Open Access Week 2018 at The University of Denver

Open Educational Resources: Not Just "Free, As In Beer" But Also"Freedom, As In Academic."

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These slides can be found at https://poritz.net/j/share/OAW18atDUpt2

What is Academic Freedom, and [Why] Do We Deserve It?

Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition.

Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning.

emphasis added
American Association of University Professors
1940 Statement of Principles on Academic Freedom and Tenure

Commercial Textbooks' Legal Block of Academic Freedom

Article I, Section 8, Clause 8. the *Copyright Clause*, of the US Constitution, gives Congress the power

> *"To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries."*

This *exclusive Right* includes: performance, public display, copying, distribution, and creation of derivative works. Copyright immediately accrues to any work of original expression fixed in a tangible medium.

See my Copyright Cheat Sheet For University Faculty for one academic's[1] explanation of many aspects of copyright law.

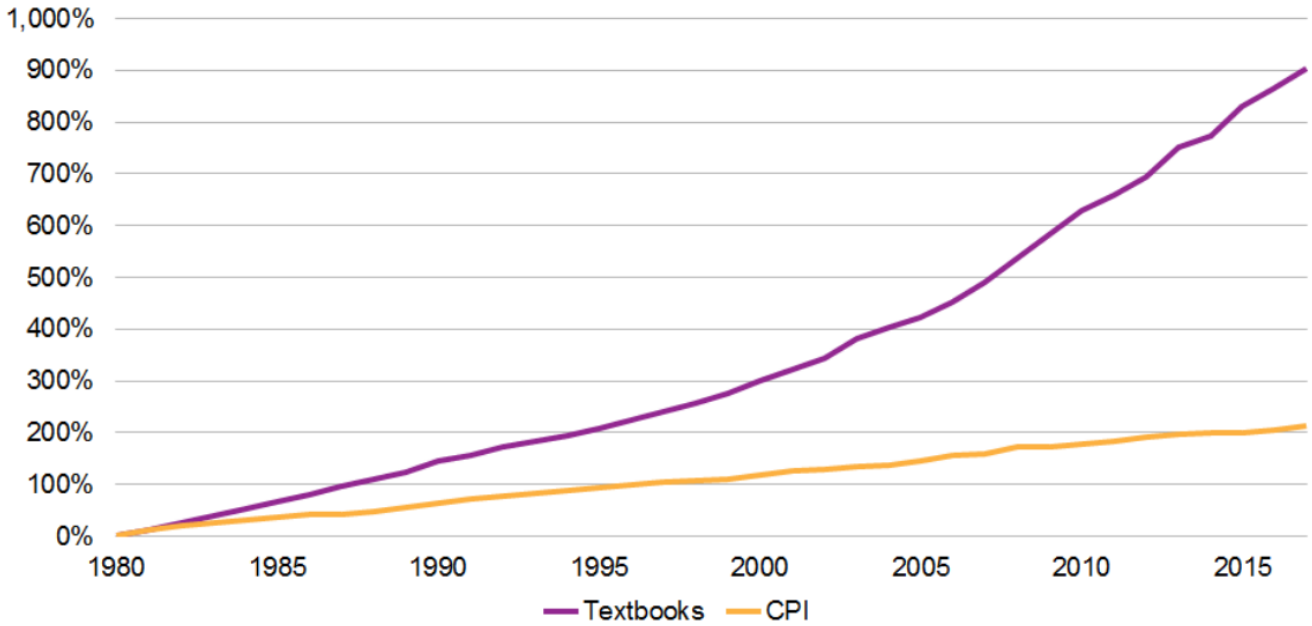
The *limited Times* have been changed – extended! – again and again by Congress. Currently in the US, copyrights last for the life of the author plus 70 years ... but there are many details to consider, including exceptions such as *fair use*.

[1] Not a lawyer!

Side Discussion: Market Failure

Rather than the usual capitalist feedback between buyer and seller, for textbooks the buyer [a student] is different from the decider [the professor]. Indeed, the decider [professor] is given not only free units, but also is bribed by the seller with many other goodies [test banks, homework solution books, PowerPoint decks for classroom use, *etc.*]. And so...

Increase in textbook costs since 1980



Source: *U.S. Bureau of Labor Statistics*

Side Discussion: Market Failure In My Office 1

Books sent to me, for free, without my asking, by textbook publishers [thrown under a side table]:



Side Discussion: Market Failure In My Office 2

Result of a short visit to `Amazon.com` (which is usually significantly cheaper than our campus bookstore) to price just a few of those books:



Side Discussion: Student Debt for Some CO Institutions

The easiest single indicator of exploding prices for students is:

total student debt in the U.S. is around $1.45 trillion.

