learning materials and open educational resources", the 2003 World Summit on the Information Society, Declaration of Principles, committing "to build a people-centered, inclusive and development oriented Information Society where everyone can create, access, utilize and share information and knowledge",

Referring to the resolutions of the General Conference of UNESCO with regard to the promotion of multilingualism and universal access to information in cyberspace,

Convinced that the development of new information and communication technologies (ICTs) provides opportunities to improve the free flow of ideas by word and image but also presents challenges for ensuring the participation of all in the global information society,

Recognizing that quality basic education, literacy, and media competency are prerequisites for giving everyone access to, and the ability to benefit from, digital technologiesto access and benefit from digital technologies.

Recognizing that in the realization of Inclusive Knowledge Societies, Open Educational Resources (OER) can support quality education that is equitable, inclusive, open and participatory, Also affirming the 2006 Convention on the Rights of People with Disabilities (Article 24), which recognises the rights of persons with disabilities to education and the principles contained in the Convention against Discrimination in Education (1960),

Considering the 2007 Cape Town Open Education Declaration, the 2009 Dakar Declaration on Open Educational Resources, the 2012 Paris OER Declaration, the Millennium Declaration and the 2000 Dakar Framework for Action, the International Covenant on Economic, Social and Cultural Rights (Article 13.1), which recognizes "the right of everyone to education",

Building on the Ljubljana OER Action Plan 2017 to mainstream OER to help all Member States to build Knowledge Societies and achieve SDG 4 ensure equitable and inclusive quality education and promote lifelong learning opportunities for all, thereto:

1. **Adopts** the present Recommendation on Open Educational Resources (OER);

2. **Recommends** that Member States apply the following provisions by taking appropriate steps, including whatever legislative or other steps may be required, in conformity with the constitutional practice and governing structures of each State, to give effect within their territories to the principles of this Recommendation;

3. **Also recommends** that Member States bring this Recommendation to the attention of the authorities and bodies responsible for learning and education and consult education stakeholders such as education unions and other relevant civil society actors concerned with learning and education on the national implementation of this Recommendation;

4. **Further recommends** that Member States report to it, at such dates and in such manner as shall be determined by it, on the action taken by them in pursuance of this Recommendation.

I. DEFINITION AND SCOPE

1. Open Educational Resources (OERs) are teaching, learning and research materials in any medium – digital or otherwise – that reside in the public domain or have been released under an open license that permits no-cost access, use, adaptation and redistribution by others with no or limited restrictions.

2. Open licensing is built within the framework of intellectual property rights as defined by relevant international conventions to respect the authorship of work. Open copyright licenses provide the public with free and perpetual permissions to:

> (a) Retain - the right to create, own, and control copies of the content;
>
> (b) Reuse - the right to use the content in a wide range of ways;
>
> (c) Revise - the right to adapt, adjust, modify, or alter the content itself;
>
> (d) Remix - the right to combine the original or revised content with other material to create something new;
>
> (e) Redistribute - the right to share copies of the original content, the revisions, or the remixes with others.

3. Information and communication technologies (ICT) provide a great potential for effective, equitable and inclusive access to OERs. They open possibilities for OERs to be accessible anytime and anywhere, by anybody (including people with disabilities, people coming from marginalized or disadvantaged groups), to enable differentiated learning and to effectively promote gender parity and novel pedagogical, didactical and methodological approaches.

4. Stakeholders in this Recommendation includes governmental bodies, teachers, teacher trainers, learners, parents, educational policy makers, librarians, research institutions, education unions, civil society organizations, the private sector and media groups.

Commented [SW1]: We strongly appreciate this reference. Librarians have been active in supporting the use of library resources, where possible, to develop and deliver OER, as educators, curators, content creators and supporters of discovery.

II. AIMS AND OBJECTIVES

5. One key prerequisite to achieve the goal of quality, inclusive, lifelong education for all to ensure sharing of knowledge as enshrined in SDG 4 is sustained investment by governments and other key education stakeholders in the creation, curation, regular updating, and effective educational use of high quality teaching and learning materials.

Commented [SW2]: This is essential if we want to develop high quality collections of works that offer real value to educators and learners

6. As is articulated in the 2007 Cape Town Open Education Declaration and the 2012 Paris OER Declaration, the application of open licenses to educational materials introduces significant opportunities for more cost-effective creation, use, adaptation, and quality assurance of those materials (including translation, adaptation to different learning and cultural contexts,

development of gender-sensitive materials, creation of alternative, and accessible formats of materials for learners with special educational needs).

7. In addition, the application of open licenses to educational materials in combination with open educational practices introduce a broad range of innovative pedagogical options to engage both educators and learners to become more active participants in educational processes and creators of content as members of an inclusive knowledge society.

