

<b>BHBI SCHOOL</b>	<b>Procedure</b>
<b>Copyright Procedure</b>	<b>NAG 6</b>

### **Rationale**

The school will respect all copyright rights including:

- the rights of owners of third party material used in teaching,
- the rights of students in all material they create in and for school,
- the rights teachers have in material they created prior to being employed at the school and in material created while employed at the school.

The school will comply with New Zealand copyright legislation including sections relating to educational and library use.

The school will purchase appropriate copyright licences where its use of copyright material exceeds that permitted under the Act and the school will comply with the terms of these licences.

While acknowledging that the school can not control all actions of its students, the school will endeavour to educate students on copyright use, including referencing, approved copying, and proper use of electronic material and downloadable music.

The school will set up copyright procedures within the school to facilitate compliance with this policy, including training and education of staff, and the appointment of a board of trustees member and staff member responsible for copyright.

### **Creative Commons Procedure**

BHBI School wishes to encourage the open and free exchange of information, knowledge and resources; and support the collaborative production of intellectual property that is freely available to all.

The school:

1. Asserts its copyright over school employees' work created during the course of employment
2. Applies by default a Creative Commons By Attribution License (BY) to all its teaching materials and policies and to its other work wherever possible.
3. Intellectual property in relation to other work (other than teaching materials and policies) is protected by default and may only be waived or altered as detailed in clause 4 below and with the express agreement of the Principal.
4. May make exceptions to the sharing of Intellectual Property (IP) it owns on a case by case basis with detailed reasons for limiting the free

access to material; any such restrictions should be time dependent and will include consideration of applying other Creative Commons licenses to the work including Attribution-Share Alike (BY-SA), Attribution-Noncommercial (BY-NC), Attribution-Noncommercial-Share Alike (BY-NC-SA), Attribution-No Derivative Works (BY-ND) and Attribution-Noncommercial-No Derivative Works (BY-NC-ND).

5. Will transfer the copyright of created works to the original creator when a license which meets the free cultural works definition (i.e. Creative Commons By Attribution License (BY) or Creative Commons Attribution-Share Alike (BY-SA)) is applied to them.

BHBI School encourages staff and students to support free and open access to Intellectual Property and also to apply the Creative Commons Attribution framework to work created in their capacity as an individual.

BHBI School does not make any claim over the ownership of outputs or outcomes of students' work. These belong to the creator.

#### Definitions of Intellectual Property

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- In this policy "intellectual property" includes the rights to all created work.
- Outputs are the products that are created by an individual or group of individuals. This may include for example artworks.
- Outcomes are the consequences or results arising from the development of, or use of IP other than products that are created from IP. Examples may include a publication such as a book, web site or, an exhibition.

#### Ownership of IP and outputs arising from intellectual activity

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In general all IP and the outputs and outcomes arising from that IP are owned by the creator. While BHBI School will derive benefits from the outcomes; there are exceptions to this, as follows:

1. Outputs and IP created by staff in the course of their employment are owned by the school unless otherwise expressly agreed by way of contractual obligations in an employment agreement.
2. Outputs and IP will be jointly owned by the school and a staff member only where such joint ownership is expressly agreed between BHBI School and the staff member.

#### Clarity of Licensing

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All published works should be clearly labelled using the appropriate symbol from the Creative Commons icon set.

#### Disputes

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Where there is a dispute over ownership, including co-ownership of IP, and/or the commercialisation of any co-owned IP, the following process will apply:

1. In the first instance the dispute should be documented and presented to the school Principal.
2. If the dispute is still not resolved then the documentation should be presented to the Chairperson of the Board of Trustees.
3. Mediation with an appropriate authority will be undertaken if the dispute cannot be

Appendix 1.

### **Creative Commons Dialogue**

In an ever-increasing world of collaboration teachers are sharing and being more open with the resources they develop. Last century this would have meant sharing a few papers or files in like-minded curriculum interest groups. In today's world of collaborative wikis and shared documents spread via twitter the audience is more easily accessible and far wider reaching. Every time we share a resource or idea we use with another educator outside of BHBI School we are effectively breaking the law.

As we start to collaborate more with other schools and other areas of society we must look at the intellectual property of the material we share. As a Board of Trustees we effectively own all the ideas and materials produced by our teachers in the course of their employment (and since they are salaried – they are on the clock all the time!).