Some examples in Colorado:

Institution	Avg Debt, 2014 Grads
CSU-Pueblo	$29,914
MSU, Denver	$28,468
Colorado College	$19,756
University of Denver	$29,050
All private[non-profit] and public 4-years in CO	$25,064

2014 is most recent complete data available

Source: https://ticas.org/posd/state-state-data-2015#

Side Discussion: Wait, Why Is Colorado College So Different?



Source: *The New York Times*, built on data from *The Equality of Opportunity Project*

Interactive tool at https://www.nytimes.com/interactive/projects/college-mobility

In case you're curious, ★ is CSU-Pueblo, ★ is MSU, Denver, and ● is DU.

Side Discussion: Food and Housing Insecurity for US Students

The #RealCollege Survey found[2] in 2017 that for university students

- 36% were food insecure in the 30 days before taking the survey,
- 36% were housing insecure in the last year, and
- 9% were homeless at some point in that year.

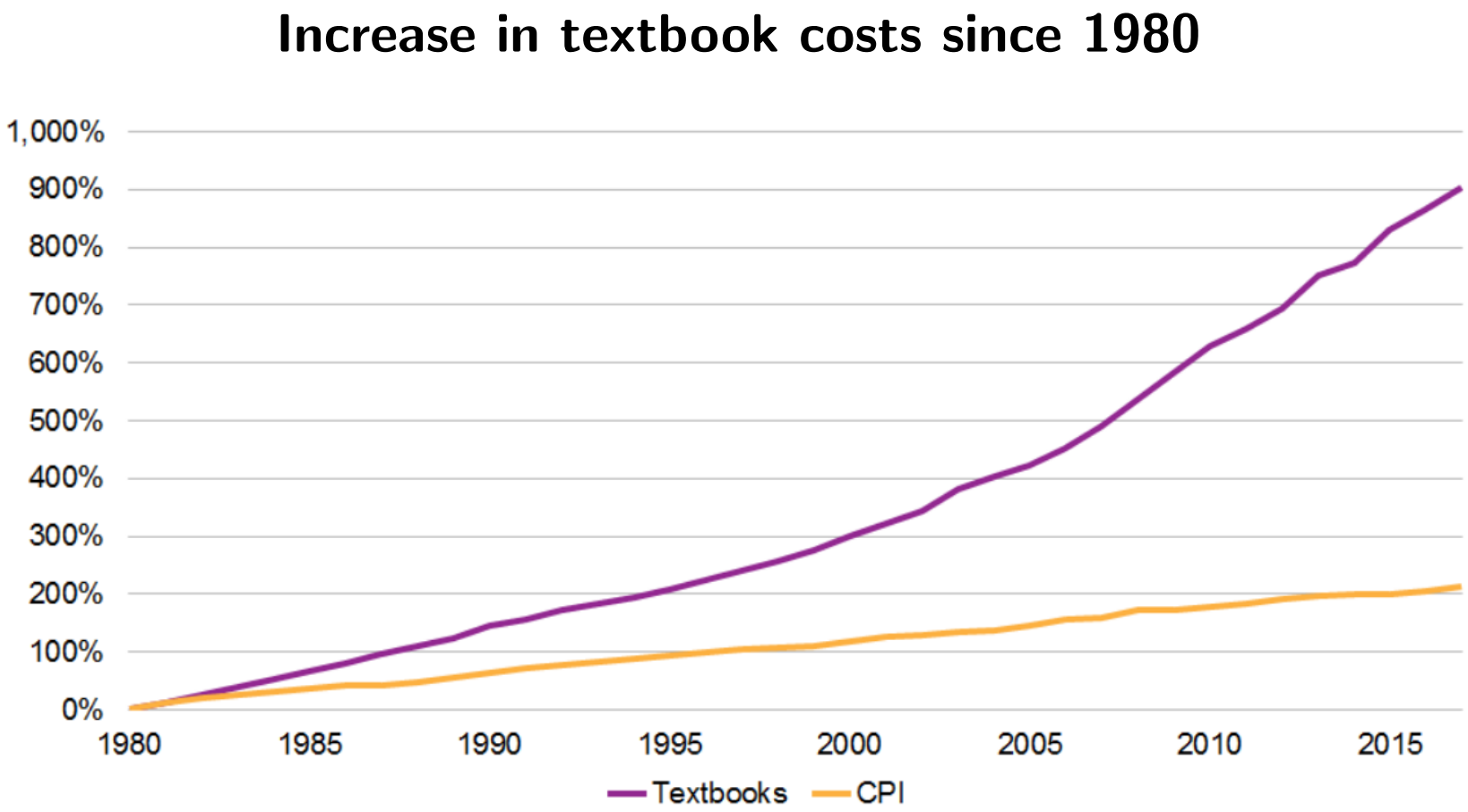
The results for community college students were 20%, 15%, and 3% higher, respectively.

