Open Educational Resources: A Cost and Copyright Analysis

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Abstract

With the rising cost of education, textbooks are following suit. Books that might have been only $20 or $30 just 10 years ago might now be $100 or more. Alongside this, faculty are struggling with copyright and Fair Use, and they often find themselves backed into a wall that forces them to make their students buy these overly expensive textbooks. Good news! There is a solution. Open educational resources (OERs) have been in the past regarded with distaste because of quality issues and copyright issues. That is in the past, and with more and more people interested in creating and implementing OERs, the quality is going up, and the copyright questions are resolved. This paper analyzes the current state of cost and copyright in OERs with specific attention to an open online textbook being written at the time of this paper, *Sexy Technical Communication*.

The Case of *Sexy Technical Communication*

Since spring semester 2015, Affordable Learning Georgia (ALG) has been through five rounds of Textbook Transformation Grants. In each of these projects the grantees are creating or implementing open educational resources. There is an option to build a course around an OpenStax College textbook, another to replace textbooks with open educational resources, and another to create an open education resource. *Sexy Technical Communication* is an open, online technical writing textbook that is the result of one of these grants.

Sexy Technical Communication is an adaptation and expansion upon David McMurray's *Online Technical Communication* textbook, with additional chapters from Steve Miller and Cherie Miller's *Why Brilliant People Believe Nonsense* and chapters written by a team of four technical communication professors and an instructional designer from Kennesaw State University. Both *Online Technical Communication* and *Why Brilliant People Believe Nonsense* were used and changed with permission from the authors.

Cost Analysis

In 2013, 30% of students did not purchase the required textbook for a course, according to ALG (2016). Why? Because textbooks prices have gone up by 82% in the last decade, the annual cost of course materials per student is an estimated $1,200, and the average cost of 1 year of in-state tuition, fees, and housing in 4-year institutions is $18,000 (ALG 2016). Not only are the explicit costs of textbooks a problem, but the update cycles of many books are getting closer and closer together (2-3 years, right now), "wreak[ing] havoc on alternative markets for traditional textbooks, discourage[ing] sharing of books among friends, and lead[ing] to new library purchases of the same titles every few years" (Clobridge 2015).

The grant that sponsored the creation of *Sexy Technical Communication* was $30,000, and it was used to compensate for the time of all team members, honorariums for all contributors including several video guest speakers, and travel funding to promote the textbook at conferences. *Sexy Technical Communication* is set to replace the textbooks for two courses (four professors) at Kennesaw State University, TCOM 2010: Technical Writing, and WRIT 3140: Workplace Writing. These courses run 21 times a year, with between 20 and 50 students per section, for an estimated total of 525 students. The previous textbooks used in these courses are priced at $115.99 and $49.95, and *Sexy Technical Communication* will save students this cost. The total projected savings per year is expected to be $55,611.55, which far surpasses the original grant in only the first year of implementation.

Copyright Analysis

Perhaps the most commonly referenced and the most relevant part of copyright law to educators is Fair Use. Fair Use, outlined in section 107 of the Copyright Act, is essentially a legal way for people to use copyrighted works without the proper permission in certain circumstances. Typically, it applies to nonprofit education and noncommercial uses, and it has restrictions that determine whether the use was Fair Use. While this opens so many doors for educators, there is some questionability in it because according to the U.S. Copyright Office, Fair Use is determined on a case-by-case basis, and every case is different (2016). Because Fair Use is vague in its guidelines, many educators don't bother with it. For a work that they only plan to use certain sections of, they often make their students pay for the book, which could be anything up to $400 depending on the discipline. Often, when a student is faced with this decision, they decide to violate copyright on their own and look for an online copy of the text to download from unauthorized sites. According to ALG, 34% of students downloaded textbooks from unauthorized sites in 2013 (2016).

The most common types of copyright license for open educational resources are Creative Commons (CC) licenses. Creative Commons is an organization dedicated to giving people and corporations a way to allow their product users to copy materials while making sure that the people creating these resources are given the credit they want or deserve. The six most common CC licenses are described in the table below.

Attribution CC BY	This license lets others distribute, remix, tweak, and build upon your work, even commercially, as long as they credit you for the original creation. *Sexy Technical Communication* will use a CC BY license.
Attribution-ShareAlike CC BY-SA	This license lets others remix, tweak, and build upon your work even for commercial purposes, as long as they credit you and license their new creations under the identical terms.
Attribution-NoDerivs CC BY-ND	This license allows for redistribution, commercial and non-commercial, as long as it is passed along unchanged and in whole, with credit to you.
Attribution-NonCommercial CC BY-NC	This license lets others remix, tweak, and build upon your work non-commercially, and although their new works must also acknowledge you and be non-commercial, they don't have to license their derivative works on the same terms.
Attribution-NonCommercial-ShareAlike CC BY-NC-SA	This license lets other remix, tweak, and build upon your work non-commercially, as long as they credit you and license their new creations under the identical terms.
Attribution-NonCommercial-NoDerivs CC BY-NC-ND	This license is the most restrictive of their six main licenses, only allowing others to download your works and share them with others as long as they credit you, but they can't change them in any way or use them commercially.

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Perhaps the most beneficial thing to faculty of these Creative Commons licenses is that all except the NoDerivs options can be edited to reflect the specific needs of the instructor and his or her class. In a study done with OpenStax College and OER Research Hub, Rebecca Pitt reports that "[i]n contrast to copyrighted resources, our survey findings…[reveal] that openly licensed materials enable educators to take back some of that 'control' which was perceived as lacking when seemingly tied into using a costly resource with students" (2015). So, not only do OERs give educators the freedom to *use* materials without worrying about copyright and Fair Use, but they often also give the freedom to *change* them to fit their needs.

A Solution to the Problem

So how do we solve these cost and copyright problems? For Kennesaw State University's technical writing classes, the solution is *Sexy Technical Communication*—an open online textbook that has been designed specifically for KSU's classes and their needs, and is licensed only with attribution so that anyone else can use it and change it to fit their needs. Every class is different, and creating a new textbook will not always work, but there are resources out there that can be used, molded, and distributed for free. If educators can make their classes better and their content more focused while lowering the debt load of their students, ask yourselves: why not give open educational resources a try?

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