

**“RUNNING UP THAT HILL:”
INCORPORATING OPEN EDUCATION
MATERIALS IN THE CLASSROOM**

Presented by: Emma Wood,
Scholarly Communication Librarian, Claire T. Carney Library

WHAT WE ARE GOING TO COVER

- Why OER? The Benefits
- OER Taste Test Activity
- Resources to get started with finding OER for your class

WHAT IS OER

OER Commons

- "Open Educational Resources are teaching and learning materials that you may freely use and reuse, without charge. OER usually have a Creative Commons that states specifically how the material may be used, reused, adapted, and shared."

CREATIVE COMMONS LICENSES



No rights reserved CC0



Attribution CC BY



Attribution-NoDerivs CC BY-ND



Attribution-NonCommercial CC BY-NC



Attribution-ShareAlike CC BY-SA



Attribution-NonCommercial-ShareAlike CC BY-NC-SA



Attribution-NonCommercial-NoDerivs CC BY-NC-ND

CC0: <https://creativecommons.org/publicdomain/zero/1.0/legalcode>; CC BY: <https://creativecommons.org/licenses/by/4.0/>; CC BY-ND: <https://creativecommons.org/licenses/by-nd/4.0/>; CC BY-NC: <https://creativecommons.org/licenses/by-nc/4.0/>; CC BY-SA: <https://creativecommons.org/licenses/by-sa/4.0/>; CC BY-NC-SA: <https://creativecommons.org/licenses/by-nc-sa/4.0/>; CC BY-NC-ND: <https://creativecommons.org/licenses/by-nc-nd/4.0/>

THE 5 RS OF CREATIVE COMMONS LICENSES

Open Education 5 R's

The 5Rs

Retain

- Make and own copies

Reuse

- Use in a wide range of ways

Revise

- Adapt, modify, and improve

Remix

- Combine two or more

Redistribute

- Share with others

- Image Source: Open Education: A "Simple" Introduction by David Wiley, Co-Founder and Chief Academic Officer, Lumen Learning Published on Jun 5, 2014 (Slide 44)

BENEFITS OF OER TO STUDENTS

- Affordability
 - The cost of textbooks has risen 1000% since 1977 ([NBC's review of Bureau of Labor Statistics \(BLS\) data](#))
- Accessibility
 - Day one access, equity of access for all students
- Diversity/Inclusion
 - Removes textbook bias, potential to use open pedagogy and involve students in the process of creating OER. Diversity refers to having a range of people across gender identities, racial backgrounds, geographic locations, socioeconomic backgrounds, ages, ability, sexual orientation, and other characteristics represented and participating in a space, event, or community.
- Immersive Experience
 - In the case of open pedagogy, students participate in growing the teaching materials

Negative Student Outcomes Due to Textbook Cost

	2018 Percent	2016 Percent
Take fewer courses	42.8	47.6
Not register for a specific course	40.5	45.5
Drop a course	22.9	26.1
Withdraw from a course	18.1	20.7
Earn a poor grade because I could not afford to buy the textbook	35.6	37.6
Fail a course because I could not afford to buy the textbook	17.2	19.8
Not purchase the required textbook	64.2	66.6
Other	35.6	23.9

*A 2016 study from the Florida Virtual Campus documented the specific harms done to grades and pass rates in a particular course, as well as to students' path to graduation based on dropping courses or taking fewer courses. Florida Virtual Campus completed the study again in 2018, and the following table shows the percentage of students and the actions they reported due to high textbook costs in the 2016 and 2018 surveys.

BENEFITS OF OER TO FACULTY

- Materials can be tailored
 - The ideal textbook does not exist
- Opportunities for publishing
 - Through creation of teaching elements that will be published or writing about the OER experience
- Opportunities for sharing with colleagues
 - Creating material to be reused, remixed, shared by others. Building your network.
- More engaged students
 - “All on the same page”

BENEFITS OF OER TO THE UNIVERSITY

- Student retention

- Overall retention rates in OER sections are significantly higher when compared to non-OER sections taught in the same semester. (Zao, Satyanarayana, and Cooney 2020) In this paper we focus on OER adoption in the college's engineering departments (New York City College)

- Student indicators and success

- When considering Federal Pell eligibility, we observed an increase in A through B+ letter grades and a decrease in B through DFW grades. A significant decrease in DFW rates for Pell-eligible students was found (a 4.43 percent change) when OER was adopted as the textbook for the class. This research [also] revealed significant differences in academic performance (average final grade) for both White and non-White students enrolled in OER courses. However, the magnitude in which non-White students' grades improved is very compelling (Colvard, Watson, & Park, 2018, p. 272.) The Center for Teaching and Learning (CTL) at the University of Georgia (UGA)

- Diversity

- Marked improvement for BIPOC students

- Equity and Affordability

- New strategic plan aligns heavily with cost-savings due to lower enrollment and retention

- Social Justice

- Keeping up with peer institutions

UMass Lowell students thank faculty for cost-saving efforts

Apr. 12, 2022 | by Ed Brennan

EDUCATION, LEADERSHIP, IMPACT

'OERscar' Awards recognize professors who use free or low-cost course materials



Giulia Po DeLisle, associate teaching professor in the

"Why isn't our textbook listed on the syllabus yet?"