Now ask yourself: if you were a student in debt, [sometimes or often] hungry, and concerned about keeping a roof over your head ... where would your economic priorities be?

[2] *Still Hungry and Homeless in College*, Goldrick-Rab, Richardson, Schneider, Hernandez, and Cady, 2018, on the web here.

Side Discussion: Textbook Costs 1

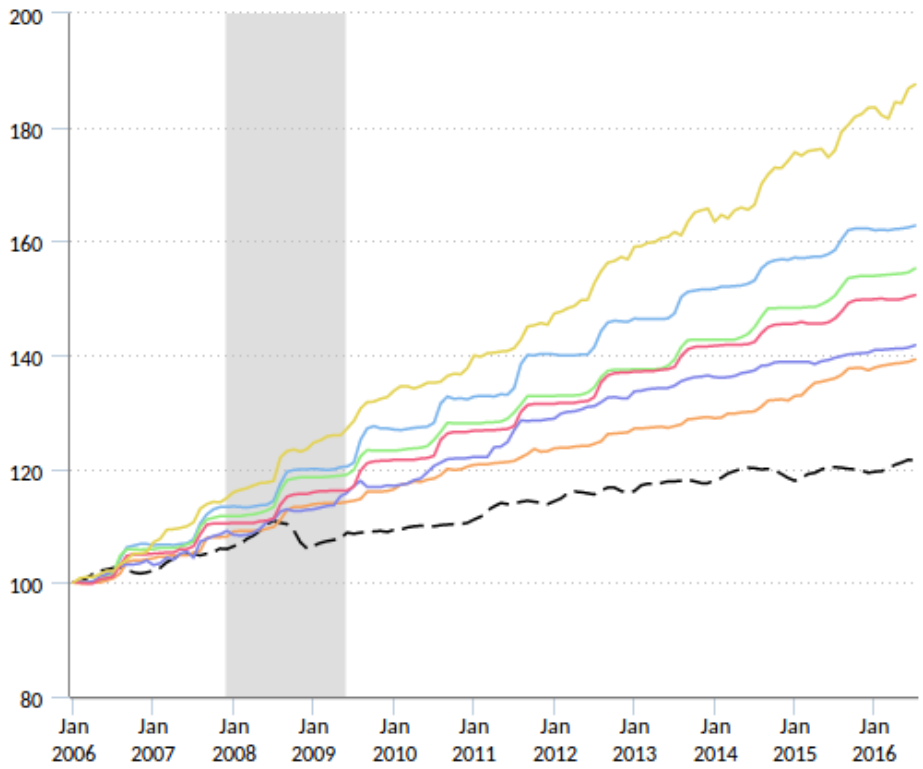
We saw this graph before:



Source: *U.S. Bureau of Labor Statistics*

Side Discussion: Textbook Costs 2

Consumer price indices for tuition and school-related items, not seasonally adjusted, January 2006-July 2016



January 2006 = 100

Source: *U.S. Bureau of Labor Statistics*

https://www.bls.gov/opub/ted/2016/college-tuition-and-fees-increase-63-percent-since-january-2006.htm

Side Discussion: Consequences for Students

Studies[3] have shown that, as a result of these economic realities, students

- make decisions about which courses to take based on the costs of the textbooks;
- take fewer courses because of expensive textbooks;
- do not buy even required textbooks, because of cost, and therefore learn less, do more poorly, and drop out more frequently; and
- take longer to complete degrees because of the obstacle of textbook cost.

A particularly exciting recent study[4] found that **DFW rates went down by one-third among minority and Pell-eligible students in gateway courses which switched from commercial textbooks to OER**.

[3] See references in *Report to the Joint Budget Committee and The Education Committees of the General Assembly – Open Educational Resources in Colorado*, Brown-Sica *et al.*, 2017, on the web here.

[4] *The Impact of Open Educational Resources on Various Student Success Metrics*, Colvard, Watson, and Park, **International Journal of Teaching and Learning in Higher Education** (2018), on the web here.

Conclusion of Side Discussion on Economic Issues

In summary:

- Grim, soulless neoliberalism has turned higher education from a public to a private good, resulting in a sky-rocketing cost to students.
- Students are in debt, and many are hungry and not confident in their housing situation.
- Textbooks costs are rising **much faster** than essentially all other consumer goods, because of a broken feedback loop in this market.
- As a result, students are learning less, doing less well, dropping out more, and taking longer to finish degrees.
- Switching to OER has large, immediate gains for student success, particular among traditionally underrepresented groups.

