OPEN EDUCATION AND EDUCATIONAL RESOURCES. NATIONAL POLICY AND EXECUTIVE PLAN BY THE HIGHER EDUCATION AND RESEARCH COMMUNITY FOR 2021–2025.

POLICY COMPONENT 1 – OPEN ACCESS TO EDUCATIONAL RESOURCES

RESPONSIBLE RESEARCH SERIES

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POLICY COMPONENT 1 – OPEN ACCESS TO EDUCATIONAL RESOURCES

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OBJECTIVE STATED IN DECLARATION

Creating, using and joint development of open educational resources and other open educational practices are part of daily work in higher education and enable continuous learning.

INTRODUCTION

This policy applies to open education, open access to educational resources and open educational practices.

Research and education have always been closely linked. Research reveals new knowledge that is disseminated more widely to people and that is learned as part of an individual's own skills. This is why openness in science and research is inherently linked to openness in education.

In order for the general public to genuinely be able to utilise research results that have been made open, the results often need to be processed into a form that serves and facilitates the exploitation, dissemination and learning of the results. The open availability of materials developed for needs of education, i.e. educational resources, thus serves to raise awareness of research results.

Open educational resources and new types of more open educational practices, for example, those offered by digitalisation, reduce the need to tie education, learning and teaching to a specific time and place. In this way open education becomes a natural part of a new type of flexible education, in which everyone, regardless of their situation in life and place of residence, has more opportunities to learn new things.

The policy is the result of collaboration within the Finnish university and research community, constituting a shared view of the direction that the openness of education and educational resources should take.

FREEDOM OF THE TEACHER AND THE RESEARCHER

The aim of the policy is to achieve openness in a way that supports and increases the freedom and opportunities of teachers and researchers to share researched information in their teaching and in the educational resources they have prepared. The purpose of educational resources is to distribute research-based information to society as a whole. Teachers and researchers must be able to choose the best methods for this purpose in their teaching and educational resources. The higher education and research community must guarantee incentives and structures for the open education and educational resources in a way that respects, on an equal basis, the work done by teachers and researchers to develop education and educational resources.

INTERNATIONAL AND NATIONAL FRAMEWORK

This policy has been prepared using the extensive domestic and international work that has been done to improve open education and educational resources. Important international sources for drafting the policy have been the European Commission publication *Practical Guidelines on Open Education for Academics: modernising higher education via open educational practices* (2019) and the UNESCO *Recommendation on Open Educational Resources* (OER, 2019). Significant national achievements include the national Library of Open Educational Resources[1], developed by the Ministry of Education and the Finnish National Agency for Education and coordinated by CSC, and ARENE's and UNIFI's shared vision for the digitalisation of higher education institutions[2].

RISKS AND THREATS

Even though open educational resources and other openly accessible education are available to their users for free, a wide range of resources are required for their creation and other development. There is a risk that costs and workloads will accumulate among those individuals and organisations

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1   Introduction in stages 2019–2020, see aoe.fi
2   See https://wiki.eduuni.fi/x/NKELBw

that are particularly active in opening up education and educational resources. The higher education and research community should consider sharing the costs and workloads arising from opening up education and educational resources and take care of their necessary resourcing.

There is also a risk that authors will be forced to open up education and educational resources. To prevent this risk, a national recommendation highlighting the author's decision-making power has been drawn up and is attached to this policy. The obligation to open all types of education and all types of educational resources is not even justified, as some of the education and educational resources may not work well outside a particular teaching situation. Instead of imposing an obligation, the best way to open up education is by encouraging, for example, giving recognition and merits for opening up education and educational resources.

Another kind of threat can arise from the belief that open educational resources and other openly accessible education could alone form the foundation for learning and education and replace interactive classroom study. Classroom study must not be forgotten when promoting open education, and the overall quality of education should be monitored regularly. In addition, the opportunities provided by open education and open educational resources should be utilised to improve the quality of learning and teaching.

The learned societies and other domestic scholarly publishers share the concern that open access to educational resources will have an adverse impact on their financial operational preconditions. However, high-quality popular research-based publications that are written and edited for special areas have a place alongside open educational resources. Open educational resources can also create markets for various value-added services.

