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Abstract

Students acting as content creators is an emergent trend in the field of open educational practice. As more faculty turn toward the use of open pedagogy or OER-enabled pedagogy, they must be prepared to address concerns related to the intellectual property rights of student work. This article addresses student concerns about intellectual property rights, specifically related to Creative Commons licensing and faculty awareness of Creative Commons licensing. Research was conducted at a small liberal arts college in the Appalachian region of the United States. All first-year students engaged in an OER-enabled pedagogy project where they collaboratively created a reader for the First Year Studies seminar course. Following the completion of classes, students and faculty were interviewed regarding how the dynamics of intellectual property and Creative Commons licensing affected the education process. Results indicate that students are open to sharing their works with credit and that they value helping others. Faculty tend to be unfamiliar with Creative Commons licensing, and they must help students understand licensing without prescribing their own preferences.

Keywords: OER-enabled Pedagogy, Open Pedagogy, Licensing, Copyright, Creative Commons, Intellectual Property

Student Selection of Content Licenses in OER-Enabled Pedagogy: An Exploratory Study

Engaging students in the learning process is vital. Higher education institutions have increasingly started making efforts to orient students to college and increase their chances for success in order to curb low retention and graduation rates (Dewey, 2018). *Engagement* is generally thought of as the interplay of effort and resources expended by students and institutions to optimize learner growth and development, but it can also be conceptualized as a form of student agency affected by social interaction (Kahn, 2014; Roberts & Styron, 2010). Student engagement has been shown to increase academic achievement, postsecondary readiness, and measures of student well-being (Boulton et al., 2019; Gallup, 2019; Upadyaya & Salmela-Aro, 2013). Research suggests that pedagogical practices can positively impact emotional and cognitive engagement and are critical to increasing student retention (Hanover Research, 2014; Pino-James, 2018). Disengagement by students is evident when students disregard or avoid educational interactions, including completing readings or participating in discussions (Trout, 1997 as cited in Yacek & Jonas, 2019). Regardless of the student or school demographic, students appear to be disengaging at an increasing rate (Yacek & Jonas, 2019), and finding ways to engage students remains a significant challenge for higher education professionals (Hanover Research, 2014; Nguyen, 2011).

"Open pedagogy," wherein students act as creators or cocreators of course material, is one pedagogical approach to engaging students that is gaining momentum in higher education. First articulated as early as the mid-1900s (Cronin & MacLaren, 2018; Lane, 2009), educators are now viewing open pedagogy as an avenue to more engaging, participatory, democratic, and transparent student experiences (DeRosa & Robison, 2017; Hegarty, 2015; Wiley et al., 2017). "OER-enabled pedagogy," a more recently proposed term, was developed in response to discourse concerning the definition open pedagogy. OER-enabled pedagogy, as outlined by Wiley and Hilton (2018), is a collection of educational practices that are only possible in the context of the five Rs of open educational resources (OERs): retain, reuse, revise, remix, and redistribute. Within the field of open pedagogy, scholars have raised questions as to the ethics of requiring students to openly license their work (Elder, 2019; Mays, 2017; Seraphin et al., 2019). Thus, when students act as creators or cocreators of intellectual work and hold the copyright, it is critical to discuss how these materials may be shared in relation to the rights outlined in the five Rs listed above.

During fall 2019, a college in the Appalachian region of the United States evaluated its first-year experience course. To better engage students and begin implementing more sustainable assignments, the First Year Studies (FYS) program

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chose to develop a project based on the concept of OER-enabled pedagogy. The project, wherein students create a "college survival guide" to college, is to be used in future FYS classes and will be published online.

Although the concept of student agency in licensing content is discussed in formal literature, on websites, and on blogs related to open pedagogy, the researchers could not find empirical data as to how students choose a license when given the option or how often one license is selected over another. Given the lack of empirical data surrounding student license selection, and with the OER-enabled pedagogy project already developed, the researchers felt it was a prime opportunity to explore student licensing choice and student comfort with sharing intellectual property online.

OER-enabled pedagogy served as a conceptual framework for research related to this project. Over the duration of the course, students are guided through inception to a final ebook product that is published in a shared common reader. As envisioned by the researchers and First Year Experience director, students are encouraged to select a topic and develop a creative project that is personal to their own experience at the university. When the project is finished, students then select their preferred license for their project. Students who work in groups work together to choose a single license for the project.