Of all the questions that [Johanna Tigert](#), an associate professor of curriculum and instruction in the [School of Education](#), gets from her students at the start of each semester, this one is her favorite.

"I can say, 'It's not listed because there is no textbook,'" says Tigert, who is among a growing number of UMass Lowell faculty to adopt free or low-cost digital textbooks and open educational resources ([OERs](#)) in their courses.

Share



UMass Amherst Libraries created the Open Education Initiative (OEI) in 2011. The OEI gives small grants to instructors who wish to flip their classes from expensive textbooks to open educational resources. Since 2011, the OEI has generated a total savings of over \$2.5 million for UMass Amherst students.

EXAMPLES OF OER ALREADY IN USE AT UMASSD



MY CONTRACTS PLAYLIST

Cases & Materials

Jeremiah A. Ho
Assistant Professor of Law
University of Massachusetts School of Law

Semester One

TABLE OF CONTENTS

Introductory to Contract Law	i
Chapter One Governing Law	1
Chapter Two Objective Theory	10
Chapter Three Contractual Offers	26
• <i>Offers</i>	
• <i>Termination of Offers</i>	
Chapter Four Acceptances	54
• <i>Acceptances</i>	
• <i>Misunderstood Terms</i>	
• <i>Gap-Filling</i>	
• <i>Deviant Acceptances (Last Shot Rule & UCC 2-207)</i>	
Chapter Five Consideration	122
• <i>Consideration</i>	
• <i>Past & Moral Consideration</i>	
• <i>Pre-Existing Duty Rule (and Modifications)</i>	
• <i>Consideration Substitute (Promissory Estoppel)</i>	
Chapter Six Defenses to Contractual Enforcement	188
• <i>Statute of Frauds</i>	
• <i>Unconscionability</i>	
Chapter Seven Defenses to Contractual Formation	221
• <i>Incapacity & Immaturity</i>	
• <i>Misrepresentation & Concealment</i>	
• <i>Duress</i>	
• <i>Undue Influence</i>	
• <i>Mistake (Mutual & Unilateral)</i>	

Associate Prof. Jeremiah Ho,
UMass Law



Contact

508-999-8579

508-999-8646

swang@umassd.edu

Charlton College of Business 325



SEARCH DIRECTORY

Elisabeth Buck, PhD

Assistant Professor / Director, Writing & Multiliteracy Center
English & Communication

Curriculum Vitae

Education

2016	Ball State University	PhD
2012	University of Nevada, Reno	MA
2010	Loyola Marymount University	BA

Teaching

- Writing/Multiliteracy Center Theory and Practice
- Public Relations/Professional Writing
- Digital and Social Media
- First-Year English
- Community Engaged Writing



Contact

508-999-8284

ebuck@umassd.edu

Liberal Arts 344

BACK TO PREVIOUS PAGE

SEARCH DIRECTORY

EDIT PROFILE

Marilyn Ardito

Full Time Lecturer

Management & Marketing

Teaching

Online and Continuing Education Courses

+ MGT 399: Internship in Management

+ MKT 399: Internship in Marketing

LEGISLATION

- 28 States have enacted OER policies including law, regulation, appropriation/funding allocation
- 10 states have policies being considered in the current session

► Massachusetts

- **Performance Incentive Grants** (2018): The FY2019 call for applications for the state's Performance Incentive Fund (PIF) explicitly listed OER as a possible avenue to achieving one of the three strategic goals. The PIF program had awarded several grants for OER projects in previous fiscal years.
- **Strategic Initiative** (2018): The Massachusetts Department of Higher Education launched a strategic initiative entitled Massachusetts Open Education – Achieving Access for All, a collaborative project focused on building capacity for open educational resources (OER) across the state. The initiative benefits the 28 public higher education institutions, and includes holding training events and a statewide OER landscape assessment.
- **H4200** (2016): Language was inserted into the FY 2017 appropriations bill authorizing the Department of Higher Education to establish suggested guidelines and protocols in accordance with 34 CFR 668.164(c)(2) to encourage and assist colleges and universities with the implementation of programs which reduce the cost of textbooks and other educational materials. This was language was circulated by the Association of American Publishers (AAP) to legislators in many different states.
- **#GoOpen State**: Massachusetts joined the U.S. Department of Education's #GoOpen campaign for openly licensed educational resources in K-12 education. To become a #GoOpen State, states meet a set of criteria including adding OER into the statewide education technology strategy.