Knowing that the hard work you put into resources and ideas generation could effectively not be attributed to the author can have a negative effective on the 'intellectual production' in a school.

A few schools around the country are starting to see this as being a barrier to collaboration and are adopting a Creative Commons approach to the intellectual property of the staff.

<http://www.creativecommons.org.nz/2012/08/warrington-school/>

<http://www.creativecommons.org.nz/2012/07/albany-senior-high-school/>

### **Schools who have adopted Creative Commons Policies in New Zealand**

- Albany Senior High School
- Warrington School
- Wellington High School
- Tawa Intermediate

### **Information from Creative Commons Aotearoa**

The following pages give a background from Creative Commons Aotearoa's perspective. CC Aotearoa is under the umbrella of the Royal Society of New Zealand.

## **Creative Commons Policies in Schools**

July 2012

By Creative Commons Aotearoa New Zealand

### **1. Summary**

With the rollout of the Ministry of Education's Network for Learning (N4L), many schools are thinking about how to make the most of newly available digital resources. The potential to share, remix and reuse Open Educational Resources (OER) is clear. However, many schools are unsure of their rights and responsibilities under copyright law. By adopting a Creative Commons policy and openly licensing all teaching materials, schools will:

- free their teachers to legally use, adapt and re-release educational resources, without having to routinely ask copyright holders—i.e. their Boards of Trustees—for permission;
- enable teachers to fulfil the educational potential of high-speed broadband, as promised in the N4L;
- continue to educate their students on intellectual property in the digital age;
- meet the Ministry of Education's priorities in terms of sharing and collaboration; and,
- be favourably positioned in relation to the New Zealand Government's position on open access (section 2.3, below).

### **1. Context**

#### *2.1 The Network for Learning*

In 2013, the Ministry of Education will begin to roll out the Network for Learning, which will provide affordable ultra-fast broadband for New Zealand schools. As reported by the *Education Gazette*, "The Network will encourage collaboration and sharing of resources and knowledge between school communities and learners around New Zealand."<sup>1</sup>

While teachers have some special permissions under the Copyright Act, they do not have the right to adapt and re-release copyright materials. With such uncertainties, teachers are unlikely to risk adapting and sharing resources across the N4L.

This promise of collaboration and sharing in the N4L will thus require schools to revisit their policies on intellectual property. Some schools, like Albany Senior High School and Warrington School, have decided to adopt an open licence policy, and give their teachers advance permission to share, remix and reuse their educational resources.

#### *2.2 Creative Commons Policies*

The suite of Creative Commons licences represents a pragmatic approach to

the opportunities and challenges of new digital technologies. A Creative Commons policy gives an open licence to all relevant teaching materials produced by teachers. It also allows teachers to contribute to the global movement for Open Education Resources (see 6, below).

### *2.3 New Zealand Government Open Access Licensing Framework*

The New Zealand Government Open Access Licensing framework (NZGOAL) was approved by Cabinet on 5 July 2010, to guide State Service agencies in their release of materials for creative reuse. Where appropriate, NZGOAL recommends that public agencies apply New Zealand Creative Commons-Attribution licences.

Under the current framework, NZGOAL “invites school boards of trustees... to take NZGOAL into account when releasing copyright material and non-copyright material to the public for re-use.”<sup>2</sup> By adopting a Creative Commons policy, schools will find themselves in-line with government policy, and will be well placed for any further developments in this area.

## **1. Benefits**

### *3.1 Pedagogical Benefits*

Creative Commons licences sit favourably with many trends in contemporary pedagogy. Beyond educating students about intellectual property – which is essential – a Creative Commons policy complements those movements in Experiential Education and Process-Based Learning, which look to move beyond conventional methods of ‘knowledge transmission.’ Creative Commons licences help students actively share, remix and reuse, all within a legally robust licensing framework.

### *3.2 Benefits for Teachers*

Many teachers would agree that sharing educational resources saves time and helps students to learn. It is widely recognised that there is enormous potential for nationwide online collaboration among teachers.

However, some teachers – wary of copyright violation or unsure of their school's intellectual property policy – may refrain from using and sharing online resources. With a school-wide Creative Commons policy, teachers will be able to:

- reuse and adapt resources made by teachers across New Zealand, saving time and energy;
- collaborate with other teachers across New Zealand;
- contribute to the global archive of Open Education Resources, without having to ask their Boards of Trustees for permission.