Considering the central nature of licensing to the "openness" of the final ebook, portions of this research explored students' views toward licensing options for their creative works and instructors' impressions of how students chose a particular licensing approach. Using predominantly qualitative methodology, the following research questions were addressed:

1. What licensing option do students select for projects based on OER-enabled pedagogy when given the choice?
2. What factors affect student selection of a licensing option?
3. What is the faculty experience in facilitating licensing selection?

As universities implement OER-enabled pedagogy more widely, such information is helpful to administrators, instructional designers, and instructors themselves planning similar activities with their students. Research by Seaman and Seaman (2018) indicated that while individual awareness of OER and Creative Commons licensing *separately* is increasing (46% and 68% respectively from 2017 to 2018), when combined this awareness drops drastically (to 39%), which may account for some fundamental misunderstandings of OER-related licensing and distribution. The researchers believe that more insight into student licensing and faculty awareness could play a role both in reducing barriers to the adoption of OER-enabled pedagogy and in making the experience more meaningful to students and instructors. Evidence about student concerns regarding copyright protections can inform how instructors address these areas during class. Understanding student

licensing selection provides information valuable to others interested in implementing OER-enabled pedagogy.

Literature Review

In considering how to approach educational content in the digital age, faculty, students, and scholars must navigate copyright law. Creative Commons licensing was developed in response to the restrictive nature of intellectual property laws, particularly since the inception of a publicly available Internet (Lessig, 2004). Within the creation and licensing of OER, Wiley (2013) has long advocated for an approach to sharing and collaborating on educational materials that emphasizes the five Rs mentioned previously. Creative Commons licensing provides creators a means by which they retain copyright but specify how their work can be used by others (Kleinman, 2008). The selection of a CC-BY license that meets the five Rs as defined by Wiley (2013) indicates that a creator is open to their work being used freely with attribution. In contrast, the Creative Commons licenses CC-BY-NC-ND and CC-BY-ND, which disallow derivative works, have been characterized as incompatible with the inherent openness sought in the creation of OER (Green, 2017). Learning more about how students choose between Creative Commons licenses is therefore instructive for OER practitioners.

Classroom instruction on Creative Commons is nearly always combined with students' learning about copyright (Ravas, 2016). Extensive research by the authors uncovered few empirical results on student-selected licensing and attribution. The researchers located materials that addressed student experience when participating in projects that culminated in student-licensed works. For example, Liu et al. (2014) found positive correlations between materials published with a Creative Commons license and knowledge-sharing with others. Hilton et al. (2019) found that 7% of students felt pressured to license their materials openly since they were participating in a course driven by open pedagogy. Nevertheless, 60% of the students intended for works to be shared online or for the work to live beyond the class. A recent article by Al Abri and Dabbagh (2019) briefly touched on the idea of licensing. Survey responses in their study indicated that while most of the students were open to sharing their work, a few were reticent based on their lack of knowledge regarding OER, particularly as it related to licensing that allowed others to change their work. Other barriers to publishing under a Creative Commons license included lack of confidence about the quality of their work and the fact that their work was not reviewed by a peer.

Within the context of OER-enabled pedagogy and open pedagogy, Creative Commons licensing provides users (e.g., faculty or students) the ability to determine how their work is used by others. Some researchers believe that assignments should be structured so that students can control their intellectual property generated

through OER-enabled pedagogy. Seraphin et al. (2019) noted that instructors must be transparent from the beginning with assignments that use OER-enabled pedagogy. This includes telling students the anticipated use of their work and providing them the freedom to license it as they wish. Research should then begin to address the barriers to student understanding of Creative Commons licensing, which is vital in guaranteeing the ethical production and distribution of renewable assignments.

Methods

Research Environment and Project Overview

In fall 2019 an existing compendium composed of commercially available material used in a First Year Studies (FYS) course was replaced with a student-led project based on the concept of OER-enabled pedagogy, where students themselves created the content used as the class text. At the institution all new non transfer students are required to take the same FYS class. In total, 403 students were enrolled in 18 sections of this course, each taught by a different instructor. Although courses are not facilitated identically, class topics are standardized and several common assignments are required. For common assignments, instructors are trained in assignment facilitation, instruction guides for student use, and grading rubrics. These supports help limit instructor-level differences in student experience in FYS courses. Instructors are asked to maintain the structure of the common assignment as well as the grading scheme.