OER TASTE TEST

§ 1. Defining torts

Scope. Much of formal tort law is an attempt to define in detail what counts as a legal wrong in particular settings. For instance, the rules of assault define what counts as the tort that goes by that name. This section, in contrast, speaks more generally to some of the important defining characteristics of torts in general.

Defining tort. A tort is conduct that amounts to a legal wrong and that causes harm for which courts will impose civil liability.¹ Conduct that counts only as breach of contract may lead to legal liability under the rules of contract law, but breach of contract is not usually considered to be a tortious wrong.² Some torts are also crimes; but tort law is not concerned with the separate issue of criminal responsibility. The essence of tort is the defendant's potential for civil liability to the victim for harmful wrongdoing and correspondingly the victim's potential for compensation or other relief.

Sources: common law and statute. Tort law is predominantly common law. That is, judges rather than legislatures usually define what counts as an actionable wrong and thus as a tort; they also determine how compensation is to be measured and what defenses may defeat the tort claim. Nevertheless, statutes³ or even state⁴ or federal constitutions⁵ may make certain conduct legally wrongful and may permit recovery of damages for such conduct. So violation of statute or constitution, alone or interacting with common law principles,⁶ is sometimes a tort for which the violator is subject to liability. In limited circumstances, international law may affect tort issues and even form a basis for tort liability.⁷

Examples of torts. Examples of torts can be found everywhere. In the absence of some defense

or special facts, it is a tort to punch another in the nose, to negligently run an automobile into another, or to negligently perform a medical operation. It may be a tort to sell a defective product that causes harm. Some torts cause no physical harms at all but are nonetheless actionable. For example, it is tortious to maliciously prosecute a person without probable cause, to damage reputation by libel, to interfere intentionally with a contract, or to mislead a person by misrepresenting material facts in connection with a sale. Many other torts can be described or named, and in fact courts are free not only to prescribe limits on tort actions but to recognize variations and even "new torts" at any time.⁸

Damages and other remedies. Tort law is primarily intended to redress legally recognized harms by rendering a money judgment against the wrongdoer.⁹ This award is usually a money award called "damages," and it is usually intended as a kind of compensation for the harm suffered. In some cases, a punitive damages award may be added to compensatory damages to deter further misconduct. Other remedies that are infrequently available include restitution, which forces the tortfeasor to disgorge gains he wrongfully obtained by tort,¹⁰ and injunction, which compels him to cease his tortious conduct.¹¹ In the great majority of tort cases, however, a favorable judgment for the victim means an award of money as compensation for harm caused.¹²

No. 1

CHAPTER 1. AN INTRODUCTION TO AMERICAN TORT LAW

A. Principles and Institutions

No. 2

Tort law is the common law of civil wrongs not arising out of contract. Torts books often start with a definition because tort law, unlike other mainstays of the first year in the American law school curriculum, can seem strange and unfamiliar to the new law student. Terms like "contracts," "procedure," "property," and "criminal law," are relatively familiar to students long before they arrive for the first day of classes. "Constitutional law" will resonate with the law student who has even a passing interest in politics or public policy. Alone among first year subjects, "torts" has not made much headway into lay usage. Indeed, the situation is even worse than this suggests, for to the extent the term has made its way into popular usage, the results have often been terrible misuse and misunderstanding.

So let's start with a definition: *Tort law is the common law of civil wrongs not arising out of contract.* Let's now take that definition piece by piece.

We call tort law a *common law* field because it arises out of the body of legal norms and institutions inherited by the United States from England more than two centuries ago, when the United States won independence from the British Empire. In England, the common law was the law of the King's courts in the centuries after the Norman Conquest in 1066. (The common law was the law *common* to those courts, as opposed to the church courts, borough courts, and the courts of the local nobility, each of which had its own law through the medieval and early modern periods.) Today, to say that a body of law is made up of common law principles is to say that it is mostly judge-made law, though tort is not necessarily exclusively so. State legislatures and the U.S. Congress increasingly alter the common law of torts. The Federal Constitution and its state-level counterparts largely (but not entirely) give the Congress and state legislatures power to make such alterations, though as we shall see constitutional constraints touch tort law in several different ways. Nonetheless, it is still fair to call torts a common law field. And as a common law field, torts is made up predominantly of state law, rather than federal law, though federal law has always played a role, especially in the past century, and even more so in the last two decades. To the extent that torts remains a subject of state law, its basic norms will vary from state to state, though usually with a wide area of consensus at its core.

