



CREATIVE COMMONS GUIDELINES

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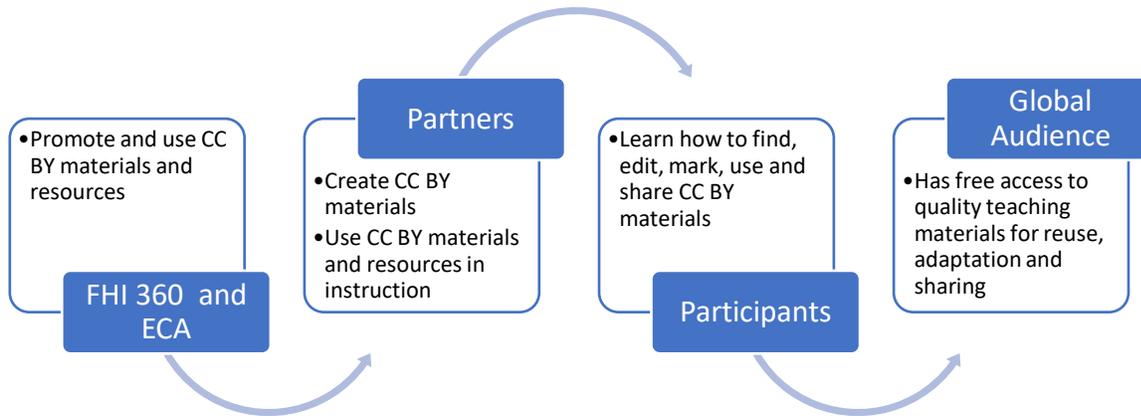
Introduction

These standards are intended to serve as guidelines for partners to ensure that courses and materials meet the requirements and support the goals of the Online Professional English Network (OPEN). The standards are divided into three (3) major categories, or domains: **Access, Creation and Adaptation, and Professional Development**. Each domain is further divided into one or more specific standards that describe OPEN licensing requirements and their rationale.

A rubric is included for each standard. The performance indicators are intended to provide guidance and examples but are neither comprehensive nor exclusive. These standards have been created to reflect the specific pedagogical and cultural needs of the OPEN Program. Use of these standards does not preclude the use of other standards related to the field of TESOL, Applied Linguistics, E-Learning, or copyright law.

Goals for CC BY Licensing

Creative Commons Attribution (CC BY 4.0)-licensed materials are a cornerstone of the OPEN Program. CC BY licensing of program materials created by universities and partners provides free access to quality teacher training material to a global audience. Participants in OPEN courses will learn what CC BY-licensed materials are, how to find them, how to incorporate them, and how to properly attribute materials for future use.



What is CC BY 4.0?

Creative Commons (CC) is a global nonprofit organization that enables the sharing and reusing of creativity and knowledge through the provision of free legal tools, including copyright licenses. CC has global affiliates who support and promote CC licensing worldwide. CC licensing is a free and easy way to manage copyrights and allow materials to be shared and reused under flexible terms. There are six (6) distinct licenses, and almost all licenses, with the exception of CCO (zero), require that users provide attribution (BY) to the creator when the material is used and shared. Some licenses go further and delineate what kind of changes can be made, and if these changes can be used for commercial purposes.

The OPEN Program uses the **BY 4.0** license, which requires attribution to the creator as the only condition for material reuse. CC licenses may be applied to any type of copyrightable work, including educational resources, music, photographs, and databases. Version 4.0 also covers certain other rights, including performance, broadcast, and sound recording rights.

The other five licenses combine BY with one or more of three additional license elements: NonCommercial (NC), which prohibits commercial use of the material; NoDerivatives (ND), which prohibits the sharing of adaptations of the material; and ShareAlike (SA), which requires adaptations of the material to be released under the same license. There is an additional license for those who wish to waive all rights and attribution to their material, which is CC0 (zero). This is not the same as public domain, where “all rights reserved” have expired. CC0 is “no rights reserved,” meaning that all rights were waived, and there is no potential for unknown, outstanding copyrights.