8. Furthermore, global collaboration in the creation, use, adaptation, and sharing of OER can enable individual governments to target their own investments in educational content creation, as well as infrastructure and curation, in ways that will enable them to meet their defined national educational policy priorities more cost-effectively and sustainable.

9. Noting these potential benefits, the objectives of this OER Recommendation are as follows:

> (i) Capacity building: develop the capacity of all key education stakeholders to create, use and share OER; to use and apply open licenses correctly; and to understand the uses of works covered by copyright exceptions and limitations for education and research purposes in domestic and cross-border settings;

> (ii) Developing supportive policy: encourage governments to openly license publicly funded educational materials and develop strategies to enable broad use and adaptation of OER in support of high quality, inclusive education for all learners;

> (iii) Inclusive and equitable access to quality OER: OER are shared online and offline, in editable formats, on curated, interoperable, searchable platforms that make them easy to find, use, adapt and share;

> (iv) Sustainability models for OER: support and encourage the creation of sustainability models for OER on the national and institutional levels;

> (v) International cooperation: support international cooperation between education stakeholders to minimize unnecessary duplication in OER development investments and to develop a global pool of culturally diverse, locally relevant, gender-sensitive, accessible, educational materials in multiple languages.

III. AREAS OF ACTION

10. This Recommendation addresses five objectives: (i) Capacity building, (ii) Developing supportive policy, (iii) Ensure inclusive and equitable access to quality OER, (iv) Sustainability models for OER and (v) International cooperation.

Build the capacity of stakeholders to find, re-use, create and share OER

11. Member States should strategically plan and support OER capacity building and awareness raising at the individual, institutional and national levels, targeting primary and secondary (K-12)

Commented [SW3]: Again, creation is not enough – otherwise such content risks lying undiscovered on the internet. This is something that libraries are well place to do.

Commented [SW4]: This implies that they also offer means to assess quality (i.e. on the basis of learning objectives, content quality and format)

and higher education, as well as TVET and lifelong learning. Member States should consider the following:

>   (a) building awareness on how OER can increase access to effective educational resources, improve learner outcomes and significantly reduce costs, and empower learners to become cocreators of knowledge to relevant stakeholder communities;

>   (b) providing systematic and continuous capacity building (in-service and pre-service) on how to find, modify, create, maintain and share OER as an integral part of teacher and librarian training programmes at all levels of education.

>   (c) building awareness on educational exceptions and limitations to copyright, whose understanding is crucial to determine what rules apply to (sharing) online OER materials, especially because of their cross border use;

>   (cd) leveraging standard, open licensed tools and platforms to ensure OER can be easily found, remixed and shared; This might include tools and technologies for translation and content adaptation to cultural contexts; OER platforms should guarantee data security and user privacy.

>   (ed) creating and supporting easily accessible resources that provide advice and assistance to users and institutions on copyright and open licensing of educational material;

>   (fe) giving OER a standard set of meta data so they can be looked up, indexed, and filtered efficiently.

>   (g) supporting collaboration between teachers and library staff, for example, in order to ensure that educators can benefit from library experience and expertise in finding the right OER among what is available.

Develop supportive policy

12. Member States, according to their specific conditions, governing structures and constitutional provisions should develop or encourage policy environments, both at domestic and international level, that are supportive to OER. Member States are encouraged to do the following:

>   (a) develop policies or regulatory frameworks that require publicly funded educational resources be openly licensed;

>   (b) ensure that sustainable financing models are in place to implement OER policies and supporting practices, including increasing domestic financing for education;

>   (c) develop mechanisms to support and incentivize teaching staff, researchers and and other relevant stakeholders to publish editable, accessible OER digital files using open standard formats in public repositories. This might include modifying professional assessment frameworks, new policies, incentives, and recognition practices.

(d) align OER policies with other open policies such as those for copyright, Open Access, Open Data, Open Pedagogy, Open Source and Open Science.

(e) develop or update legal or policy frameworks at the institutional level to stimulate the creation, use and contribution of quality OER by educators and learners;

(f) develop or update copyright exceptions and limitations for education and research Epurposes in order to facilitate the integration of a wide range of works in OER

(g) ensure that copyright laws nationally and internationally facilitate the development of OER materials by giving their authors broad possibilities to make fair use other works (including across borders), and protect educational repositories hosting OER content uploaded by users from liability for copyright infringement

(h) ensure that access to openly licensed works is not made conditional on payment of remuneration, for example by excluding them from packages of works covered by collective educational licences, or by providing exceptions to provisions making remuneration unwaivable