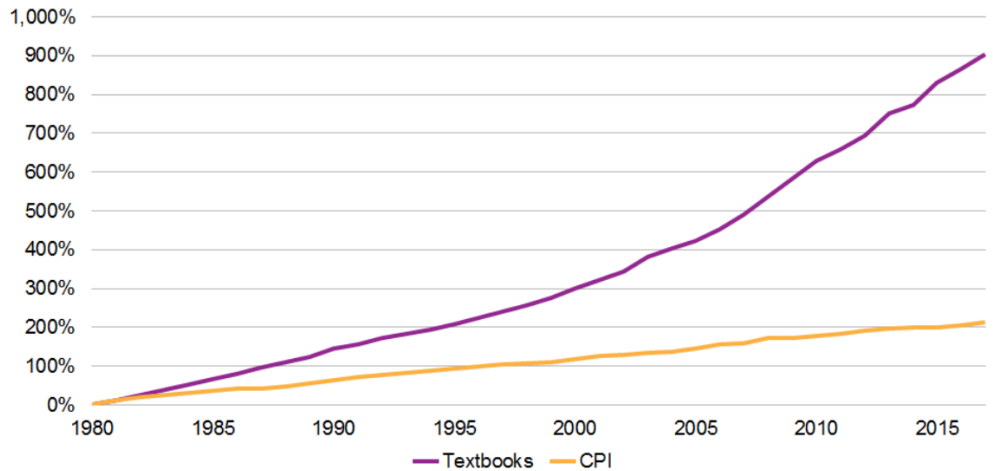
Takeaway From Side Discussion

If you remember nothing else from this discussion, please at least remember: a feeling of **guilt**:

→ Using commercial textbooks makes an institution or an individual faculty member an unwitting fellow traveler of an exploitative, extractive cartel whose bottom line is neither the good of our students nor our own pedagogical academic freedom.

and a corrective to hazing memories of our happy younger days:

Increase in textbook costs since 1980



Source: *U.S. Bureau of Labor Statistics*

Main Discussion: Scholarly Production Wants to Be Free

Faculty are not used to thinking of their work as being in a marketplace[5].

We are used to signing over our copyrights on research papers to the journal publishers, who in turn make large profits on subscriptions which they in no way pass on to the article authors.

Scholars do tend to keep the copyrights on their monographs and textbooks, although usually tied up in restrictive contracts.

It is as rare as winning the lottery (or getting struck by lightning) that a book will sell enough to make some serious money for the author.

Scholars mostly seek **impact**, which comes when others use a work in new ways – clearly without first asking permission. We **hope** someone else will take our ideas, with attribution!, and do something amazing.

In this sense, scholarly production wants to be free, as in speech, which probably also makes it free, as in beer[6].

[5] other than "the marketplace of ideas"

[6] witticism due to Richard M. Stallman, founder of the "free software movement"

Freedom Includes the Right to Be an Ass, or a Saint

If a professor wants to assign an expensive textbook in a class (and has a good reason to do so) or wants to publish a textbook commercially with the hope of writing the runaway bestseller on economic history, then by academic freedom and scholarly tradition, we should not stand in the way.

But usually, many faculty will be happy to contribute their textbooks, problem banks, software, and other writings to a global intellectual commons, a *Creative Commons*.

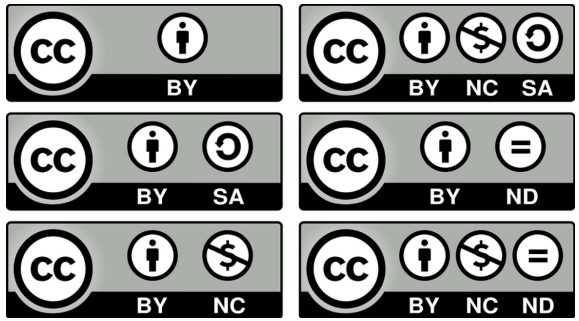
If there were a way to dedicate a creative work to this commons, rather than having it automatically fall into the domain of *all rights reserved* copyrights[7], many scholars [and, more widely, artists] would likely do so.

The way to do this is with Creative Commons Licenses.

[7] Which I like to think of as *the Land of Mordor, where the Shadows lie*.

Creative Commons Licenses

The way to bend copyright law to the purposes of the scholarly [and artistic] life is to release works with a Creative Commons Licenses:[8]



Educational resources released with a CC license – well, **not** those two licenses with "ND" – are open to repurposing by others, allowing faculty to build bespoke resources that fit perfectly their class, and their ideas for how to teach it. Which ideas we must respect because **academic freedom**.

Go to the session on CC licenses. Take the Creative Commons Certificate – I did, it's amazing!

[8] see https://creativecommons.org

Hence the Term "OER"

The term of art is **Open Educational Resources [OER]**.

