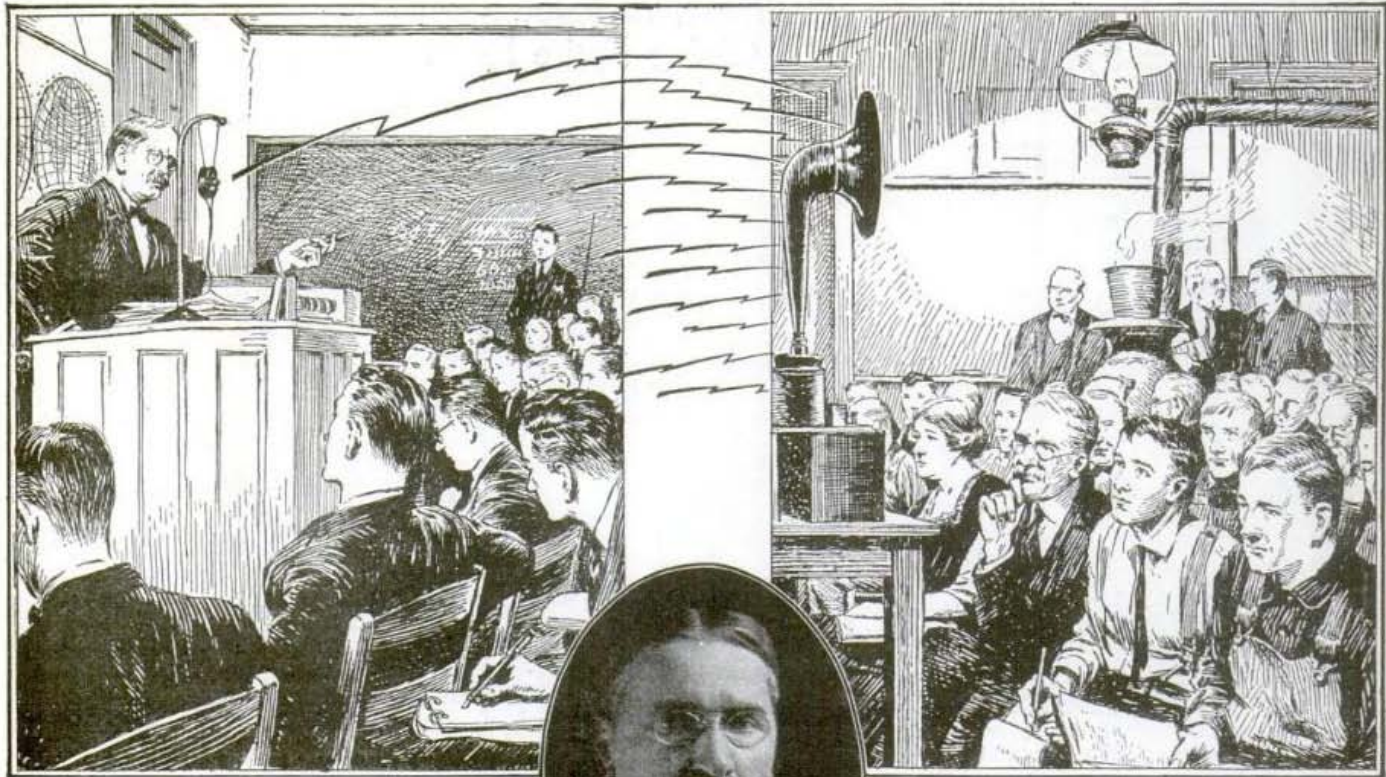


the **MYTH** of **MOOCs**

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Professor-Inventor Predicts "Radio Universities"



The "radio university" that Prof. Michael Pupin, of Columbia University, believes is sure to come with the further development of the loudspeaker. From the classroom where the university professor lectures to a group of his students—

Radio will carry a wealth of authoritative information and scientific knowledge to hundreds of town halls, factories, and fire-sides, offering a higher education to thousands of men and women to whom such training has hitherto been denied

MOOC lingo

- MOOCs have been fashioned under two somewhat conflicting ideological stances - Connectivist (c)MOOCs and xMOOCs.
- cMOOCs are based upon connectivism theory of learning.
 - They're about "creativity, autonomy and social networked learning" says George Siemens.
- xMOOCs follow behavioural approaches to learning.
 - Emphasise a more traditional learning approach e.g. video presentations, short quizzes and "testing".
- Many variations are emerging.
 - Some involve accreditation and award.
 - Some are "Commercialised".

DOES MY MOOC LOOK MASSIVE?

Myth #1

MOOCs are “Open”.

Myth #2

MOOCs can be sustained without considering their commercial context.

Myth #3

Exceptions and statutory licences within the Copyright Act can sustain the delivery of MOOCs.

Can you “open” a can of MOOC with the Copyright Act?