There are also concerns regarding financial operational preconditions in universities offering commercial education and education export. Since the policy does not require the openness of all education, higher education institutions will have the opportunity to commercialise the education. In addition, open educational resources and other openly accessible education offer opportunities for marketing. High-quality open educational resources or online courses can be a sign of a high-quality educational player and so attract learners to also benefit from commercial products and services.

STRUCTURE AND BACKGROUND OF THE POLICY

The policy has been prepared by the Finnish higher education and research community. A working group commissioned separately by the Expert Panel in Open Education under the Open Science Coordination of the Federation of Finnish Learned Societies (TSV) has been responsible for ensuring the progress of the work. The work has been guided by the Finnish National Open Science and Research Steering Group. The policy supports the Declaration for Open Science and Research 2020–2025.[3]

The policy is composed of joint principles and policy components of (a) open access to educational resources and (b) open educational practices that determine objectives and actions.

The principles define the general terms and conditions for promoting open education and educational resources. They consist of important principles for the higher education and research community that must be adhered to in the promotion of openness. The objectives recorded in the policy components are more time-dependent goals that involve concrete actions. A changing international environment will impact the objectives and the actions they involve sooner than it will impact the principles.

IMPLEMENTATION AND FOLLOW-UP

The policy is applied in higher education and in various forms of continuous learning in which the organisations of the higher education and research community participate, for example, as organisers or partners. This policy can also be used, where appropriate, for the planning of the practices of open education and open educational resources of other educational organisations.

The policy will take effect step by step from 1 January 2021 onwards. The details of the policy are specified in the recommendations, of which the first one on contractual and copyright, licensing and data protection issues will be published as an Annex to this policy. The timetable planned for the publication of the other recommendations is:

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3   https://doi.org/10.23847/isbn.9789525995213.

- Recommendation on accessibility of educational resources – 2021

- Recommendation on best practices for taking into account the development of open education and educational resources in duties and merits – 2021

- Recommendation on open education and educational resources that take into account the diversity of learners and the responsibility of content – 2022

- Recommendation on practices and tools to ensure the findability, interoperability, reusability and further development of open educational resources – 2022

Monitoring of the implementation of the policy is the responsibility of Open Science Coordination, which also annually determines, using the expertise of the Expert Panel in Open Education, the appropriate target levels for the follow-up. The monitoring tools shall include:

- regularly targeted surveys for universities and other organisations developing open education as well as for teachers and student organisations in different fields;

- information obtained from the national Library of Open Educational Resources, for example, on the amount of educational resources in higher education recorded in the Library and the amount of educational resources in higher education downloaded from the Library;

- research project on the quality, quantity, use and valuation of open educational resources in European Union countries.

The second component of the policy on open educational practices will be completed by 2022 at the latest. The whole policy will be updated in 2024.

DEFINITIONS

Opening up education or Open Education means extending access to and participation in education to larger audiences and target groups by lowering barriers to education and increasing accessibility, unrestrictedness, offering and learner-centeredness. It diversifies the possibilities of teaching, learning and building, joint development and sharing of knowledge and combines the pathways of formal and non-formal learning.

Although open education is often carried out using digital technologies, open education is not the same as digital education or digitalisation of educational resources.

Open educational resources mean materials or information in any form and used on any medium, partly designed for teaching and learning purposes, which have been:

- released for public use (public domain) or;

- shared by an open licence that permits no-cost access, re-use, re-purpose, adaptation and redistribution by others.[4]

In addition, when calculating the amount of open educational resources, the calculations shall also take into account the educational resources prepared prior to the entry into force of the policy, which have been licensed by partially open licences prohibiting the publication of versions modified based on the resources, the commercial use of the resources, or both (for example Creative Commons licences including ND or NC conditions).

Although scholarly publications can be used as educational resources, especially at higher education levels, and although openness of scholarly publications therefore makes these open as educational resources as well, this policy applies, above all, to educational resources which are not primarily scholarly publications. In addi-

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4   The definition of open educational resources is in line with the definition of open educational resources given in the UNESCO Recommendation on Educational Resources 2019, except that the reference to research materials has been omitted, because these will be discussed in the *Policy of open access to research materials and methods*.

tion, according to the policy, open educational resource must be a pedagogically meaningful whole that can be utilised in education.

Open educational practices mean practices by which education, learning and teaching are made transparent and shared and which enable their further processing.