The OER-enabled pedagogy project is designed to maximize student agency and self-direction. When the project is first introduced, students select a topic they wished they would have known more about when beginning college and decide if they are going to work independently or in a small group. Students next develop a proposal outlining their topic, including how they will collect the information needed to complete their assignment and the way in which their final artifact will be structured (e.g., video presentation, document, infographic). During the semester, students are expected to conduct research related to their topics (e.g., interviews, surveys, document analysis), peer review a draft submission, and submit the final artifact. Program administrators then combine projects into a single "college survival guide" for future students at the university and beyond. This is then uploaded to the web using the Pressbooks platform.[1]

To address how to educate students on licensing, instructors were provided a video[2] created by the institution explaining copyright and Creative Commons

[1] See https://oer.pressbooks.pub/upikesurvivalguide/.
[2] Available to watch at https://www.youtube.com/watch?v=41irKlf8yak.

licensing. Instructors were asked to play this toward the end of the semester and facilitate a discussion with students about the potential value of different licensing options. Students were also provided two forms, one for licensing and the other for attribution. In groups, students determined what license to apply to their project; any project missing a licensing form was listed as "all rights reserved." Students were also asked to indicate whether they wanted to be anonymous or have their names attached to their project. Any student failing to submit an attribution form was indicated as "anonymous" in the published book.

Data Collection, Reflexivity, and Positioning of Researchers

Three data sources were used to address the study's research questions: information on the type of license ultimately selected by class participants, responses from student interviews, and responses from instructor interviews. These sources were chosen in an attempt to provide triangulation in data collection, where information is collated from multiple sources in order to understand a particular phenomenon (Flick, 2000).

Considering the qualitative nature of this study, reflexivity and positioning (the practice of centering a researcher's own experiences and biases) are important in outlining how the researchers' experiences and values affect findings (Berger, 2015). The research team consisted of two individuals, both with experience teaching college students but not in full-time faculty roles. One member of the team taught a section of FYS so did not participate in interviews with students from their class. Both researchers have experience with open pedagogy and view this approach as a beneficial method of disrupting the deficit model of the educational system, wherein students are defined by what knowledge they lack rather than the unique education and experiences they bring with them (Smit, 2012). Instead, the researchers believe that open pedagogy decentralizes the power structure of the traditional classroom while simultaneously providing opportunities for the voices of marginalized and oppressed communities to have space for expression and voice (Hodgkinson-Williams & Trotter, 2018; Lambert, 2018). In addition, both researchers believe in open licensing as a way of making access more democratic and facilitating collaborative knowledge development. This awareness reduced potential bias in both study design and data analysis.

Student License Selection

Researchers developed a form (see appendix) to assist students in understanding the various licensing options available to them as content creators. This guided them in selecting the licensing option that provided the permissions they wanted associated with their project. The form consisted of a chart outlining the licenses as well as what each permits and prohibits. Toward the end of the class, instructors

were asked to play a video explaining the licenses to their class, facilitate a discussion on the licensing options, and have each group fill out a form indicating the option selected.

At the end of the fall 2019 semester, researchers collected licensing forms from all instructors who taught FYS courses. During this process, it was discovered that five instructors teaching a cohort of all declared science majors (74 students in 5 course sections) had made alterations to the common assignment significant enough to remove these students from research consideration. Researchers reviewed the licensing forms from the remaining classes, 118 projects from 329 students in total. The licensing option selected for each project was aggregated in a spreadsheet and included the following categories: *Not indicated/Copyrighted by default*, *All rights reserved* ,*CC-BY*, *CC-BY-SA*, *CC-BY-ND*, *CC-BY-NC*, *CC-BY-NC-SA*, and *CC-BY-NC-ND*. Students were asked to indicate on the form "I/We do not want to use a Creative Commons license"; however "All rights reserved" is used through the remainder of this paper for succinctness. Results were presented in graphical form for ease of review.

Student Interviews

Semi-structured interviews were conducted with 12 students who were members of non-science FYS courses (4 male and 8 female). Of these, 6 students had previously indicated their willingness to take part in research, and the additional 6 students were randomly selected from course rosters and contacted regarding willingness to be interviewed. All students were offered a $10 gift card if selected to be a research participant.