These additional license elements will not be used on materials created or generated by the OPEN Program, and all program-funded materials must be licensed under a CC BY 4.0 license as a condition of the grant. This gives participants access to the “5 Rs”: the ability to retain, reuse, revise, remix, and redistribute any work created on behalf of the OPEN Program.

DOMAIN 1: ACCESS

Materials are designed with the 4Rs in mind. Participants may retain, revise, reuse, remix, or redistribute OPEN Program materials as they wish.

The spirit of Creative Commons licensing is to allow anyone to access, adapt, and share materials, while retaining copyright protection over intellectual property. Therefore, the use of any technical protection measures (such as digital rights management, or "DRM") by licensees to prevent others from exercising the licensed rights is prohibited. These include but are not limited to encryption, product keys, restrictive licensing agreements, content scrambling, and watermarks.

Standard 1. Document Access

Course materials will be openly hosted on Canvas during the course term and eventually stored in a participant-accessible program Resource Repository. External links to resources should not be used in the course, unless these are necessary to accommodate any accessibility issues (e.g. special software or browser-based readers for disability assistance). They should only be used when other Canvas-based accommodations have been exhausted. Any externally hosted documents must be free from paywalls, encryption, authentication, or other control mechanisms.

Supporting Explanation

Due to variances in the location, accessibility, institutional support, and financial resources of OPEN participants, resources should not require external identification, paywalls, or other hindrances. External resources are subject to external controls and can be unmanageable; they can be susceptible to malware, inaccessible due to server failures, or hosted behind paywalls without prior notice. For this reason, they should be avoided.

Earlier versions of CC BY

The OPEN Program requires the use of CC BY 4.0 on all material created or generated by the program, including new and adapter licenses. Preexisting material with a CC BY 4.0 license should be used whenever possible. However, material with an earlier CC BY license may be used, provided that the adapter license, if necessary, is CC BY 4.0. The adapter’s license is a secondary license applied if any changes are made to an existing licensed resource and is explained in further detail in Domain 2.

Rubric for Standard 1. Document Access

Performance Indicator	Meets Standard
Materials can be openly accessed, reused, revised, remixed, and redistributed at any time.	Documents are housed internally within Canvas course site as primary clearinghouse, with external links as backup option.
Course materials are CC BY licensed, with appropriate attribution and adapter's license as needed.	Adapted and utilized course materials are CC BY 4.0 licensed. All generated materials are CC BY 4.0 licensed.

DOMAIN 2: CREATION AND ADAPTATION OF CC CONTENT

The OPEN Program is committed to ensuring that existing course materials are properly attributed, and all created content is openly licensed. OPEN course materials must provide unrestricted access allowing participants to retain, revise, reuse, remix, and redistribute.

Standard 1. Creation

Any grant-funded content generated for the OPEN Program will be CC BY 4.0 licensed. All generated resources, including adaptations, must be CC BY 4.0 licensed.

Supporting Explanation.

The OPEN Program promotes openly accessible materials, thus all materials created for courses will be CC BY 4.0 licensed. No other licenses will be allowed, as they do not provide unrestricted access.

Rubric for Standard 1. Creation

Performance Indicator	Meets Standard
All material created for or adaptations generated by the OPEN Program will be CC BY 4.0 licensed.	Material that is created explicitly for the OPEN Program, including adaptations to existing CC BY material, will be licensed under CC BY 4.0, with adaptations having a separate CC BY 4.0 license from the original material.