Ensure inclusive and equitable access to quality OER

13. Member States are encouraged to support accessible, inclusive use and development of OER for all stakeholders. These would include those learners who are in formal and non-formal education contexts irrespective of age, physical ability, socio-economic status, as well as those who live in remote areas (including nomadic populations), socially and economically disadvantaged, internally and forcibly displaced persons, refugees and learners who have disabilities. In all instances, gender equality should be ensured. They are recommended to:

(a) ensure access to OER in accessible media and standard formats, preferably from the moment of creation, that most suitably meet both the needs and material circumstances of target learners and the educational objectives of the courses or subjects for which they are being provided. This would include offline modalities for accessing resources where possible;

(b) empower educators and learners to develop gender-sensitive, culturally and linguistically relevant OER appropriate to local cultures and to create local language OER, particularly languages which are less used, under-resourced and endangered as well as indigenous languages;

(c) ensure that the principle of gender equality and inclusiveness is reflected in strategies and programmes for creating, using, modifying, and sharing OER;

(d) support public investments in bandwidth and IT infrastructure to provide increased access to mobile learning, particularly for low-income, rural and remote communities;

(e) develop national and institutional standards, benchmarks and related quality assurance criteria for the quality assurance of OER and improve the capacity of quality assurance professionals to understand OER and its integration in teaching and learning,

and work towards comparable metrics to allow for global analysis. Such criteria should incorporate learning objectives and outcomes, and the effectiveness of OER in stimulating active learning;

(f) subject OER to regular quality assurance mechanisms, external and institutional, that are used for all educational resources and informal peer-review quality control mechanisms including open reviews, social ratings and comments.

(g) Involve teachers, education unions, teacher education institutions and libraries in the development of OER policies to ensure that these policies are of high quality and relevant for the practical implementation.

(h) ensure that use of OER respects high standards of privacy and data protection, in particular given the sensitivity of data collection around learners and the impact on their future careers.

Nurture the creation of sustainability models for OER

14. Member States, according to their specific conditions, governing structures and constitutional provisions, are recommended to participate in the development of comprehensive, inclusive and integrated OER sustainability models. For the sake of clarity, it is also to be understood that OER are intended to provide those involved in education with a wider choice of resources, while leaving publishers free to continue to sell the educational resources they produce.

Member States may consider:

(a)   analysing the ways in which OER change the processes associated with creation and use of quality educational resources, by exploring multiple strategies and models to support OER practices.
(a) analysing the ways in which OER change the processes associated with creation and use of quality educational resources, by exploring multiple strategies and models to support OER practices that contribute to achieving SDG 4 on quality education for effective educational outcomes.

(b)   Any savings derived from the use of OER should be fully reinvested into the education system (e.g. teaching, scholarly communication, including library acquisitions).

(c)   catalyzing sustainability models through revenues and sustainability aspects of OER. This could include traditional services related to OER but also non-traditional reciprocity based revenue generation such as donations, memberships, pay what you want, crowdfunding.;

(d)   exploring the creation of partnerships, including Public Private Partnerships, between different stakeholders in OER.

International cooperation

15. To promote the development and use of OER, Member States should facilitate international cooperation among all relevant stakeholders, whether on a bilateral or multilateral basis. In this regard, Member States may consider:

(a) promoting and stimulating cross-border collaboration and alliances on OER projects and programmes, leveraging existing transnational, regional and global collaboration mechanisms and organizations, as well as making full use of the advantage presented by mechanisms of regional integration. This should include joining efforts on collaborative development, adaptation and use of OER as well as capacity building, communities of practice, joint research on OER, and mutual cooperative assistance between all countries regardless of their state of development;

(b) exploring methods to establish regional and global funding mechanisms for implementing and strengthening OER and to understand mechanisms that can support international, regional and national efforts;

(c) supporting the creation and maintenance of effective peer networks of educational providers that share OER based on areas such as subject matter, language, institutions, regions, level of education etc. at local, regional and global levels;

(d) exploring methods to establish cross-border recognition and accreditation framework for learning outcomes of OER-based courses;

(e) incorporating, where appropriate, specific clauses relating to OER in international agreements concerned with cooperation in the fields of education

(f) exploring the development of an international framework for copyright exceptions and limitations for education and research purposes to facilitate cross-border exchange and cooperation on OER

IV. MONITORING

16. Member States should, according to their specific conditions, governing structures and constitutional provisions, evaluate OER policies and programmes using quantitative and qualitative approaches. They should consider:

(a) deploying appropriate tools and indicators for measuring the effectiveness and efficiency of OER policies against priorities, including specific targets for disadvantaged and vulnerable groups;

(b) collecting and presenting progress, good practices and data on OER and its implications through and with the support of UNESCO, existing international communities on OER and Open Learning;

(c) Developing strategies for monitoring and evaluating OER to include a broad participation of relevant stakeholders, with a view to improving learning processes and strengthening the connections between findings, decision-making, transparency and accountability for results;