> *OER are 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. Open educational resources include full courses, course materials, modules, textbooks, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge.*
>
> William and Flora Hewlett Foundation

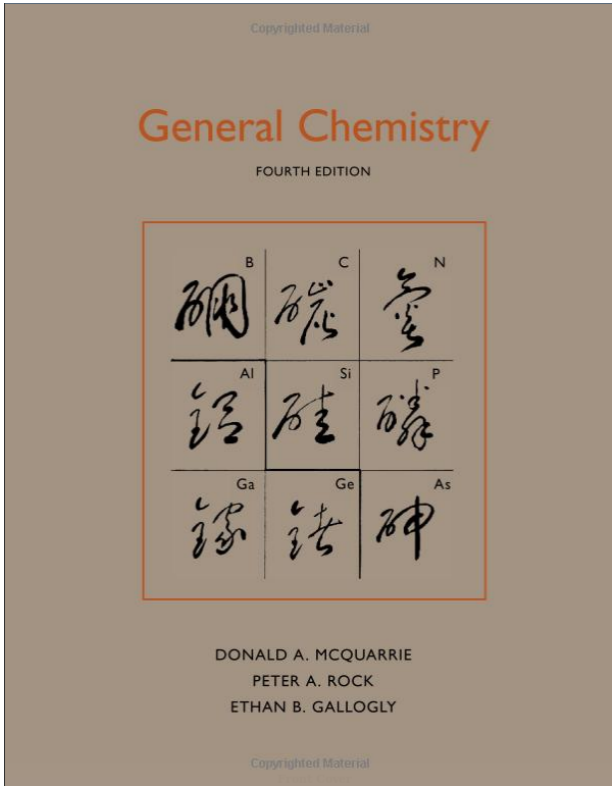
Only OER truly respect an instructor's academic freedom!

Where Are OER? Some Are In Repositories

Scholars around the world are constantly producing a large variety of OER, which can be found (or lost) in places like:

- web pages
  - → for some individual's personal work, *e.g.*, http://www.poritz.net/jonathan/share/
  - → for a particular OER *e.g.*, http://www.introtoie.com/
- repositories, including those run by
  - ⇒ universities, *e.g.*, https://www.csupueblo.edu/library/services/faculty-support/scholarship.html
  - ⇒ disciplinary organizations, *e.g.*, https://aimath.org/textbooks/
  - ⇒ OER-promoting NGOs, *e.g.*, https://openstax.org/, https://rebus.community/, https://open.umn.edu/opentextbooks/, *etc.*
  - ⇒ OER-promoting state offices, *e.g.*, https://www.floridashines.org/orange-grove

Where Are OER? What If They Were in Classrooms? 1



F2016 at CSUP:

Chem 121

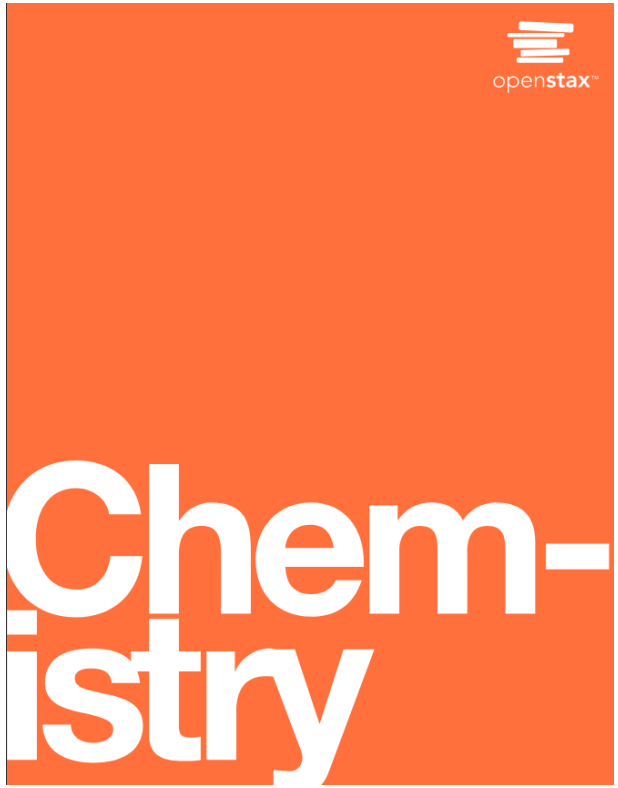
[required text]