Interviews lasted approximately 20 minutes and addressed multiple aspects of the project and OER-enabled pedagogy in general. A portion of the interview asked students their thoughts on licensing of creative works and how they or their group decided which licensing option to select. Verbatim transcripts were created from audio recordings of the interviews and coded using the qualitative research program Dedoose (SocioCultural Research Consultants, LLC, n.d.). Project researchers reviewed transcripts collaboratively, taking an inductive and line-by-line approach (Charmaz, 2012; Skjott Linneberg & Korsgaard, 2019). Open coding was followed by axial coding to develop categories and themes (Khandkar, n.d.).

Instructor Interviews

Similar to students, instructors in non-science sections were asked to participate in a semi-structured interview, portions of which addressed student licensing of projects. The member of the research team who was also the instructor of one section was excluded. Of the remaining 12 instructors, 11 opted to be

interviewed (4 male and 7 female). Each of the individuals was offered a $10 gift card for their participation.

Instructor interviews lasted approximately 30 minutes, after which verbatim transcripts were created from audio recordings and imported into Dedoose. The researchers followed the same coding practices used during student interviews. Open coding was followed by axial coding to develop categories and themes.

Findings

License Selection by Students

As indicated above, students were given the opportunity to retain all rights to their work or select one of the six Creative Commons licenses. Figure 1 outlines the licenses students chose. The chart excludes instances in which a licensing form was not returned and thus the projects remained all rights reserved (n = 14) as well as situations where a form was received but the project was excluded from the ebook because of poor quality (n = 14). In total, 90 projects are included in Figure 1.

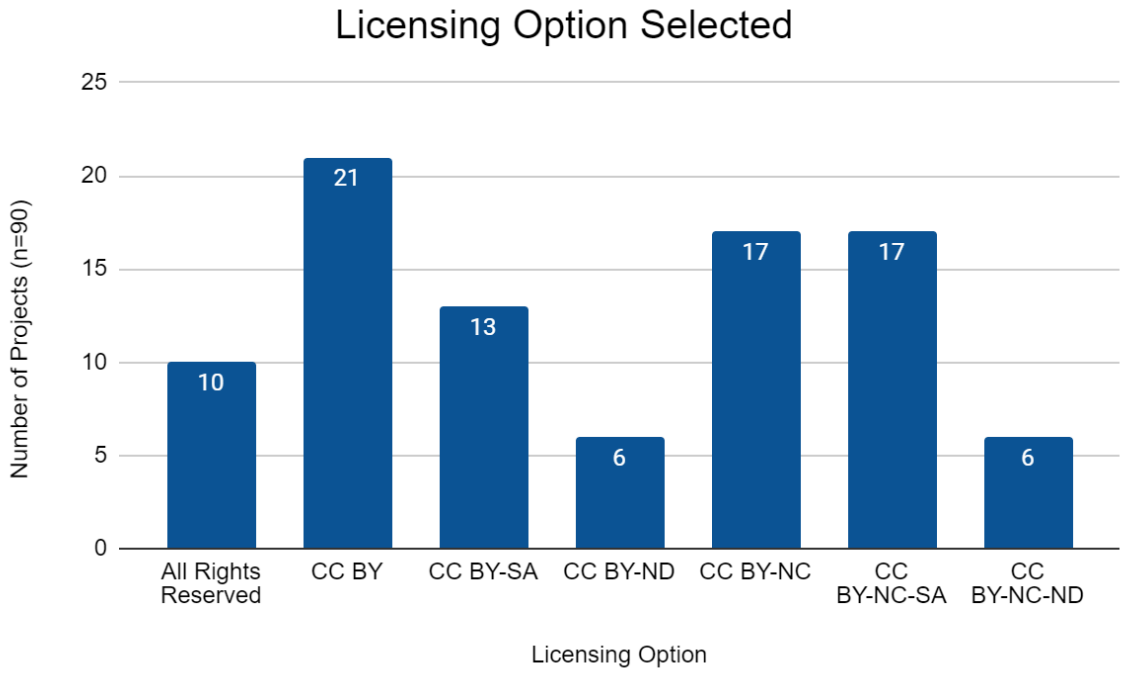

Figure 1. Licensing options selected by students for their final project

There was wide variation in the licensing selected by students. Of the 90 projects that had forms (87% of works submitted being group projects), most students elected for CC-BY (23.3%). This was followed by CC-BY-NC and CC-BY-NC-SA at 18.9% each, CC-BY-SA (14.4%), and all rights reserved (11.1%). The licenses least frequently selected were CC-BY-ND and CC-BY-NC-ND (each 6.7%). Although