Tort law deals with *civil* wrongs as opposed to violations of the criminal law. This means that tort law's norms and institutions exhibit a cluster of features characteristic of civil proceedings, not criminal proceedings. Private parties, not public prosecutors, typically initiate tort litigation (though the government may be a claimant in tort cases when certain harms befall government property). The array of procedural protections for criminal defendants (many of them constitutionally required) typically does not apply to defendants in torts cases. There is no privilege not to testify on the grounds that you might concede liability, for example. There are no Miranda warnings in torts. And there is no constitutionally protected right to confront witnesses. The Federal Constitution does not require states to offer jury trials in tort cases, though most states do anyway. The standard of proof is a "preponderance of the evidence" rather than the high threshold of "beyond a reasonable doubt." Parties without lawyers are not usually offered free court-appointed counsel. Most importantly, perhaps, the fact that tort law is the law of *civil* wrongs means that, with one exception, tort law does not aim to punish. Punishment is

SEARCHING FOR OER

- Openstax
- Libretexts
- Openly Available Sources Integrated Search (OASIS)
- Merlot II
- Open Textbook Library
- Open Education Network
- Milne Open Textbooks
- BCCampus
- MIT Open Courseware

There are two main sources for OER:

Producers, which both create and distribute content.
Repositories and referatories, which improve discoverability of OER by bringing them together into one search platform.

PUBLISHING PLATFORMS

- **Pressbooks**

- Authors can write directly in [Pressbooks \(Links to an external site.\)](#) or import the manuscript into it later. It's built on WordPress, so anyone familiar with using WordPress and a WYSIWYG may be comfortable using this tool. In addition to making an online book, you're simultaneously creating your book in a variety of file formats, including EPUB, PDF, HTMLBook, and XML formats.

- **Editoria**

- [Editoria \(Links to an external site.\)](#) is an open source, web-based editing and production workflow tool that makes format-flexible documents. It includes project management capabilities, including the option to establish deadlines, assign reviewing tasks, manage communication, and set permission levels. Authors can review and respond to edits directly in the online system.

- **LaTeX**

- For authors who are writing textbooks that include formulas, LaTeX is sometimes preferred to Pressbooks. (However, you can now use [LaTeX within Pressbooks \(Links to an external site.\)](#).) LaTeX is a typesetting system designed for making technical and scientific documents, and is available as [free software \(Links to an external site.\)](#). LaTeX is pronounced LAH-tekh or LAY-tekh.

- **Google Docs & Microsoft Word**

- Arguably the two most popular authoring tools for writing textbooks are Google Docs and MS Word.
- Google Docs is free and online. It allows for multiple authors and editing, which can work well for groups writing together. Collaborators can @ each other with comments, make suggestions, and track revisions. You can also upload existing files to Google Docs, and export to both PDF and EPUB.
- Microsoft Word is a tool available for purchase and installation on a personal computer. Most people have access to it through their institution. Users have to deliver the file to others in order for them to access it, usually via email or online file sharing. It's possible to track changes and to ask others to leave comments and suggestions. You can save a Word file as a PDF.

- **OERPUB Textbook Editor**

- The [Textbook Editor tool \(Links to an external site.\)](#) enables authors to create OER artifacts from scratch and arrange them into textbooks. The [Editor tool \(Links to an external site.\)](#) works only in Chrome for now and requires a GitHub login.

LET'S EXPLORE SOME RESOURCES!



Open Textbook Library

[Browse Subjects](#)[About Open Textbooks](#)[Submit](#)[Discovery](#)[Open Education Network](#)

Transform Higher Education and Student Learning

Open textbooks are licensed by authors and publishers to be freely used and adapted. Download, edit and distribute them at no cost.

Now offering 1043 open textbooks, the Open Textbook Library is supported by the [Open Education Network](#).



Textbooks in the Open Textbook Library are considered open because they are free to use and distribute, and are licensed to be freely adapted or changed with proper attribution.

ASSESS WHAT YOU ARE ALREADY DOING

- Library Articles?
- Scanned Chapters?
- Traditional Textbook?
- Videos/Multimedia?
- Workbook?
- Problem sets?

Calculate Savings

\$117 textbook x 60 students = \$7020
saved when replacing the textbook with a
free resource

- Determine the cost of your class for students. Calculate the percentage of your course materials that is OER. What changes could you make to lower the cost or increase the percentage of OER materials?



Questions?