Such practices include:

- peer learning and the development of education between students, researchers, teaching staff and the rest of the society;

- involving students in the planning of their learning pathways, including the identification and recognition of competences acquired outside their own educational establishment;

- opening up the education offering to the general public (e.g. MOOC courses);

- sharing and reuse of information relating to the planning and organising of teaching (e.g. curricula, evaluation methods, guidelines, experiences from the implementation of teaching and from learning);

- use, further development and joint development of open educational resources (e.g. videos, podcasts, written material).

The Finnish higher education and research community consists partly of the same players as the Finnish research community[5], defined in the *Declaration for Open Science and Research*, but in particular from the viewpoint of education. More specifically, the Finnish higher education and research community comprises:

- universities and universities of applied sciences as defined in Finnish laws and regulations;

- teaching and research personnel at Finnish universities and universities of applied sciences, and service personnel supporting teaching and research;

students at Finnish universities and universities of applied sciences, especially when they participate in the development of education and educational resources;

- Finnish service providers developing open higher

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education and open research infrastructure, such as CSC – IT Center for Science Ltd;

- other players and organisations that form the Finnish research community (for example, research institutions, learned societies and libraries), especially when they work with education and educational resources and participate in the development of open education; in this policy they are referred to as **other organisations developing open education**.

STRATEGIC PRINCIPLES AND THE RESPONSIBILITIES FOR THEIR FULFILMENT

A review of the initial situation related to all principles requires the definition of monitoring criteria. The monitoring criteria are defined in separate recommendations. The recommendations are prepared by Open Science Coordination together with universities and other organisations developing open education which participate in the specification work. Existing criteria and recommendations are utilised in the specification work. The realisation of the criteria will be ensured as part of the national monitoring of open science and will be updated as necessary.

Principle 1: When evaluating education and open educational resources developed with it, the reliability of their content and other elements defining their quality are considered in addition to their openness.

Ensuring the realisation and monitoring of the principle:

A)   Review of the initial situation: In 2021, Open Science Coordination will determine how the general quality criteria for education and educational resources can be applied to open education and open educational resources, and what other quality criteria are needed.

B)   Continuous monitoring: In addition to monitoring the criteria, universities and universities of applied sciences ensure in their own quality systems that investments in creating and using open educational resources and other openly accessible education increase the overall quality of education. The universities ensure that high-quality contact teaching is provided, even though open educational resources and education are extensively available.

Principle 2: In the development and utilisation of open education and open educational resources copyright, data protection and ethical practices are respected.

Ensuring the realisation and monitoring of the principle:

A) Review of the initial situation: In 2020, Open Science Coordination will assess which contractual and copyright, data protection and licensing issues must be taken into consideration when opening educational resources.

B) Continuous monitoring: In addition to monitoring the criteria, in 2021, Open Science Coordination will launch a study on the intellectual property rights (including the educational resources prepared on the basis of these) of research outputs in order to clarify ownership and contractual issues. The report will utilise the expertise of universities and employee organisations in the field of research and education.

Principle 3: The development of open education and open educational resources takes into account their accessibility and applicability to a diversity of learners.

Ensuring the realisation and monitoring of the principle:

A) Review of the initial situation: In 2021, Open Science Coordination will identify the criteria for the accessibility of educational resources. By 2022, the criteria for observing the diversity of learners and the responsibility of content in open education and educational resources will be identified.

B) Continuous monitoring: As part of the national monitoring of open science.

Principle 4: Work for developing open education and educational resources is evaluated in the merit criteria and in the planning of duties.

Ensuring the realisation and monitoring of the principle:

A) Review of the initial situation: In 2021, Open Science Coordination will identify the best practices, how the development of open education and educational resources will be taken into consideration in duties and how they will be given merits. In addition, Open Science Coordination plans, together with CSC, universities and other organisations developing open education, the indicators and knowledge base to support the evaluation of merits.

B) Continuous monitoring: As part of the national monitoring of open science.

POLICY COMPONENT FOR OPEN ACCESS TO EDUCATIONAL RESOURCES

OBJECTIVES AND THE ACTIONS THEY REQUIRE

Objective 1: By 2025 open educational resources are used and created extensively in universities.