Standard 2. Adaptation

Any OPEN materials adapted from preexisting materials will provide proper attribution, demonstrating proper usage and attribution to participants. For the purposes of the OPEN Program, an existing or preexisting resource is one that was created before, or independent of, the OPEN Program. When applicable, resources that are already CC BY licensed, as opposed to other CC licenses (e.g. ND, SA) should be utilized when creating content for OPEN courses. Those that are CC licensed could be NC (non-commercial), ND (no derivatives), SA (share alike), or 0 (zero), which would not meet the CC BY 4.0 requirement. Therefore, when adapting material, ensure that it is CC BY (any version) licensed.

Some resources, such as OERCommons.org, will allow you to search by license type. This avoids licensing conflicts with revised or remixed content, due to varying levels of restrictions on other CC licenses.

Supporting Explanation.

An adaptation is a work based on one or more preexisting works. If adaptations are made to material under an existing CC license, the original CC license continues to apply to the adapted material. The contribution may then be licensed separately (an “adapter’s license”), depending on the license that applies to the original material. The original CC license always remains and applies to the material being adapted, even once adapted. The license you may choose for your own contribution (called your “adapter’s license”) depends on which license applies to the original material. Users of the adapted material must comply with both the original CC license terms and the adapter’s license.

For example, if a lesson plan is licensed under CC BY 2.0, then the lesson plan must be attributed to CC BY 2.0 if it is reused, revised, remixed, or redistributed. Any adaptations made to the lesson plan can be licensed under CC BY 4.0 by the adapter under a separate adapter’s license, but both licenses remain valid. For an example of an adaptation, please see pages 4-5 of the CC BY Manual, “Standard 1: Adaptations.”

However, if the original license is CC SA (Share Alike), the adapter’s license cannot be licensed under CC BY 4.0. Under CC SA, the adapter’s license must be under the same licensing terms as the original product, which is CC SA. Therefore, OPEN Program partners should strive to adapt CC BY materials whenever possible.

Rubric for Standard 2. Adaptation

Performance Indicator	Meets Standard
Preexisting American English resources adapted to fit OPEN Program course needs.	Adapted, preexisting CC BY 4.0 materials are properly attributed and marked, with adapter’s license if necessary.

Standard 3. OER Adaptation

Any OPEN materials adapted from preexisting OER materials will demonstrate proper usage and attribution to participants.

Supporting Explanation

Open Educational Resources (OER) are teaching, learning, and research materials in any medium that reside in the public domain or have been released under an open license that permits their free use and repurposing by others. Not all OER are CC BY licensed, so it is important to check the copyright information of all OER. Marking program-generated resources as an OER without the CC BY 4.0 licensing does not meet program requirements.

Rubric for Standard 3. OER Adaptation

Performance Indicator	Meets Standard
Preexisting OER resources are adapted and utilized for course content.	Adapted, preexisting OER materials are properly attributed and marked, with adapter’s license (4.0) if necessary.

Standard 4. Public Domain Adaptation

The public domain of copyright refers to the aggregate of those works that are not restricted by copyright within a given jurisdiction. A work may be part of the public domain because the applicable term of copyright has expired¹, or because the rights holder surrendered their copyright. Any OPEN Program materials that are adapted from public domain resources must follow a specific protocol for attribution, which is described below.

Supporting Explanation

Public domain materials are treated differently under CC licensing. Note that some works may be considered public domain under copyright laws of some jurisdictions, but not others. A resource considered within the public domain under the copyright law of the United States may be protected by copyright laws in other international jurisdictions, as there is no worldwide (universal) agreement on copyright, and in some cases copyright agreements are not enforced.

For example, a sound recording can be copyrighted in both the U.S. and Germany. If the copyright in the U.S. expires, that expiration does not impact the German copyright; in fact, the German copyright could extend much further past the end date of the U.S. copyright, and its unauthorized use can result in legal action. In this case, the sound recording is considered within the public domain in the U.S., but not in Germany. Therefore, when using work in the public domain, endeavor to ensure that materials clearly marked with Creative Commons’ specific public domain marks, or their CC0 license, are used.