the most unrestricted license was selected most frequently, this still represented under one quarter of the total. In terms of rights permitted by the various licenses, the majority of students selected an option including non-commercial, a dynamic that became clearer through student interviews. Interestingly, although students generally voiced a desire for both noncommercial and nonderivative rights within interviews (below), nonderivative licensing options including CC-BY-NC-ND were chosen less frequently than others.

Insight from Student Interviews

From interviews of 12 students who participated in the OER-enabled pedagogy project, 5 themes emerged (see Table 1). Generally, students indicated that they were not familiar with licensing before the course, perhaps only being aware that copyright existed. As one student noted:

> I honestly had no idea about licensing at all before that [the licensing handouts and training] had happened. I only had heard about, like you know copyrighted things like that and we picked one of the first choices that was on there that was like, I can't remember exactly which one it was, but yeah I had no idea about the licensing and it was like, uh, a conversation that me and my partner had to have because we both had no idea (Student 7).

Through the project and after learning about licensing students indicated a desire for others to use their work reasonably. Student 5's response is indicative of this theme: "But, honestly, I wanted it to be like if other people wanted to use it to write something about that or however they could use it, like I don't want them to make money off of it. You know what I mean, because that's not theirs." This sentiment was also expressed by Student 1, who stated that students did positively view others taking their creation and making improvements: "I personally wouldn't want anyone, to, uh, well, obviously make money off of it or be able to necessarily change it . . . I don't think. Because, I get adding to it, that would make it better, but I wouldn't want anyone to be able to take away from it or anything." Student 2 similarly stated:

> I mean, if someone wants to make changes to it, to like, fix it, maybe, or add to it that would be a good thing because maybe they have some advice, but it would also be good for them to put their opinion out there, and I guess their thoughts out there too.

Helping others emerged as a theme that had a significant motivational impact on students. Student 8 stated:

> You know, we could be the reason why we can change somebody's life or change their, their concept on the whole thing, so that is really where it went, so it was just, like, yeah we wanted it to be everywhere if it could be, you know, as many platforms as it could be on, we're cool with that because we are all for sharing knowledge and giving other kids, you know, the opportunity to, you know, our knowledge.

Mirroring this value was Student 10: "Yeah, I just, I wanted other people to be—others to go in and use my ideas as their own, like mess with it because you know, like we're all college students and like we're all people. So I just wanted to be able to share it."

Most students wished to be given attribution in the ebook. This is evident in quotes from Student 9:

> And as long as it was out in public, like it was going to get publicized and I'm going to be on it, that's when I was like, that's all I needed. So I retained only the thing I needed instead of how to go about that. So it was like, if I put my name on it and it gets publicized I don't care if I am making money on it or not as long as people know that it is my work, that is all I care about.

Student 4 continued this idea by stating, "What I licensed it as? I think it's like the one where they have to give me credit. I can't remember exactly what they were."

This theme is bolstered by the relatively large percentage of students (82%) who chose to put their name on their project. When asked whether there was concern about having their name associated with their artifact, Student 12 indicated, "I mean, a little because I'm very shy and I wrote kind of stuff like, how deal with things that I did and stuff, and I didn't really want people to know that so I try to hide it." The responses from Students 4, 9, and 12 highlight that while generally students wanted to be given credit for their work, a smaller number of students felt strongly about maintaining anonymity, particularly if their work highlighted characteristics they found more personal in nature.