$\leftarrow \$108 \times 160 \text{students}$

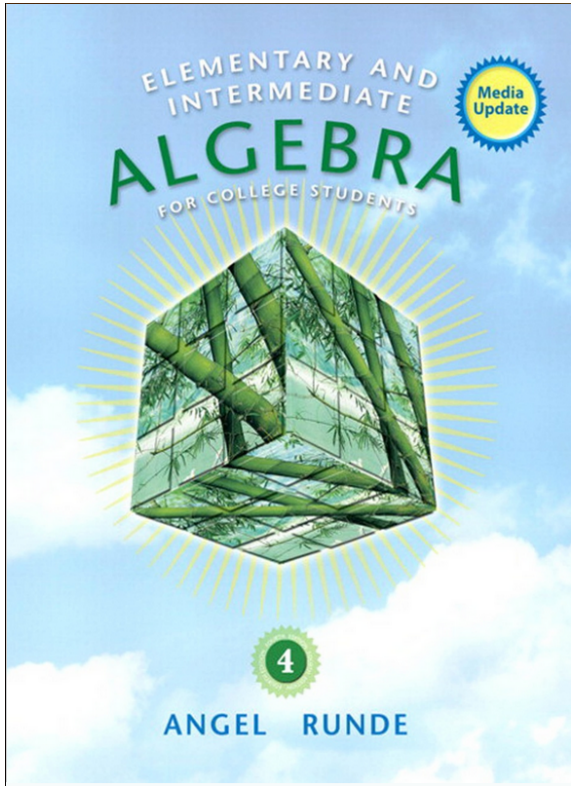
$= \mathbf{\$17{,}280}$

[OpenStax alternative]

$\$0 \rightarrow$



Where Are OER? What If They Were in Classrooms? 2



F2016 at CSUP:

Math 121

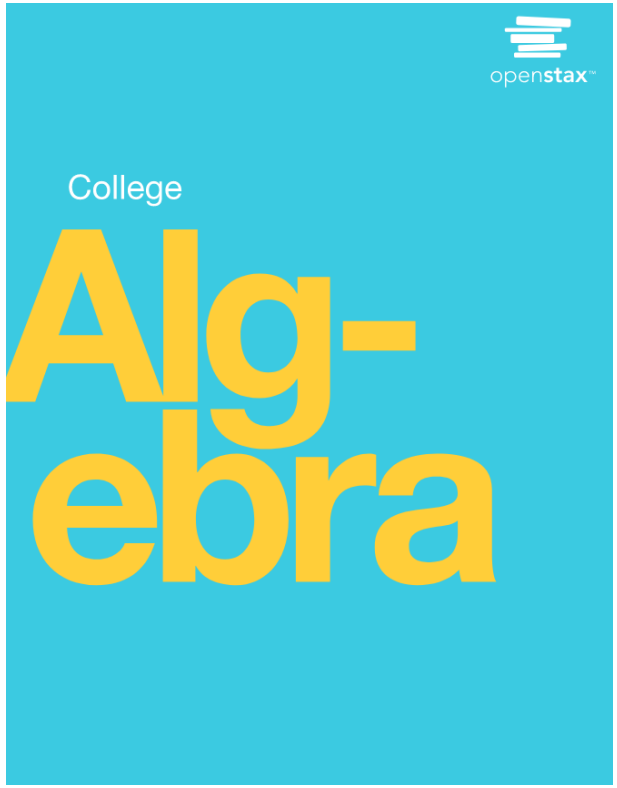
[required text]

$\leftarrow$**\$260**$\times$149students

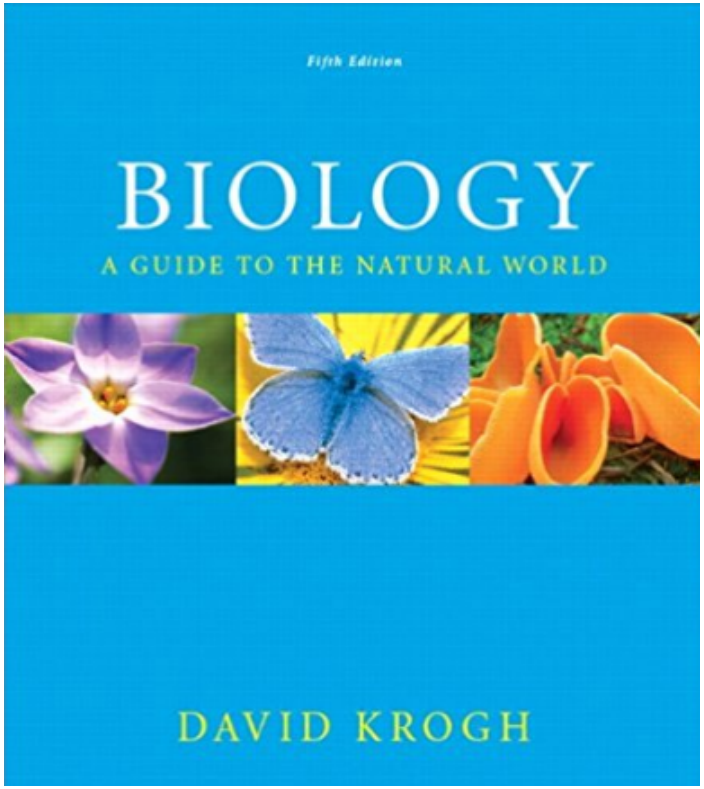
$=$ **\$38,777**

[OpenStax alternative]