¹ For more information on copyright expiration by publishing date and medium, please click here: <http://copyright.cornell.edu/resources/publicdomain.cfm>

Rubric for Standard 4. Public Domain Adaptation

Performance Indicator	Meets Standard
Preexisting public domain resources are adapted and/or utilized for course content.	Preexisting public domain materials are properly attributed. If preexisting materials are adapted, this adaptation is marked with CC BY 4.0 license on new material, and a Public Domain mark is added, if it can be determined that no existing copyright applies.

When using public domain materials: CC licenses should not be applied to works in the worldwide public domain. All CC licenses are clear that they do not have the effect of placing restrictions on material that would otherwise be unrestricted, and that a work cannot be removed from the public domain by applying a CC license to it.

When adapting public domain materials: Creators may apply CC licenses to materials they create that are adapted from public domain works, or to remixed material, databases, or collections that include work in the public domain. However, in each of these instances, the license does not affect parts of the work that are unrestricted by copyright or similar rights. If public domain materials are adapted, the public domain material must be marked, in addition to the new content (with the CC BY 4.0 mark), so that others know they are also free to use this material without legal restriction.

DOMAIN 3: PROFESSIONAL DEVELOPMENT

Participants will not only learn about the principles of CC BY in their Orientation but will see how these principles function in practice throughout their online courses.

Standard 1. Knowledge of and Familiarity with Creative Commons licensing

Participants will be introduced to Creative Commons in their Orientation, and these lessons will be passively reinforced by recognizing CC BY marking and licenses on OPEN resources.

Supporting Explanation

OPEN participants should be able to recognize CC-licensed materials and understand that they can incorporate these materials into their classrooms.

Rubric for Standard 1. Knowledge of Creative Commons licensing

Performance Indicator	Meets Standard
Course materials employ consistent use of CC marking and attribution in all documents and pages, where applicable.	Course materials consistently use CC marking and attribution in all OPEN resources and materials.

FREQUENTLY ASKED QUESTIONS

Q: Why must all resources created for the program be CC BY-licensed?

A: First, the CC BY licensing requirement is a condition of the OPEN Program grant, which flows down to program partners. The CC BY licensing requirement supports the U.S. Department of State, Bureau of Educational and Cultural Affairs' commitment to OER. The OPEN Program provides professional development opportunities to non-native English-speaking teachers (NNESTs) by offering online courses. Using CC BY licensed resources in these courses extends the benefit beyond the online course, allowing any NNEST to adapt and use materials to fit their local context.

Q: What if I cannot find CC BY-licensed academic material to use when developing my course?

A: While there are many great online OER clearinghouses (please see pages 11-12 in the CC BY Manual, "Finding OER, Public Domain, and Creative Commons Material"), we understand that there are some high-quality academic resources that are under a traditional and "closed" copyright. CC BY compliance is important, but not at the expense of high-quality professional development courses.

You may also develop a summary of a copyrighted academic work, and legally license this as CC BY 4.0. Summaries are legal. Summaries do not violate copyright, and there is a legal right to reproduce copyrighted work in an abridged format, if it is not substantially similar to the original. For the purposes of this program, "substantially" means more than 50%.

You may also consider writing to the author and asking them to re-license their work under a CC BY license. This has been successfully done by partners. FHI 360 will provide you with a template to use to request permission. If permission is granted, please send the confirmation so this can be filed.

To that end, we do allow partners to use non-CC BY and traditionally copyrighted material in their courses, if these materials are noted to participants as being closed and ineligible for reuse outside of the course. We provide this language in the CC BY Manual.

Q: I am new to this concept, and don't know how to use Creative Commons licenses.

A: FHI 360 provides a step-by-step Creative Commons Manual for Partners. This manual addresses marking, attribution, summaries, how to use "closed" resources, and a directory of "open" resources, including documents and multimedia.

Information Cited

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"[Public Domain Guidelines](#)" is licensed under [CC BY 4.0](#)