Actions required by the objective:

a) By 2022, Open Science Coordination will, in cooperation with universities and other organisations developing open education, draft a joint recommendation on the practices and tools that ensure the findability , interoperability, reusability and further development of open educational resources.

b) By 2022, Open Science Coordination will explore the possibility of establishing, in cooperation with CSC, an open online course, which, once completed, will give the participant the preparedness needed for the creation and utilisation of open educational resources.

c) By 2023, Open Science Coordination will, together with universities and other organisations developing open education, determine the competence requirements for open educational resources, which will indicate the skills that teachers should be in possession of when creating and utilising open educational resources.

d) On the basis of this policy and the recommendations that specify it, universities and other organisations developing open education, will draw up their own guidelines on open educational resources, which will provide advice on, for example, matters such as contracts, licences, tools for opening educational resources, recommended distribution locations and finding and using open educational resources.

e) Universities and other organisations developing open education will provide support and training to creators of open educational resources on licensing and openness and issues related to its practical implementation.

f) As part of the national monitoring of open science, the capacity of organisations to support the development of open educational resources will be investigated on a regular basis.

Objective 2: By 2025 the amount of open educational resources in higher education has multiplied and the quality has improved to better serve education.

Actions required by the objective:

a) By 2021, Open Science Coordination will develop a prize, which will be distributed annually to a person or group for outstanding merits in developing open education and educational resources.

b) By 2023, Open Science Coordination will study the funding mechanisms for the development of open educational resources by also investigating international examples for comparison.

c) The authors of open educational resources are recommended to provide metadata of the open educational resources they have created for the Library of Open Educational Resources.

d) Universities and other organisations developing open education are seeking for methods with the Library of Open Educational Resources by which open educational resources stored in their own repositories will also be stored in the Library of Open Educational Resources.

e) By 2023, universities and key funders, with the assistance of UNIFI and ARENE, will agree on how to share the costs of promoting open access to educational resources and, in accordance with the agreed model, support the preparation and updating of open educational resources.

f) Providers of research funding will provide positive consideration to open educational resources drawn up on the basis of research results in funding decisions.

g) Universities and other organisations developing open education plan and implement joint projects that promote the capacity of all participants in the project to develop open educational resources, jointly develop high-quality open educational resources and establish networks for the marketing of open educational resources.

h) Universities and other organisations developing open education plan and implement cooperation projects for using open educational resources from higher education in other levels of education.

i) As part of the monitoring of open science, a process to assess the quality and quantity of open educational resources in higher education will be created and introduced.

   i. The Library of Open Educational Resources collects information on an annual basis on how many higher education educational resources have metadata stored in the Library and how many have been downloaded from it in different fields and in different languages.

   ii. The Library of Open Educational Resources collects information on the updating and accessibility of higher education educational resources stored there.

   iii. The views of teachers and students in different fields on the adequacy of the amount and quality of open educational resources will be investigated regularly.

   iv. Using the expertise of the Expert Panel in Open Education on a regular basis, the adequacy levels for the results of (i)–(iii) will be determined on the basis of past years' performance.

   v. A report on the development of open educational resources in the higher education and research community will be published regularly on the basis of sections (i)–(iv).

Objective 3: By 2025 Finland is known as a pioneer and promoter of open educational resources in higher education.

Actions required by the objective:

a) The Finnish university and research community participates in promoting and researching the use and valuation of open educational resources at the EU level.

b) Open Science Coordination provides information on open educational resources, the related policy and joint recommendations, and services and projects related to open education both in Finland and internationally.

c) Universities and other organisations developing open education disseminate information on open educational resources and related practices within the organisation and to their partners and wider audience at both national and international level.

d) Finnish universities and other organisations that develop open education, as well as Open Science Coordination, participate in international cooperation projects, especially in the EU, the objective of which is to promote the development and use of open educational resources.

e) By 2023, Open Science Coordination, together with universities, providers of research funding and other organisations developing open education, will explore possibilities for a research project to study the quality, quantity, use and valuation of open educational resources at universities in European Union countries.

    i. The research project will identify and create methods that will enable a fair assessment of the use and valuation of open educational resources published in different countries and in different languages.