### *3.3 Other Benefits*

With the rollout of the Network for Learning (N4L), many New Zealand schools

will confront a range of new possibilities and challenges around intellectual property. Digital technologies make it easier for students and teachers to unintentionally violate copyright.

A Creative Commons policy will encourage collaborative, creative teaching and learning practices, while increasing the awareness of intellectual property law in New Zealand schools.

## **1. Creative Commons Licences**

### **4.1 Introduction**

Founded in 2002, Creative Commons is an international non-profit organisation, with affiliates based in over seventy countries. The suite of six Creative Commons licences provides a range of options for copyright holders who wish to open their work for circulation or creative reuse. The licences are intended to offer copyright holders a choice between the 'All Rights Reserved' of full copyright and the 'No Rights Reserved' of the public domain. Creative Commons has thus embraced the slogan 'Some Rights Reserved,' representing their pragmatic, middle path.

### **4.2 Creative Commons Aotearoa New Zealand (CCANZ)**

CCANZ is currently hosted by the Royal Society of New Zealand. The latest version of the licences, Creative Commons 3.0, has been 'ported' for New Zealand users. This means that the international licences have been re-written according to the specificities of New Zealand copyright law.

### **4.3 The Licences**

Each of the six Creative Commons licences requires attribution. Users can choose a mix of 'non-commercial,' 'non-derivative,' and 'share-alike' requirements.

The two most open Creative Commons 3.0 New Zealand licences are:

- CC-BY: Creative Commons-Attribution  
This licence lets others distribute, remix, tweak, and build upon your work, even commercially, as long as they credit you for the original creation.
- CC-BY-SA: Creative Commons Attribution-Share Alike  
This licence lets others remix, tweak, and build upon your work even for commercial reasons, as long as they credit you and license their new creations under the same terms.

Works which adopt these licences are known as 'Free Cultural Works.'<sup>13</sup>

## **1. Financial Burden**

### **5.1 Creative Commons Licences**

Creative Commons licences are free. Creators do not need to register with Creative Commons international or with Creative Commons Aotearoa New Zealand (CCANZ), though CCANZ is currently looking to promote 'early-adopters' of Creative Commons policies. <sup>[1]</sup>

### 5.2 Writing an Intellectual Property Policy

To reduce the burden of drafting an intellectual property agreement, Open Education Resources New Zealand have drafted a generic agreement that can be adopted or changed by participating schools, for free. This resource is hosted on a 'wiki,' where schools can download the agreement.<sup>4</sup> The resource is called 'Our School Uses New Zealand Creative Commons.'

### 5.3 Workshops

CCANZ is also willing to offer free, non-legal advice to schools. Partnering with the Ministry of Education, CCANZ will continue to offer free regional workshops to principals, teachers and BOTs. See 8, below, for more information.

## 1. OER

### 6.1 Introduction

Open Educational Resources are digital materials used in teaching, learning and research that allow educators to reuse, redistribute, revise and remix resources.<sup>5</sup> In reusing and remixing Open Educational Resources, New Zealand schools join a growing community of sharing, exchange and learning. Over the last five years, the OER movement has been joined by institutions like Harvard and MIT. New Zealand has been a world leader in OER, with Otago Polytechnic currently hosting the international OER Foundation.

These resources are already freely available to New Zealand teachers. However, CCANZ encourages schools to participate in expanding this rich archive of online materials. You can share your own OERs by applying a Creative Commons licence to your resources and adding them to the archive. This grants others the freedom to use, modify, translate and even improve the material, while still providing the original creator with attribution.

Teachers and principals can encourage their school to adopt OER New Zealand's draft intellectual property agreement, entitled 'Our School Uses New Zealand Creative Commons.' By signing—and thus applying—the policy, schools will promote the reuse of OERs.

### 6.2 Steps to Sharing OERs<sup>6</sup>

Open Education Resources New Zealand provides the following steps to sharing Open Educational Resources:

- 1) Talk to your Board of Trustees and have your Principal sign the 'Our School Uses Creative Commons Policy' for your schools resources to be

- licensed openly and freely.
- 2) Consider: The format you release your resource in, to the greatest extent practicable, using open standards and open file formats.
  - 3) Agree: The particular type of licence you would like to apply for reuse to the resource, using Creative Commons Attribution 3.0 New Zealand as default, unless otherwise needed.
  - 4) Lastly: Share your resources.