\$0 $\rightarrow$



Where Are OER? What If They Were in Classrooms? 3



F2016 at CSUP:

Bio 100

[required text]

$\leftarrow \$222 \times 142 \text{students}$

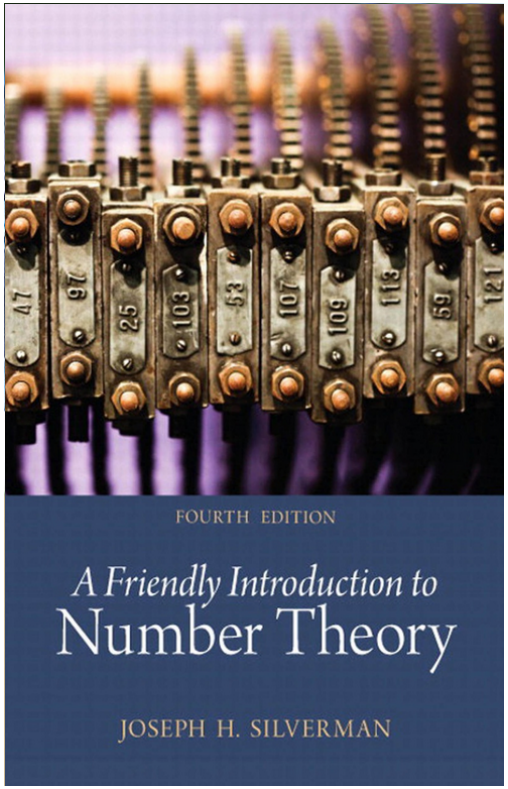
$= \mathbf{\$31{,}594}$

[OpenStax alternative]

$\$0 \rightarrow$



Where Are OER? What If They Were in Classrooms? 4



S2015 at CSUP:

Math 319

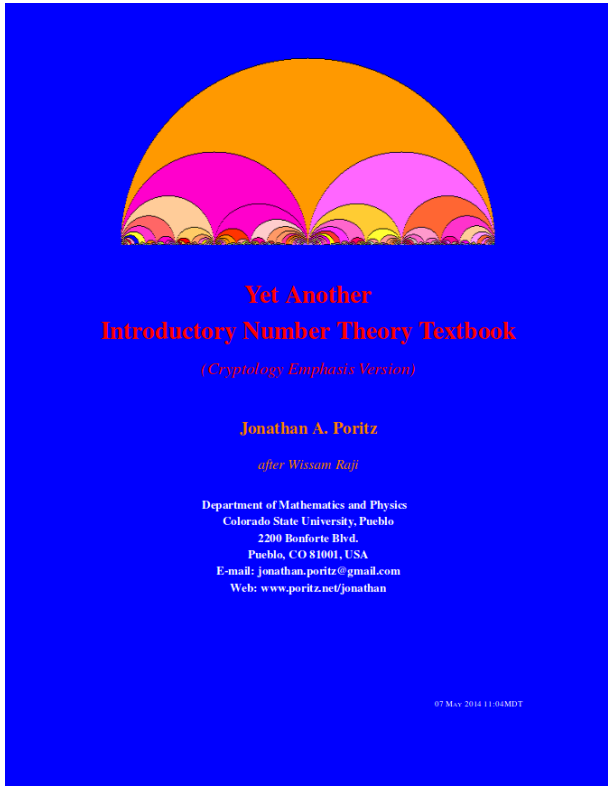
[required text]

←**$**109 × 10students

= **$1,090**

[local alternative]

$0 →



How Good Are OER? Perception, Reviews, and the ADA

The short answer is: **as good as commercial textbooks, if not better.**
Some details:

- Studies show no decrease in student performance with OER.
- Studies show students enroll in more credits and complete more quickly when they have access to courses that use OER.
- Faculty perceptions of OER are influenced by a culture of "Free? Don't you get what you pay for?"
- Some repositories [notably, the Open Textbook Network's Open Textbook Library] have peer reviews of their texts, which are very useful.
- There is a lag in disability accommodation in some [many?] OER, it must be admitted.

OER, Internationally

A strong argument can be made that OER are well-situated to address several of the UN's Sustainable Development Goals.

UNESCO [to which, however, the US no long belongs] is involved in promoting, and encouraging member countries [alas, not the US] to make more use of, OER. See this site. A formal declaration is in the works....