- The level of participation in a MOOC is dependent on the rights given to participants (MOOCipants?) to use the course content.
- Copyright exceptions are unlikely to allow MOOCipants to engage fully with the copyright content. e.g. rework course content and redistribute it to others.
- There are no copyright exceptions that will allow MOOC providers to deliver other people’s copyright material. e.g. textbooks, diagrams, Journal Articles, MOOCipant contributions.



Rights within the Copyright Act will not sustain the production and use of MOOCs

Providing open licensed content in a MOOC will make it open?

- There is more “potential” teaching material licenced under Non-Commercial (NC) licence variants (Linksvayer, 2011)
- Many open education providers have favoured the application of non-commercial Creative Commons licences.

BUT

- The application of NC licences can still inhibit intended use of educational content (Baumgartner et al., 2007).
- What if you want to use the MOOC content for a commercial purpose later?



MOOCs can provide access to free course content?

- A majority of third party texts will never be available under free non-commercial licences.
- There is open and then there is “Open”

If you release your own MOOC content under a non-commercial licence it may be considered free to use but it cannot be considered “open”.



“However flawed the current definition may be, it is one that our community has become accustomed to and relies upon.... Upon close review, as much as the proposed alternatives attempt to provide additional clarity around particular uses, they simultaneously introduce new, additional layers of uncertainty for licensors and licensees.”

Creative Commons on defining non-commercial under version 4.0 of their NC licence.

<http://wiki.creativecommons.org/4.0/NonCommercial>

In many cases MOOCs are MOCs and may be better described simply as free online courses.

(FOCs)

Pronounce carefully as mispronunciation may offend.

Some considerations about MOOCs, “openness” and commercial context

- Other countries such as the US have the capacity for MOOC development built into their Copyright Law. Australia doesn't!
- MOOC content cannot be provided as “open” under non-commercial licence variants, but it may be considered free.
- At present there are no common principles (legal or otherwise) that we can use to assess what is commercial in the OEP context.
- Understanding the commercial (or non-commercial) nature of OEP (including MOOCs) in Australian universities is likely to be a critical issue for sustainability.
- Research should be undertaken as to what kinds of uses of teaching material are being made by Australian education institutions in OEP (and MOOCs). Suitable licensing options can then be recommended which meet the sectors needs sustainably.

Statutory licences probably don't work in MOOCs



Statutory licences

- Part VB of the Copyright Act
- Permits copying and communication
- For educational purposes
- Limited amounts (10% or one chapter, one article, images)
- Access to copies MUST be limited to staff and students of the university
- There must be a remuneration agreement signed with a collecting society
- Universities pay \$26.9 million between them for this licence
- Copying is done by the university
- Part VA licence permits copying off air of broadcast material – it only costs the sector \$4.6 million



Statutory licences – in practice

- Libraries do the copying and there is a central collection of Part VB copies
- The Learning Management System includes links to articles, book chapters, papers
- They constitute a key element in learning content
- Typically more downloads than book loans



Can MOOCs use the statutory licences?

- Material must be for “educational purposes” in connection with a “particular course of instruction provided by the institution”
- So far so good
- Copying or communication must be “by or on behalf of the body administering an educational institution” which is “solely for the educational purposes of the institution or another educational institution”
- MOOCs look OK, even though they are non-award courses



Can MOOCs REALLY use the statutory licences?

- In practice, no
- MOOCs are open so content can be used by anyone
- But access to licensed content must be limited to authenticated users
- Universities could enrol and authenticate MOOC students BUT
 - MOOCs do not provide a revenue stream to pay for this
 - MOOCs would not be MOOCs any more
- The statutory license probably cannot be used



What can they use? What can't they use?

Universities CAN use in a MOOC

- University-owned content
- Content with some kinds of open licence
- Content where a licence has been paid for
- Content out of copyright (life of the author + 70 years)

Universities CAN NOT use in a MOOC

- Part VB copies
- Probably not commercial licensed content



Exceptions Today

- There is currently a review of exceptions by the Australian Law Reform Commission (ALRC)
- <http://www.alrc.gov.au/inquiries/copyright>
- The review put out an issues paper in 2012, and will issue another paper in June 2013, with a final report in November 2013
- MOOCs in the US make extensive use of US copyright provisions relating to fair use
- The ADA and Universities Australia – and many others – have proposed a bold reform agenda for Australia
- Support it

Swinburne University

UNIVERSITY OF TASMANIA

Some Conclusions



Conclusions

- MOOCs can only be open if limited – they can't be sustained on the basis of copyright exceptions
- MOOCs are even more limited if they are seen as commercial – purer MOOCs may be able to use open-licensed content
- MOOCs can not use the most relevant kinds of third party content – material licensed under the statutory licence, or commercial licences
- What can we do?



Conclusions – What Can We Do?

- We need to be clear about the purposes of MOOCs – if MOOC students don't have access to the same resources as other students, what are our educational and institutional goals?
- We must clarify the ways we can use open licences – especially “non-commercial”
- If current exceptions won't sustain MOOCs, we need to change the exceptions and we have a fine chance right now.



Thank you

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