## **1. Case Studies**

### *7.1 Albany Senior High School*

In 2012, Auckland's Albany Senior High School (ASHS) adopted their Creative Commons policy, and thus became New Zealand's first fully open-source school. The policy ensures that all teaching materials and policies produced at ASHS are given a default Creative Commons Attribution 3.0 New Zealand licence. As Albany Senior High School Deputy Principal Mark Osborne points out, "Sharing resources is something teachers have done since teaching started... and most people don't realise they're breaking the law by doing that."

ASHS teachers are encouraged to work on WikiEducator, an initiative of the Open Education Resource Foundation, hosted at New Zealand's Otago Polytechnic. ASHS contributed to WikiEducator, Mark says, "because we want to be open and collaborative." Their Creative Commons policy ensures that teachers "felt free to contribute to Open Educational Resources projects without having written permission from our Board of Trustees." The Board of Trustees itself saw the advantages of students and teachers joining the growing, transnational OER community.

As ASHS Deputy Principal Mark Osborne puts it, "When we were putting our vision for the school together, and our vision for our students, we knew that there were real opportunities. We wanted collaboration, sharing and community." Along with their use of Creative Commons licences, in 2009 ASHS stocked their computers with open-source software, saving the school thousands of dollars in licensing fees.

Mark Osborne hopes that other schools have a look at the resources available online, and then begin a conversation with their Boards of Trustees about formulating their own Creative Commons policies. As more schools participate, the OER movement will enjoy what Mark calls a "network effect" – the exponential benefit of having thousands of kiwi teachers building and sharing Creative Commons-licensed resources.

Four years on, the effect on traditional teaching methods at Albany Senior High School has been dramatic. "The big change taking place" Mark says, "is that teachers are collaborating more, and they're also involving their students in the development of those teaching and learning resources. This is quite different from what happens in most schools."

## **1. Resources**

### [Creative Commons Aotearoa New Zealand](http://creativecommons.org.nz/)

<http://creativecommons.org.nz/>

The New Zealand project base for Creative Commons, this website contains detailed information on how to choose and apply a Creative Commons licence.

### [OER Foundation](http://wikieducator.org/OERF:Home)

<http://wikieducator.org/OERF:Home>

The Open Education Resource (OER) Foundation provides leadership, international networking and support for educators and educational institutions. It is independent and not-for-profit organisation.

### [OER for New Zealand Schools Portal](http://wikieducator.org/New_Zealand_Schools_OER_Portal)

[http://wikieducator.org/New\\_Zealand\\_Schools\\_OER\\_Portal](http://wikieducator.org/New_Zealand_Schools_OER_Portal)

A portal for New Zealand schools to host, share and exchange OERs. With support from the Ministry of Education, the portal looks to build a New Zealand specific OER ecosystem.

### [Creative Commons WeCreate](http://wikieducator.org/WeCreate/Events)

<http://wikieducator.org/WeCreate/Events>

A resource specifically designed for Creative Commons in New Zealand schools. Links to a generic intellectual property policy for schools and several Creative Commons resources, including a slide show, video and brochure

### *Workshops*

Contact [admin@creativecommons.org.nz](mailto:admin@creativecommons.org.nz) if you would like to organise a regional Creative Commons workshop for teachers and school leaders.

## **1. More Creative Commons Licences**

The other four, more restrictive Creative Commons licences are:

- **CC-BY-NC: Creative Commons Attribution-Non Commercial**  
This licence lets others remix, tweak, and build upon your work, but new works must also acknowledge you and be non-commercial.
- **CC-BY-NC-SA: Creative Commons Attribution-Non Commercial-Share Alike**  
This licence lets others remix, tweak, and build upon your work non-commercially, as long as they credit you and license their new creations under the identical terms.
- **CC-BY-ND: Creative Commons Attribution-No Derivative Works**  
This licence allows for redistribution, commercial and non-commercial, as long as it is passed along unchanged and in whole, with credit to you.

- CC-NC-ND: Creative Commons Attribution-Non-Commercial-No Derivative Works

This licence is the most restrictive of our six main licences. It allows others to share your works with others as long as they credit you, but they can't change them in any way or use them commercially.

For more information on choosing and applying a Creative Commons licence, visit the New Zealand Creative Commons website at <http://creativecommons.org.nz/>