ANNEX 1: RECOMMENDATION ON COPYRIGHT ISSUES TO BE TAKEN INTO CONSIDERATION IN THE OPEN PUBLICATION OF EDUCATIONAL RESOURCES

This recommendation clarifies the second principle of the policy for openness of education and educational resources, which asks to respect copyright and other relevant rights in the development and use of open education and open educational resources. The purpose of the recommendation is to highlight best practices that will help in the application of the principle.

The recommendation is updated in conjunction with the publication of the other policy component on open educational practices.

IMPORTANT FUNDAMENTAL ELEMENTS

Copyright protection is given to any work that exceeds the so-called **threshold of originality**. The threshold of originality is exceeded if the work is an independent and original result of the author's intellectual creation. Copyright is given to the author of the work.

Photographs, performances of works (such as lectures), sound and video recordings, catalogues, databases and TV and radio signals are protected by related rights. In addition to related rights, all of these can also have a copyright if they exceed the threshold of originality. In such cases, the related right and any copyright shall be conferred on the producer, which may be an educational establishment.

The names of authors must be stated in accordance with the Copyright Act and the open licence. Consent must be obtained for the use of the images of persons.

PERSPECTIVE OF THE AUTHOR OF THE OPEN EDUCATIONAL RESOURCE

Plan the opening

Plan the opening of the educational resources in advance:

- where,
- how and
- on what terms of use

the educational resource or part of it will be opened.

Take these matters into account, among others:

You can only open material for which you are an author or which you have received for your use with a licence that allows use to the extent equalling the licence you select for the material to be opened. For example, if you plan to open your material with a CC BY license and use the other material as an illustration, the images of your material must be licensed with a CC BY license.

The author decides on the opening of the educational resource with a licence. The author is also entitled to transfer the copyright to his/her employer organisation, unless the rights have been separately agreed on before the educational resource is drafted.

If the educational resource has more than one author, consent from all authors is required to open the educational resource.

Submit the author and source information that are the prerequisite for the permit of use. For example, it is a good idea to indicate in each CC BY licensed image how the author and source information of the image should be disclosed.

You must ask the students for a permission to use the materials they have created, such as texts or images.

Ask if the student wants to be mentioned as the author of their text or images. If a student does not want to be mentioned as an author but you are authorised to use the material anonymously, remove the names and any other personal data of the student.

If photos have been taken of a student, note that the student's photo, video or sound recording is the student's personal data and in order to process it you need a basis for processing it, such as the student's consent.

Minimise the processing of personal data. Avoid using personal data if it is possible to implement the educational resource without personal data. If you are processing personal data, ensure that the data subject is informed and that you have the legal basis for processing it. If the processing is based on consent, you can provide the information required by Article 12 of the GDPR on the consent form, such as:

- purpose of processing the personal data;
- period for which the data are stored;
- potential subsequent use of the data;
- where the data may be disclosed;
- who is the controller.

Opening with the use of open licences

Explain under what terms and conditions the material can be used. A good way to do this is to add a Creative Commons (CC) licence to the material. The use of the Creative Commons licence makes it easier to make extensive use of educational resources and to give merits to the authors. The software should also be licensed with corresponding open source licenses.

CC licences give users the right to use the material. Some licences are more permissive, and some are more stringent: for example, commercial use may be prohibited or authorised and processing may be prohibited or authorised. The authors of the educational resource can use a licence to determine the terms of use.

See https://creativecommons.org/about/cclicenses/ and https://creativecommons.org/share-your-work/public-domain/freeworks/

The author of the educational resource decides which CC licence to license the resource with. Open CC licences include:

- **CC BY (Attribution):** The author authorises others to copy, distribute, display and perform their work and the modified version thereof, provided that the author and the licence of the work are referred to in a linkage and any changes are clearly stated. The modified versions must not infringe on the specific nature of the original author's work.

- **CC BY-SA (Attribution) and (Share-Alike):** The author authorises others to copy, distribute, display and perform their work and the modified version thereof, provided that the author and the licence of the work are referred to in a linkage and any changes are clearly stated. If the editor publishes the modified version, it must be published under the same license. The modified versions must not infringe on the specific nature of the original author's work.