Table 1. Student Interview Themes

Interview Group	Emergent Themes
Students	1. Lack of previous exposure to licensing 2. Desire fairness in how others use their work 3. Favorably view others improving their project 4. Value helping others

	5. Generally desire attribution, but a few strongly want anonymity

Insight from Faculty Interviews

Five themes also emerged from instructor interviews (see Table 2): three themes related to students and two to instructors themselves. As with students, instructors overall viewed students as being unfamiliar with licensing and frequently had the impression that students were indifferent as to what license was applied to their project. If not indifferent, instructors viewed students' values, such as wanting to help others or not having their work taken, as being the major factors determining the licensing option selected. These dynamics impacted how faculty assisted students. An interesting dynamic was evident in instructor responses where balance needed to be struck between helping students understand licenses and guiding them to a licensing option. Instructors indicated a desire to be able to suggest a license based on student needs for how others would use their work, and at times relayed their own values and which option they would select if it were their project, thus potentially influencing students. Compounding this was a commonly articulated dilemma: How can I help students understand licensing if I do not understand it well myself?

When asked about students' familiarity with licensing, faculty indicated broadly that they thought students did not truly understand the concept. Faculty 5 said:

> So the whole idea of intellectual property was kind of a new thought for them. Even though they social media they don't think about that of being of value to the world, so then they got more open about, "Ok, maybe it doesn't matter if other people can shape it and use it because maybe that's the contribution." But it took them a while to get to that point except for a select few, nobody can take it. It's mine.

In addition, Faculty 9 indicated that there was a collective unfamiliarity with Creative Commons, saying, "And I don't know that they fully understood again. We were all—this was new to all of us, so I don't know they fully understood, or maybe I didn't do a good enough job explaining, um, what that [Creative Commons licensing] meant because I wasn't 100% sure on what that meant." This concept is further explored in the theme of faculty not understanding Creative Commons licensing.

While students generally indicated that they felt a sense of ownership to their materials, faculty indicated that students seemed indifferent to licensing selection. When asked to gauge student interest, Faculty 3 indicated, "I think it went fine and

nobody seemed to care." Faculty 6 said, "And we went through that and I think afterward they understood but none of them seemed concerned at all they were all just, sure whatever."

The final theme to emerge regarding faculty perception of students and licensing was that student values do impact their selection. Faculty 11 said, "If the questions we did get were, 'If I want someone to use it but I don't want them to change it or whatever, what option do I use?'" Faculty 6 indicated material that was deeply personal to a student seemed to impact their choice saying, "I think students that were perhaps using really personal stuff within their final project leaned . . . more toward harder copyright in terms of licensing instead of more general." Finally, Faculty 9 said, "I think if they were listed they really didn't mind, just, because they're able to Google things that help them, so I think they saw that if they are doing something to help someone that's, they don't really care."

Themes related to faculty assistance with licensing selection and intellectual property knowledge also emerged. Some faculty took an approach where they told students what they would do, as in the case of Faculty 6, who told their students

> I wouldn't personally want other persons making money off mine, cause I don't think that's fair. Uh, so I think this is what I would do, but you all of course can do whatever you want to. This makes it so that anyone can see it, anybody can reuse it, but nobody can make money off it that kind of deal.

Others let the explanatory video created by the FYS staff serve as the licensing explanation, then followed up with further in-class time to assist students in selecting licenses.

Finally, data demonstrated that faculty themselves were not entirely comfortable with intellectual property discussions. This was referenced in Faculty 9's quote above about student discomfort with Creative Commons, but similarities emerged across other faculty. For instance, Faculty 10 indicated that their lack of knowledge was similar to students':

> I mean I went around to each group individually and to see if they had questions to try to talk about, not that I could answer them super well because I only knew what I'd seen too. But, there was just not much in the way of wrestling with it, they just signed the papers.

Other faculty members like Faculty 1 were far more familiar with intellectual property but clearly uncomfortable teaching it. "It is intimidating, uh, to me, because even—listen I still get nervous even when I was in grad school and I was quoting

[citing] when making my own research projects and I attributes things. I still get nervous about, um, any intellectual property. It's a big deal."

Table 2.Faculty Interview Themes

Interview Group	Emergent Themes
Instructors	1. Students are generally unfamiliar with licensing 2. Many students are indifferent 3. Student values affect their selection 4. There is a fine line between guiding students and directing their choice 5. Not understanding licensing impacts instructors' ability to help students

Limitations

This research was conducted at one institution with first-year students. It is unknown how data would differ in other locations or with other student demographics. Considering that student knowledge of licensing, and perhaps their view of the relative merits of each, could have been impacted by their instructor, it is also not known what licenses students would choose if provided with instruction void of value, if such a dynamic is possible. It is unknown whether students felt pressured to pick a particular license, but there were no indications of this during interviews. The exclusion of the science cohort because of a fundamental shift from an OER-enabled pedagogy project created a less-varied research pool. Further research in situations where cross-cohort comparison can be included is strongly recommended.