The European Commission has some Policy Recommendations for Opening Up Education in which OER play a central role.

Some transnational NGOs, such as the Creative Commons [CC] organization, have major efforts in the area of OER, such as CC's *Open Education Platform*, and the training program Creative Commons Certificate Program.

Many countries, such as Canada, the UK, Holland, Uruguay, Bangladesh, Ghana, *etc.*, have strong OER programs. Use your *google-fu* to find out specifics.

OER, Across the US

Some programs at the federal level have started to acknowledge the use of OER.

For example, it seems that support for the creation of educational materials in the future may be aware of OER, in the sense that they encourage building upon existing OER and releasing any new work as OER.

There is also a [quite modest, considering the size of the whole US] grant program specifically to support OER projects in institutions of higher education. Probably this will be insanely hard to get, as there will likely be between one and three awards made, out of $5million dollars.

See this site if you want detailed application information.

Many states, such as NY, GA, FL, OR, CA, *etc.*, have quite advanced [and well-funded] OER programs. Again, use your *google-fu*.

OER, In Colorado

The Colorado General Assembly passed SB17-258 in 2017 and it was signed by Governor Hickenlooper on 3 May 2017. That bill created an Open Educational Resources Council to study the use of OER in Colorado's public institutions of higher education and then to make a proposal for a state program to support OER. [I was on that Council.]

The 2017 Council wrote a long report (available here) which included a detailed proposal that became, with surprisingly few changes, HB18-1331.

Beyond giving the definition of OER with which this presentation started, HB18-1331 creates a new OER Council empowered to promote the use of OER at public institutions of higher education in Colorado. [I'm on this new Council; in fact, I'm its chair.]

The Council will run conferences, build a useful website, and administer a grant program which will have around half a million dollars to disburse in the first year. Unfortunately, grants are only available for *public* institutions of higher ed, but other OER Council activities will be open to all.

Aside on the Need for OER Grants

But why does money need to be spent on OER, if they are, after all, **free**?

The answer is that while the individual OER are free, it can take a lot of time to re-construct a course around an OER in place of a commercial textbook you used to use[9], and more time to adapt the OER itself to your course, and even more time to create an entire OER from scratch. Since the OER world is competing with all the gee-gaws and doo-dads that commercial publishers provide with their texts (as they, with their other hand, steal your academic freedom), stipends for faculty and staff, or other forms of support which may have a price-tag, can be useful.

One thing to note, however, is that experience in other states has shown that for every dollar spent on a state-level OER program, the aggregate student body in that state saves $4 – quite an impressive ROI!

[9] But maybe no more than it would take to switch to a different commercial text, which you might choose to do or be forced to do by a change of edition.

Why Not Be Bold?

A number of universities around the world are building to a more OER world by trying to achieve "z-degrees" [or, in the British Commonwealth, "z-creds"]. These are entire degree programs which use only OER. Of course, to allow students to get these degrees, there must also be sufficient gen ed courses which use OER, as well as the disciplinary courses.

You could try to do this at DU – it would be very groundbreaking for a *private* institution of higher ed to have a z-degree.

Actually, just to get this started, you might look for a few **z-profs**: faculty who will commit to using OER in all of the courses they teach. This requires some education in how to use and adapt existing OER, and perhaps even support if one has to be written largely from scratch.

Steps Towards the Bold Goal

One nice thing about deciding to be a **z-prof** is that, if you have tenure, no one – not your chair, your dean, or the provost – can stop you.[10]

If you do not have tenure, the situation is a little more difficult, but with some solidarity it can be done, as well.

For me, personally, this freedom to do the right thing, both for my students and for the abstract principles of academic freedom I so adore, no matter the obstacles that may stand in my way, is one of the chief attractions of OER. I cannot do anything about the neoliberal privatization of the public good of higher ed, but I **can** make a not insignificant reduction in the total cost of being a student, for those students in my classes – all while enabling me to improve my pedagogy in that class.

In short, I assert that I am a **z-prof** and that it is good.

[10] At least, that's how I understand academic freedom to apply to the choice of textbooks.

Another Bold Vision

The FLOSS community and the pythoneverse.
Examples:

- Life with Linux vs anything else.[11]
  - ⇝ Rant on the Apple swastika.[12]
- Bitcoin at RU.

I have a dream that someday OER will be like these online communities.[13]

[11] See my article *Information Technology Wants To Be Free*

[12] Sometime soon see my article *The Strange Ubiquity of the Apple Swastika in Open Education Circles.*

[13] which are, unusually, mostly quite functional

Questions, Comments, and Contact Info

Questions? Comments?

If any occur to you later, feel free to contact me at
jonathan@poritz.net

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