CC licences also include licences restricting the further use of the work. **The Non-Commercial (NC)** condition excludes the commercial use of a work, including use in commercial training situations. **The No Derivative Works (ND)** condition, on the other hand, prevents making modified versions of the work. The materials licensed under the limited licenses are not considered open educational resources in which the user is, by definition, always entitled to copy, distribute, display and perform the material and modified versions made of it. Even when publishing educational resources with more limited access, CC licenses are often the most convenient way to indicate what kind of rights the user has for using the material.

There are many good reasons to use a CC licence, which gives others the right to modify the material:

- The permission to modify makes it easier, for example, to adjust the material with another type of study module or course.

- The permission to modify allows the material to be translated into another language, which increases its international use.

- The permission to modify allows video recordings to be subtitled and text to be converted into voice recordings, which makes them more easily accessible.

If the author of the educational resource decides to transfer all or part of the copyright to the employer

organisation, the opening of the material under the Creative Commons licence can be agreed upon at the same time. If the employer is granted a parallel copyright, the author may also independently decide to publish their material by using the CC licences.

Collaborative educational resources

If the educational resource has more than one author, consent from all authors is required to open the educational resource.

Agreement between teachers: At the very beginning of the work, it is a good idea to consider how to agree on the rights in such a way that they are as appropriate as possible for each party involved in drawing up the material. One option is to agree on parallel copyrights – agreeing on the rights as a whole may better support individual use by everyone involved. If no right to modify has been agreed upon, there is no right but to modify and use one's own contribution separately from the output of the others. If teachers agree on open licensing of the material with a CC BY-SA licence, for example, they will also gain the right to modify the entire material.

ORGANISATIONAL PERSPECTIVE

Agreeing on cooperation between organisations

It is worth agreeing in advance on the open publishing of the educational resource and where the open educational resource is published (on which websites, for example). Open publishing of jointly produced educational resources always requires the consent of all authors.

Copyright in a text or image is afforded to the individual teacher who wrote the text or took the photos. An organisation may agree on copyright only if it has first been transferred the copyright or at least the right to use the material and the right to grant licences to the material to a third party. If the material is CC licensed, transfer of rights to an organisation is not necessary.

The organisation also needs the right to modify the material in order to update the educational resources, which is ensured by a CC licence granting the necessary rights, for example. Such modifications must not infringe

on the specific nature of the work of the original author and shall be clearly stated. In addition, the original author must always be stated.

When organisations produce educational resources jointly, the following must be taken into account in the planning:

If such material is jointly prepared from which independent, copyright-protected parts of the output of different authors cannot be separated, it is important to agree on the rights to a jointly prepared work. Open publishing of jointly prepared educational resources always requires the consent of all authors.

If each author creates an independent, copyright-protected component that is distinguishable from the whole, at least sufficient rights of use are required from the author of each component in relation to the terms of opening the agreed educational resource in order for the component to be used for the intended purpose.

The opening of educational resources should be separately agreed upon for each project. Opening the educational resources guarantees the employer the necessary access rights to them, which is why agreeing on copyrights in employment contracts is not necessary in this case.

In projects where open educational resources are prepared, consideration should be given to whether the authors use CC licences to open the material or whether there is any need to transfer the rights from the author(s) to the organisation. When the intention is to produce open material, transfer of rights to an organisation is not necessary.

In projects that have received external funding, it is especially important to ensure that all those who have prepared some material for the project have licensed their work with a CC licence granting the necessary rights, or that the rights to the results have been transferred to the organisation receiving the funding. This applies to employees, visitors, students and, for example, participants in workshops. If the copyright is not transferred, a sufficiently extensive licence is required for all those who have prepared some material so that it can be used for the intended purpose.

Principles of agreement:

If there are several organisations involved in the project, the organisations shall agree on the use of the project results and on the ownership and use of intellectual property rights. Each organisation is obliged to agree with its own employees, students and any contractors, volunteers, etc. how the necessary rights will be transferred to the organisation to such an extent that the contractual obligations agreed on between the organisations can be fulfilled. In addition, the following must be agreed on:

- rights to modify and update jointly produced material and the responsibilities thereto;
- terms and conditions under which the materials are published.

It is also possible to use a CC licence for materials jointly produced by organisations. The agreement will specify who will open the material, how the authors will be displayed and what kind of CC licence will be used.