Conclusion

This study found that students are generally motivated to license their work under Creative Commons if they see their work as being valuable to other students or if their work reflects well on them. Students are generally comfortable sharing material online, though they wish that this information be used fairly. For some the concept of fairness related strongly to not changing material or not making money off it. Further research into the perception of fairness as it relates to OER-enabled pedagogy assignments is warranted. Similarities existed in the insights from students and faculty, such as both groups viewing licensing as a new concept for students, and the role of one's personal values (e.g., fairness, public recognition, altruistic behavior) in the selection process. The most interesting contrast between faculty and students was in relation to perceived indifference. Faculty generally

indicated that they believed students to be indifferent to which license was selected, whereas researchers found little corroboration in student interview responses.

The researchers believe this is fertile ground for further study, particularly as it relates to engaging both students and faculty in renewable assignments in the classroom. More in-depth exploration of the differences between faculty and student perception of licensing motivation may be warranted. Furthermore, research should be considered regarding how students are instructed on Creative Commons licensing and how faculty may influence student license selections either consciously or subconsciously, to better address the ethics concerns raised by Seraphin et al. (2019). Consideration may also be given to how to address faculty understanding of Creative Commons licensing, particularly for faculty who are facilitating a course that uses a OER-enabled pedagogy, or for an instructor who wishes to pursue this model of instruction but is not fully comfortable with discussing licensing with their students.

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Appendix: Licensing and Attribution Forms

First Year Experience
Final Project Licensing Form

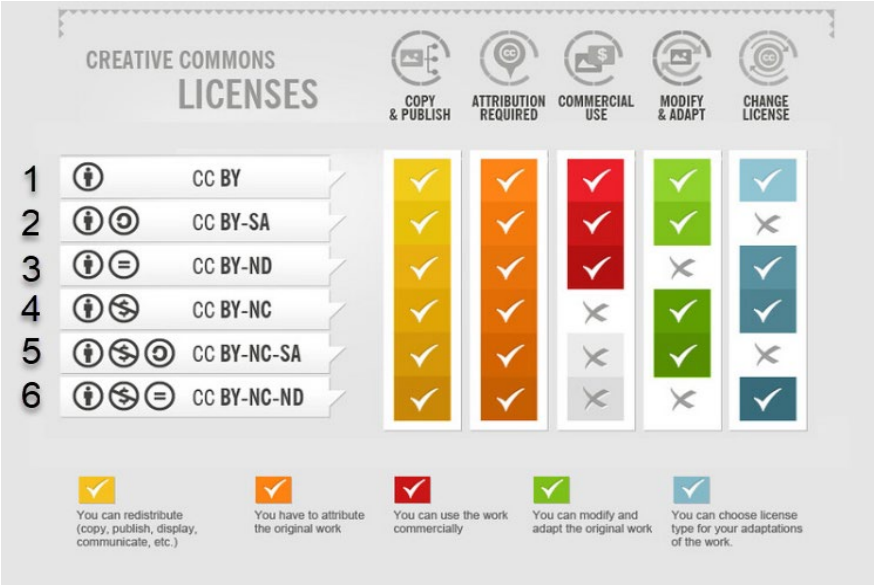
Instructor Name:

Project Title:

Student Team Members:

1.
2.
3.
4.

Please select one of the six Creative Commons licenses below or indicate below "I/we do not want to use a Creative Commons license" (if selected others cannot use your work without permission in any of the ways listed below). You may circle your choice or write it on the form.



Creative Commons Licenses, Foter, CC-BY-SA 3.0, https://foter.com/blog/how-to-attribute-creative-commons-photos/

First Year Experience
Final Project Attribution Form

Instructor Name:

Project Title:

Student Name:

Would you like your name included in the First Year UPIKE Survival Guide that will be made available to those within and outside of UPIKE? Please indicate "Yes" or "No" below. If "No" is selected then the resource will indicate anonymous in place of your name.

- ❑ Yes, please include my name in the Survival Guide as a contributor
- ❑ No, please do not include my name

10.17161/jcel.v5i1.13881