Agreement between organisations may only take place if the educational resources have been CC licensed or if sufficient rights to the resources have otherwise been granted to the organisation:

It is worth agreeing between the teacher and the employer organisation already at the planning stage:

- Whether the organisation will receive access rights only or other rights as well.
- What purpose the material will be used for.
- If the rights are to be transferred, for how long will they be transferred.
- What will be agreed on potential commercial use in continuing education, for example.
- What will be agreed on the distribution and further transfer of the material.
- Who has the right to modify the material.

Cooperation agreement between universities on open educational resources

The cooperation agreement should include agreement on:

- Purpose, objectives and methods of implementation of the cooperation.
- Terms and conditions of educational resources.
- Potential joint study modules:
  - how to implement joint study modules;
  - who is responsible for their execution;
  - how many times will the study module be carried out and how often (frequency).

Furthermore, it should be agreed in the contract who has the right to results if something new arises in the process of producing the educational resources. For example, new inventions and trademarks form part of other intellectual property rights, whereas Creative Commons licences only apply to copyright. Unless otherwise agreed, co-ownership means that the use of results is agreed upon together.

It would also be good to agree on modification and updating rights of the materials:

- Who can modify or update?
- Who is responsible for keeping the material up to date?
- Does modifying the material require the approval of another organisation or another party?
- Who has the right to use the updated or modified material?

STUDENT PERSPECTIVE

In student works, the copyright belongs to the student. As with other authors of educational resources, the ownership of the educational resources must also be agreed with the student if, with regard to the content created by the student, the threshold of originality is exceeded.

A student may transfer the ownership to the higher education institution. It is best to make an agreement at

the planning stage and no later than at the beginning of the course or study project. The students must be made aware of the nature of the course and the contractual basis for intellectual property rights already when they register for the course. In any case, it is important that the contract be concluded before the material is drawn up, as the student also has the right to prevent the use and opening of the material compiled by them. If several students have prepared material together, an agreement on the use of the material is needed from each student. It is also worth noting that a student's participation in a course where they prepare material must not require the transfer of copyright.

A student may also use the CC licence for his/her material, unless otherwise agreed by agreement.

A student as an author must be reported in accordance with good practice when the student's share is evident in the educational resource. The rights to modify and update and the responsibilities thereto shall be agreed with the student, as with other authors of the material.

ANNEX 2: DRAFTING OF THE POLICY

The policy has been drafted by a working group gathered up by the Expert panel in Open Education. The members of the working group are:

Kaisu Clarot (University of Oulu)

Minna Fred (Laurea University of Applied Sciences)

Susanna Hasiwar (University of Oulu)

Janniina Heinonen (The Trade Union of Education in Finland OAJ)

Aino Helariutta (Laurea University of Applied Sciences)

Ira Hietanen-Tanskanen (The Trade Union of Education in Finland OAJ)

Ilmari Jauhiainen (The Federation of Finnish Learned Societies)

Joni Kajander (National Union of University Students in Finland)

Anne Kärki (Satakunta University of Applied Sciences)

Leo Lahti (University of Turku)

Anna Lindfors (CSC)

Jouni Markkula (University of Oulu)

Paula Merikko (Finnish National Board of Education)

Minna Niemi-Grundström (University of Tampere)

Seliina Päällysaho (Seinäjoki University of Applied Sciences)

Maria Rehbinder (Aalto University)

Jarkko Toikkanen (University of Oulu/The Finnish Union of University Researchers and Teachers)

Tarmo Toikkanen (Open Knowledge Finland/Creative Commons Finland/The Association of Finnish eLearning Centre/IT instructors)

Tarjaleena Tuukkanen (Häme University of Applied Sciences)

Marjo Vallittu (University of Jyväskylä)

Salla Viitanen (The Finnish Union of University Researchers and Teachers)

The policy was drafted on the basis of an open preliminary survey aimed especially at university teachers, in which teachers' experiences on open educational resources and their wishes and fears concerning the future policy were evaluated. 108 replies were received.

The Policy Group has strived to comply with the following values in its policy work:

- **Humanity** – the aim in the policy has been to adapt the structures to the needs of learners and teachers, not the learners and teachers to the structures

- **Sense of community** – efforts have been made to involve all relevant stakeholders, such as teachers, learners and organisations, in the policy work

- **Diversity** – the policy aims to enable many ways of implementing open education.